

# METRO WATER RECOVERY

## Minutes of the Regular Meeting of the Board of Directors

May 17, 2022

The Board of Directors of the Metro Water Recovery, in the Counties of Adams, Arapahoe, Douglas, Jefferson, and Weld, and the City and County of Denver, State of Colorado, met in regular session at 6450 York Street, Denver, Colorado, Tuesday, May 17, 2022 at 5:30 p.m. in the Boardroom.

Chairman Twombly called the meeting to order.

### 1. OATH OF OFFICE

The following Directors have been reappointed by their Member Municipality for a two-year term of office expiring June 30, 2024.

#### Reappointed Director

Joan Iler  
Kathy Laurienti  
Del Smith  
Scott Twombly  
Ronald Younger

#### Member Municipality

Westridge Sanitation District  
Crestview Water and Sanitation District  
Bancroft-Clover Water and Sanitation District  
City of Thornton  
City and County of Denver

### 2. ROLL CALL

Secretary Niyork called the roll.

#### **Officers Present:**

Scott Twombly, Thornton  
Andrew Johnston, Denver  
Sarah Niyork, South Adams  
Jo Ann Giddings, Aurora

Chairman  
Chairman Pro Tem  
Secretary  
Treasurer

#### **Directors Present:**

Curt Aldstadt, Westminster  
Peter Baertlein, Denver  
Greg Baker, Aurora  
Nadine Caldwell, Aurora  
John Chavez, Berkeley  
David Councilman, Pleasant View  
Deborah Crisp, East Lakewood  
John Dingess, Aurora\*  
Robert Duncanson, Denver  
Marv Falconburg, Brighton\*  
Joan Iler, Westridge  
Janet Kieler, Denver  
Craig Kocian, Arvada  
Laura Kroeger, Lakewood  
Kathy Laurienti, Crestview

Doug Lazure, Denver  
Bob LeGare, Aurora  
Charles Long, Thornton  
Jamie Miller, North Table Mountain  
Bill Ray, Arvada  
Bob Roth, Aurora\*  
Greg Sekera, Lakewood  
Del Smith, Bancroft-Clover\*  
Peter Spanberger, Denver  
Mary Beth Susman, Denver  
Amerigo Svaldi, North Washington Street  
Dennis Towndrow, North Pecos  
Jennifer Williams, Denver  
Ronald Younger, Denver

**Directors Absent:**

Phil Burgi, Wheat Ridge  
Clark Davenport, Northwest Lakewood  
Martin Majors, Fruitdale

Steve Pott, Applewood  
Michael Sapp, Denver

**Others Present:**

Mickey Conway  
Emily Jackson  
Liam Cavanaugh  
Ruth Kedzior  
Molly Kostelecky  
Yvonne Kohlmeier  
Lydia Nkem  
\*Attended virtually

Chief Executive Officer (CEO)  
General Counsel  
Deputy CEO/Chief Operating Officer (COO)  
Assistant to the CEO  
Chief Financial Officer  
Senior Administrative Assistant  
Executive Assistant

**3. PUBLIC COMMENT**

There was no comment.

**4. APPROVAL OF MINUTES**

4.a Minutes of the Board of Directors Meeting on April 19, 2022

Chairman Twombly asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held April 19, 2022.

Director Councilman moved and Director Iler seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held April 19, 2022.

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

5.a Report by CEO

CEO Conway reviewed his written report, highlighting the invitation from Director Kroeger to speak at the Mile High Flood District’s Annual Symposium earlier this month, the Connector survey on per- and polyfluoroalkyl substances (PFAS), and lack of moisture at the METROGRO Farm. He also stated the new Metro Water Recovery Cycle website previewed at the Spring Workshop has been rolled out and is a great tool in continuing to interact with stakeholders.

Director Kroeger thanked Mr. Conway for his presentation and Metro Water Recovery’s commitment.

5.b Report by General Counsel

General Counsel Jackson provided an update on the end of the legislative session, stating the PFAS bill passed through both houses, the positive impact of new Government Affairs Liaison Erin Bertoli, how new relationships and contacts were made while virtually attending 2022 Water Week, and the U.S. Environmental

Protection Agency (EPA) approval of Metro Water Recovery's Rules and Regulations with the local limit requirements which started in 2018.

## **6. REPORTS OF OFFICERS AND COMMITTEES**

### **6.a Appointment of Nominating Committee**

Chairman Twombly noted the Strategic Planning Committee has two meetings this week to select a consultant to work on the Strategic Plan update.

Chairman Twombly reported his appointment to the Nominating Committee – Directors Baertlein (Chair), Caldwell, Iler, Long, and Ray. The Committee will announce its recommended slate of Officers at the June Board meeting and the election will be held in July.

### **6.b Meeting Minutes**

There were no additions to the following meeting minutes:

Operations Committee	May 3, 2022
Finance Committee	May 5, 2022
Executive Committee	May 10, 2022

## **7. NEW BUSINESS**

### **7.a Hearing for the Metro Water Recovery Preliminary 2023 Budget**

Chairman Twombly opened the Hearing of the 2023 Preliminary Budget at 5:42 p.m. to allow for questions and comments from holders of any security issues by Metro Water Recovery. There were no questions or comments. Chairman Twombly closed the Hearing at 5:43 p.m.

### **7.b Hearing for the Metro Water Recovery Revised 2022 Budget**

Chairman Twombly opened the Hearing of the 2022 Revised Budget at 5:44 p.m. to allow for questions and comments from holders of any security issues by Metro Water Recovery. There were no questions or comments. Chairman Twombly closed the Hearing at 5:45 p.m. and reconvened the Regular Meeting of the Board of Directors at 5:45 p.m.

### **Consent Agenda**

### **7.c Consideration of Cogeneration Equipment Replacement Project (PAR 1395)**

Director LeGare moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as “Metro,” enter into an Agreement for Preconstruction Services for the Cogeneration Equipment Replacement Project (PAR 1395) (Project); and

WHEREAS, this phase of the Project will complete design of the improvements to transition from a combined heat and power biogas utilization process to a renewable natural gas process; and

WHEREAS, the Project is intended to be delivered through the Construction Manager-At-Risk (CMAR) delivery approach; and

WHEREAS, on February 18, 2022, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for the Preconstruction Services for the Project, and received five proposals on March 25, 2022; and

WHEREAS, through a standard CMAR selection process, the proposals were reviewed by Metro staff, and three firms were invited to participate in interviews on April 13, 2022, with a Selection Committee of Metro staff and Board Directors; and

WHEREAS, the Selection Committee recommended selecting Moltz Construction, Inc. (Moltz) to provide Preconstruction Services for the Project and, on behalf of the Board of Directors, Directors on the Selection Committee instructed staff to negotiate an agreement; and

WHEREAS, Metro staff has negotiated an agreement with Moltz in the amount of \$600,000, to provide Preconstruction Services for the Project; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Agreement for Preconstruction Services with Moltz in the amount of \$600,000 to provide preconstruction phase services for the Project and appropriate \$850,000 from the General Fund Capital Account for this purpose; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to enter into an Agreement for Preconstruction Services with Moltz Construction, Inc. in the amount of \$600,000 to provide preconstruction phase services for the Cogeneration Equipment Replacement Project; and

BE IT FURTHER RESOLVED the sum of \$850,000 (100 percent) from the General Fund Capital Project Account be and hereby is appropriated for this Project.

The motion carried unanimously.

**7.d Consideration of Ten-Inch Potable Water Service Line Project (PAR 1408) Supplemental Appropriation**

Director LeGare moved and Director Sekera seconded the motion to adopt the following resolution:

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as “Metro,” to provide a supplemental appropriation for additional work associated for the Ten-Inch Potable Water Line Replacement Project (PAR 1408) (Project); and

WHEREAS, one of two potable water supply lines to the Robert W. Hite Treatment Facility, the ten-inch water line which runs under Franklin Street from 54th Avenue to 58th Avenue and under 58th Avenue from Franklin Street to York Street, has reached the end of its useful life and needs replacement; and

WHEREAS, in August 2021 in Resolution 0821-B7.e, Metro’s Board of Directors authorized the Chief Executive Officer to enter into an Intergovernmental Agreement (IGA) with Adams County (County) under which the parties agreed to explore replacing and, where necessary, relocating the water line and to appropriate \$815,000 from the Fixed Assets Replacement Fund; and

WHEREAS, Metro entered into an IGA with the County where the County agreed to pay for replacement of approximately 800 feet of Metro’s ten-inch water line and Metro has the option to replace the remaining portions of the line using the County’s design consultant and construction contractor; and

WHEREAS, the County issued an Invitation for Bid on March 5, 2022 and bids were opened on March 29, 2022; and

WHEREAS, Metro’s portion of the bid price exceeded the original appropriation; and

WHEREAS, in light of the bid price, Metro staff recommends taking advantage of the opportunity to use the County’s design consultants and construction contractor to replace the segments of potable water line in Franklin Street and 58th Avenue which have reached the end of useful life; and

WHEREAS, Metro’s portion of the potable water line replacement is \$1,825,000, constituting a difference of \$1,010,000 from the original appropriation in Resolution 0821-B7.e; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the appropriation of \$1,010,000 (100 percent) from the Fixed Asset Replacement Fund to supplement the previous appropriation of \$815,000 (for a total appropriation of \$1,825,000) for the Project; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the sum of \$1,010,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund to supplement the previous appropriation of \$815,000 (for a total appropriation of \$1,825,000) for the Ten-Inch Potable Water Line Replacement Project.

The motion carried unanimously.

## **Roll Call Agenda**

### **7.e Consideration of Interceptor Rehabilitation 2020-2022 Project (PAR 1363) Year 3 Construction Services Contract Change Order and Appropriation**

Director Baertlein moved and Director Laurienti seconded the motion to adopt the following resolution:

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as "Metro," to execute a Change Order to the Construction Services Contract for Year 3 work for the Interceptor Rehabilitation 2020-2022 Project (PAR 1363) (Project); and

WHEREAS, Metro entered into a Preconstruction Services Agreement with Granite Inliner, LLC (Granite) to provide assistance during design and to develop stipulated prices for each of the three, annual construction work packages to rehabilitate certain interceptors and North Primary Clarifier conduits at the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, Metro staff completed design of the Year 3 scope of work which includes rehabilitation of approximately 2,000 linear feet of conduits on the RWHTF site, significant bypass pumping, removal and replacement of 12 slide gates, and rehabilitation of three structures; and

WHEREAS, per the Construction Manager-At-Risk (CMAR) delivery approach for this Project, now design is complete, Metro will execute the Year 3 work by issuing a change order to the Construction Services Contract to add the Year 3 work based on the Stipulate Price negotiated between Metro and Granite; and

WHEREAS, the associated increased ammonia load to the South Secondary Complex which will occur during construction requires proprietary ANITA™ Mox media be added to the South Secondary Complex to rapidly nitrify the high recycle stream ammonia concentrations; and

WHEREAS, this media will be procured from Veolia Environnement S.A. (Veolia), the sole supplier of these media growth discs; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to execute a Change Order to the Construction Services Contract with Granite, in the amount of \$14,996,228 to provide Construction Services for Year 3 work for the Project, execute a purchase order with Veolia for an amount not to exceed \$600,000 for ANITA™ Mox media associated with the deammonification process, and appropriate an additional \$17,550,000 (100 percent) from the Fixed Asset Replacement Fund for this purpose; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to execute a Change Order to the Construction Services Contract with

Granite Inliner, LLC, in the amount of \$14,996,228 to provide Construction Services for Year 3 work for the Interceptor Rehabilitation 2020-2022 Project; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to execute a purchase order with Veolia Environment S.A. for an amount not to exceed \$600,000 for ANITA™ Mox media associated with the deammonification process; and

BE IT FURTHER RESOLVED the sum of \$17,550,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this Project.

Chairman Twombly called for a roll call vote which carried with 33 Directors voting Yes:

Curt Aldstadt	Joan Iler	Bill Ray
Peter Baertlein	Andrew Johnston	Bob Roth
Greg Baker	Janet Kieler	Greg Sekera
Nadine Caldwell	Craig Kocian	Del Smith
John Chavez	Laura Kroeger	Peter Spanberger
David Councilman	Kathy Laurienti	Mary Beth Susman
Deborah Crisp	Doug Lazure	Amerigo Svaldi
John Dingess	Bob LeGare	Dennis Towndrow
Robert Duncanson	Charles Long	Scott Twombly
Marv Falconburg	Jamie Miller	Jennifer Williams
Jo Ann Giddings	Sarah Niyork	Ronald Younger

## 8. INDIVIDUAL DIRECTOR COMMENTS

Director Niyork noted the Town Hall and Field Day RSVP link in BoardEffect was not working. Ms. Nkem reset the link and Ms. Kedzior stated it was now functioning.

Director LeGare asked about attendance expectations as noted in the Executive Committee meeting minutes.

Mr. Cavanaugh answered a question on the status of replacing the flags outside the Administration Building, saying they were on order and would be replaced within the week.

## 9. OTHER INFORMATION

Chairman Twombly remarked the Executive Committee discussed Director attendance expectations which would be added to the Code of Conduct and Ethical Standards Acknowledgement signed by Directors each year. He also noted the attendance report sent semi-annually to appointing authorities will now reflect in-person and virtual attendance and asked Directors to use BoardEffect to RSVP for meetings for handling absences.

Chairman Twombly stated the Executive Committee recommends making the change from Chairman to Chair and Spokesman to Spokesperson in the *Metro Water Recovery Bylaws* and considering other gender reference changes as needed in the future.

## 10. ADJOURNMENT

Chairman Twombly adjourned the meeting at 5:54 p.m.

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