

# METRO WATER RECOVERY

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

November 21, 2023

The Board of Directors of 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, November 21, 2023 at 5:30 p.m. in the Boardroom.

Chair Johnston called the meeting to order.

### 1. ROLL CALL

Secretary Giddings called the roll.

#### Officers Present:

Andrew Johnston, Denver  
Sarah Niyork, South Adams  
Jo Ann Giddings, Aurora  
Del Smith, Bancroft-Clover

Chair  
Chair Pro Tem  
Secretary  
Treasurer

#### Directors Present:

Curt Aldstadt, Westminster  
Bonnie Baird, Alameda  
Greg Baker, Aurora  
Mike Barrett, Crestview  
Travis Bogan, Denver  
Phil Burgi, Wheat Ridge  
Nadine Caldwell, Aurora  
John Chavez, Berkeley  
David Councilman, Pleasant View  
Deborah Crisp, East Lakewood  
Clark Davenport, Northwest Lakewood  
James DeHerrera, Aurora  
Mary Gearhart, Denver  
Joan Iler, Westridge  
Janet Kieler, Denver\*  
Craig Kocian, Arvada  
Laura Kroeger, Lakewood

Doug Lazure, Denver\*  
Bob LeGare, Aurora  
Marena Lertch, Aurora  
Martin Majors, Fruitdale\*  
Charlie Miller, Fort Lupton\*  
Jamie Miller, North Table Mountain\*  
Josh Redman, Thornton  
Thomas Roode, Denver  
Greg Sekera, Lakewood  
Peter Spanberger, Denver  
Mary Beth Susman, Denver  
Amerigo Svaldi, North Washington Street  
Dennis Towndrow, North Pecos\*  
Scott Twombly, Thornton  
Jennifer Williams, Denver  
Ronald Younger, Denver

#### Directors Absent:

Clint Blackhurst, Brighton  
Sharon Israel, Arvada

Steve Pott, Applewood

#### Others Present:

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

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

## **2. PUBLIC COMMENT**

There was no comment.

## **3. APPROVAL OF MINUTES**

### **3.a Minutes of the Board of Directors Meeting on October 17, 2023**

Chair Johnston asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held October 17, 2023.

Director LeGare moved and Director Williams seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held October 17, 2023.

The motion carried unanimously.

## **4. PROGRESS AND PROJECTION REPORTS**

### **4.a Report by CEO**

CEO Conway reviewed his written report, highlighting and recognizing Board and Meter Water Recovery veterans and said the Town Hall meeting was held on November 15, 2023. He also appreciated the recent DEN tour Director Kieler facilitated for Metro Board members and noted the upcoming December Board meeting will include a staff recognition and the announcement of the 2023 Board Chair award recipient.

Mr. Conway answered a question concerning the communications conduit that had been bored through Metro Water Recovery's pipe.

### **4.b Report by General Counsel**

Chair Johnston stated, "This discussion will be conducted in executive session as authorized by C.R.S. 24-6-402(4)(e) which authorizes executive sessions determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and instructing negotiators. The matter to be discussed in this executive session is the Ditch Companies Litigation. Pursuant to Colorado's Open Meetings Law the executive session will be electronically recorded. As a reminder, no formal action may be taken in executive session. Additionally, the discussion must be confined to this topic."

Director Aldstadt moved and Director Bogan seconded the motion to enter executive session. The motion carried unanimously, and the Board entered executive session at 5:42 p.m. Directors Niyork and Twombly left the meeting.

Chair Johnston reconvened the regular meeting at 6:21 p.m. Directors Niyork and Twombly rejoined the meeting.

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

### **5.a Meeting Minutes**

There were no additions to the following meeting minutes:

Audit Committee	April 6, 2023
Operations Committee	November 7, 2023
Finance Committee	November 9, 2023
Executive Committee	November 14, 2023

## **6. NEW BUSINESS**

### **6.a Hearing for Metro Water Recovery's Second Amended 2023 Budget**

Chair Johnston opened the Hearing for Metro Water Recovery's Second Amended 2023 Budget at 6:23 p.m. to allow for questions and comments from holders of any security issues by Metro Water Recovery. There were no questions or comments. Chair Johnston closed the Hearing at 6:24 p.m. and reconvened the Regular Meeting of the Board of Directors at 6:24 p.m.

### **Consent Agenda**

#### **6.b Consideration of Chemical Contract Extension – Dry Dewatering Cationic Polymer**

Director Younger moved and Director Iler seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as "Metro," purchase a supply of dry dewatering cationic polymer used to condition anaerobically digested biosolids during the centrifugation process at the Robert W. Hite Treatment Facility; and

WHEREAS, a contract extension cost was received from Polydyne, Inc. to supply dry dewatering cationic polymer at a price of \$2.10 per pound, with a total estimated one-year price of \$2,252,250; and

WHEREAS, Metro typically performs performance trials to validate polymer product performance criteria, but have currently been unable to perform such trials due to delays associated with the Sludge Processing Building Improvements Project (PAR 1244) necessitating the extension to the Polydyne, Inc. contract; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a one-year contract extension effective February 1, 2024 through January 31, 2025 with Polydyne, Inc. for the supply of dry dewatering cationic polymer at a price of \$2.10 per pound with a price adjustment review every six months; 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 a one-year contract extension effective February 1, 2024 through January 31, 2025 with Polydyne, Inc. for the supply of dry dewatering cationic polymer at a price of \$2.10 per pound with a price adjustment review every six months; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods for the aforementioned contract, not exceeding a total of two years, with potentially new unit prices, if he deems such extensions to be in the best interest of Metro.  
The motion carried unanimously.

**6.c Consideration of Second Creek Interceptor (PAR 1232) Intergovernmental Agreement with South Adams County Water and Sanitation District – 88th Avenue Connection Reimbursement**

Director Younger moved and Director Iler 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 enter into an Intergovernmental Agreement (IGA) with South Adams County Water and Sanitation District (SACWSD) to allow for construction of the 88th Avenue connection to the Second Creek Interceptor Project (PAR 1232) (Project); and

WHEREAS, SACWSD has an existing ten-inch sanitary sewer line planned to connect into the Second Creek Interceptor (SD) just north of the 88th Avenue crossing and convey a portion of the SACWSD flow to the Northern Treatment Plant; and

WHEREAS, an IGA has been negotiated between Metro and SACWSD which facilitates the connection strategy and calls for abandonment of downstream piping currently owned and operated by SACWSD; and

WHEREAS, the cost of this construction is reimbursable to Metro and totals approximately \$130,000; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an IGA with SACWSD to allow for construction of the 88th Avenue connection to the Project through change order and reimbursement of the final cost by SACWSD; 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 Intergovernmental Agreement with South Adams County Water and Sanitation District to allow for construction of the 88th Avenue connection to the Second Creek Interceptor Project through change order and reimbursement of the final cost by South Adams County Water and Sanitation District; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional amendments to the Intergovernmental Agreement which do not involve the transfer of land, require additional appropriations, or exceed the Chief Executive Officer's spending authority.

The motion carried unanimously.

### **Roll Call Agenda**

Director Younger moved and Director Davenport seconded the motion to put items 6.d and 6.e on the floor.

Chair Johnston stated the Board of Directors would enter executive session to address Roll Call Agenda items 6.d and 6.e.

Chair Johnston stated, "This discussion will be conducted in executive session as authorized by C.R.S. 24-6-402(4)(f)(I) which authorizes executive sessions for determining personnel matters. The matter to be discussed in this executive session is the Performance Appraisal for the Chief Executive Officer and General Counsel and 2024 Salary Recommendation. Pursuant to Colorado's Open Meetings Law the executive session will be electronically recorded. As a reminder, no formal action may be taken in executive session. Additionally, the discussion must be confined to this topic."

Director Younger moved and Director Davenport seconded the motion to enter executive session. The motion carried unanimously, and the Board entered executive session at 6:27 p.m. All Metro Water Recovery staff members left the meeting.

Chair Johnston reconvened the regular meeting at 7:10 p.m. Metro Water Recovery staff members Kedzior, Kohlmeier, and Nkem rejoined the meeting.

#### **6.d Consideration of the Chief Executive Officer's Salary**

Director Kocian moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, Metro Water Recovery, hereinafter referred to as "Metro," is required by C.R.S. § 32-4-510(1)(aa) to fix compensation of employees at prevailing rates of pay for equivalent work; and

WHEREAS, the Board Chair of Metro after having reviewed the salary survey information, Director performance evaluations, and current salary of the Chief Executive Officer, recommends to the Board of Directors the salary of the Chief Executive Officer for the period January 1, 2024 through December 31, 2024 be established at \$324,000 a component of the prevailing rate of pay for equivalent work; and

WHEREAS, the Board Chair of Metro, after having reviewed the survey information and the current monthly automobile stipend of the Chief Executive Officer, recommends to the Board of Directors the monthly automobile stipend of the Chief Executive Officer for the period January 1, 2024 through December 31, 2024 be

established at \$800, which is also a component of the prevailing rate of pay for equivalent work; and

NOW, THEREFORE, BE IT RESOLVED the salary of the Chief Executive Officer for the period of January 1, 2024 through December 31, 2024 be and hereby is established at \$324,000 to be paid at Metro's regular pay periods in equal installments; and

BE IT FURTHER RESOLVED the monthly automobile stipend of the Chief Executive Officer for the period of January 1, 2024 through December 31, 2024 be and hereby is established at \$800 to be paid at the first regular pay periods of each month in equal installments.

Chair Johnston called for a roll call vote which carried with 34 Directors voting Yes:

Curt Aldstadt	Andrew Johnston	Josh Redman
Bonnie Baird	Janet Kieler	Thomas Roode
Greg Baker	Craig Kocian	Greg Sekera
Mike Barrett	Laura Kroeger	Del Smith
Phil Burgi	Doug Lazure	Peter Spanberger
Nadine Caldwell	Bob LeGare	Mary Beth Susman
John Chavez	Marena Lertch	Amerigo Svaldi
David Councilman	Martin Majors	Dennis Towndrow
Deborah Crisp	Charlie Miller	Scott Twombly
James DeHerrera	Jamie Miller	Jennifer Williams
Jo Ann Giddings	Sarah Niyork	Ronald Younger
Joan Iler		

With the following Directors voting no:

Travis Bogan  
Clark Davenport  
Mary Gearhart

#### 6.e **Consideration of the General Counsel's Salary**

Director Younger moved and Director Kroeger seconded the motion to adopt the following resolution:

WHEREAS, Metro Water Recovery, hereinafter referred to as "Metro," is required by C.R.S. § 32-4-510(1)(aa) to fix compensation of employees at prevailing rates of pay for equivalent work; and

WHEREAS, the Board Chair of Metro after having reviewed the salary survey information, Director performance evaluations, and current salary of the General Counsel, recommends to the Board of Directors the salary of the General Counsel for the period January 1, 2024 through December 31, 2024 be established at \$282,000, the prevailing rate of pay for equivalent work; and

WHEREAS, the Board Chair of Metro, after having reviewed the survey information and the current monthly automobile stipend of the General Counsel, recommends to the Board of Directors the monthly automobile stipend of the General Counsel for the period January 1, 2024 through December 31, 2024 be unchanged and maintained at

the monthly 2023 rate, which is also a component of the prevailing rate of pay for equivalent work; and

WHEREAS, the Board Chair of Metro recommends changing the title of General Counsel to Chief Legal Officer;

NOW, THEREFORE, BE IT RESOLVED the salary of the General Counsel for the period of January 1, 2024 through December 31, 2024 be and hereby is established at \$282,000 to be paid at Metro's regular pay periods in equal installments; and

BE IT FURTHER RESOLVED the monthly automobile stipend of the General Counsel for the period of January 1, 2024 through December 31, 2024 is maintained at the monthly 2023 rate; and

BE IT FUTHER RESOLVED the title of the General Counsel be changed to Chief Legal Officer.

Chair Johnston called for a roll call vote which carried with 34 Directors voting Yes:

Curt Aldstadt	Andrew Johnston	Josh Redman
Bonnie Baird	Janet Kieler	Thomas Roode
Greg Baker	Craig Kocian	Greg Sekera
Mike Barrett	Laura Kroeger	Del Smith
Phil Burgi	Doug Lazure	Peter Spanberger
Nadine Caldwell	Bob LeGare	Mary Beth Susman
John Chavez	Marena Lertch	Amerigo Svaldi
David Councilman	Martin Majors	Dennis Towndrow
Deborah Crisp	Charlie Miller	Scott Twombly
James DeHerrera	Jamie Miller	Jennifer Williams
Jo Ann Giddings	Sarah Niyork	Ronald Younger
Joan Iler		

With the following Directors voting no:

Travis Bogan  
Clark Davenport  
Mary Gearhart

## **7. INDIVIDUAL DIRECTOR COMMENTS**

There was none.

## **8. OTHER INFORMATION**

There was none.

## **9. ADJOURNMENT**

Chair Johnston adjourned the meeting at 7:36 p.m.

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