

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

September 17, 2024

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, September 17, 2024 at 5:30 p.m. in the Boardroom.

Chair Niyork called the meeting to order.

1. ROLL CALL

Treasurer Kieler called the roll.

Officers Present:

Sarah Niyork, South Adams
Marena Lertch, Aurora
Del Smith, Bancroft-Clover*
Janet Kieler, Denver

Chair
Chair Pro Tem
Secretary
Treasurer

Directors Present:

Greg Baker, Aurora*
Mike Barrett, Crestview
Cody Berg, Applewood*
Clint Blackhurst, Brighton*
Travis Bogan, Denver
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
Sharon Israel, Arvada*
Andrew Johnston, Denver

Craig Kocian, Arvada*
Bob LeGare, 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*
Dennis Towndrow, North Pecos*
Scott Twombly, Thornton
Jennifer Williams, Denver*
Ronald Younger, Denver*

Directors Absent:

Curt Aldstadt, Westminster
Joe Drew, Wheat Ridge
Laura Kroeger, Lakewood

Doug Lazure, Denver
George Mazzotti, North Washington Street
Bob Roth, Aurora

Others Present:

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

Chief Executive Officer (CEO)
Chief Legal Officer
Chief Operating Officer
Chief Human Resources Officer
Senior Administrative Manager
Executive Assistant
Assistant to the CEO

2. PUBLIC COMMENT

There was no comment.

3. APPROVAL OF MINUTES

3.a Minutes of the Board of Directors Meeting on August 20, 2024

Chair Niyork asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held August 20, 2024.

Director Davenport moved and Director Twombly seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held August 20, 2024.

The motion carried unanimously.

4. PROGRESS AND PROJECTION REPORTS

4.a Report by CEO

CEO Conway reviewed his written report, highlighting the presentation and tour of the Robert W. Hite Treatment Facility (RWHTF) on August 29, 2024 with legislators from the offices of Sen. Hickenlooper, Rep. DeGette, Rep. Crow, Rep. Caraveo, and Rep. Petterson. Mr. Conway remarked on Metro Water Recovery's and the Mile High Flood District's sponsorship at The Greenway Foundation's Reception on the River where he and Director Kroeger were speakers. He also gave an update on the harvest at the METROGRO Farm.

4.b Report by Chief Legal Officer

Chief Legal Officer Jackson provided an update on the Verified Petition Metro Water Recovery filed as the result of a Colorado Open Records Act (CORA) request from Channel 9 News for inspection records in the Industrial Pretreatment Program, noting this request has been withdrawn, remarked on the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division working with the National Water Research Institute (NWRI) Feasibility and Implementation Stakeholder Workgroup in deciding goals for Colorado treatment facilities, and noted upcoming mediations in both the MWH Constructors and Farmers Reservoir and Irrigation Company, Burling Ditch Reservoir and Land Company, and Henrylyn Irrigation District litigations.

Ms. Jackson answered questions on the scope and purpose of the NWRI workgroup, stating Metro Water Recovery staff will monitor their progress, nutrients and temperature should be looked at together, and updates will be sent out to those who are interested.

CEO Conway stated Metro Water Recovery is educating Governor Polis' team on heat recovery related to temperature issues on the sustainability side, setting achievable limits for utilities.

5. REPORTS OF OFFICERS AND COMMITTEES

5.a Rules and Regulations Committee

Director Twombly stated the Rules and Regulations Committee would not meet again until November and the goal is to update the *Metro Water Recovery Rules and Regulations Governing the Operation, Use, and Services of the System* later in 2025.

5.b Meeting Minutes

There were no additions to the following meeting minutes:

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|--|--------------------|
| Defined Benefit Plan Retirement Board Meeting | May 22, 2024 |
| Defined Contribution Plan Retirement Board Meeting | May 22, 2024 |
| Joint Operations and Finance Committee Meeting | September 5, 2024 |
| Executive Committee | September 10, 2024 |

6. NEW BUSINESS

Consent Agenda

6.a Consideration of Resolution Recognizing Employees’ Years of Service

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

WHEREAS, by the year ending December 31, 2024, certain employees of Metro Water Recovery, hereinafter referred to as “Metro;” will have completed five, ten, fifteen, twenty, twenty-five, thirty, and thirty-five years of faithful service on behalf of Metro and the people of the Denver metropolitan area; and

WHEREAS, it is right and proper such loyal service be recognized by the Board of Directors on behalf of the people served by Metro;

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of Metro Water Recovery by this resolution hereby recognizes the loyal and faithful service rendered by:

35 YEARS OF SERVICE

Mary M. Williams

30 YEARS OF SERVICE

Brenda K. Adams

Jena C. Cline

Pamela S. Dorton

25 YEARS OF SERVICE

Norma L. Arnwine

Carol D. Collins

Shawn M. Fredrickson

Jeffrey D. Hayden

Peter J. Hulsey

Warren E. Kerls

Miranda N. Martinez

Bryan W. Mitchell

Robert J. Neal

Craig M. Norden

Jenny C. Trujillo

Christopher Young

20 YEARS OF SERVICE

Christopher L. Dole

*Linden B. Ellis
Christina Virgilio*

Lewis T. Kitting

15 YEARS OF SERVICE

*Daniel Dopler
Daniel A. Rader*

Chad E. Grooms

*Jessica L. Maloney
Stanley S. Thurber*

10 YEARS OF SERVICE

*Kelli L. Dalton
Adam R. Dyche Jr.
Bambi K. Martinez*

*Daniel L. Dodge
Katie Garst
David J. Slaughter
Bradley Van Anderson*

*Jonathan G. Downey
Corey R. Kreifels
Jennifer R. Tully*

5 YEARS OF SERVICE

*Kurt Babcock
Steven C. Chandler
Benjamin Hulse
Benjamin C. Macleod
Lydia Nkem
Samantha L. Seagren
Ronnie Victor*

*Eleonora Borisova
Joshua Goldman
Yvonne J. Kohlmeier
Daren R. Mark
Babatimilehin Osundina
Larry L. Spelts
Michael L. Woolley*

*Stefan Boyer
Jack A. Hennes
Jacob A. Kowalczyk
Rubyn K. McMaster
Tammy J. Perske
Alysha Turgeon
Brennan Zimbelman*

BE IT FURTHER RESOLVED awards and certificates of five, ten, fifteen, twenty, twenty-five, thirty, and thirty-five years of service be tendered to the above-named employees to express the appreciation of the Metro Water Recovery Board of Directors and the people whom it represents.

The motion carried unanimously.

6.b Consideration of the Estimated 2020 Annual Charges for Service

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

WHEREAS, by the year ending December 31, 2024, certain members of the Board of Directors of Metro Water Recovery, hereinafter referred to as "Metro;" will have completed five years of faithful service on behalf of Metro; and

WHEREAS, it is right and proper such loyal service be recognized by the Board of Directors on behalf of the people served by Metro;

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of Metro Water Recovery by this Resolution recognizes the loyal and faithful service rendered by:

FIVE YEARS OF SERVICE

*Bob LeGare, City of Aurora
Sarah Niyork, South Adams Water and Sanitation District
Greg Sekera, City of Lakewood*

BE IT FURTHER RESOLVED certificates of five years of service be tendered to the above-named Directors to express the appreciation of the Metro Water Recovery Board of Directors and the people to whom it represents.

The motion carried unanimously.

6.c Consideration of North Washington Street Water and Sanitation District Type 1 Connection Request for the Flatiron Development

Director DeHerrera 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 enter into a Construction Services Agreement to provide Construction Services for work on the South Platte River Aquatic Life Habitat Improvements Phase V Project (PAR 1437) (Project); and

WHEREAS, to meet the obligations of the Memo of Understanding with the Colorado Division of Wildlife, U.S. Environmental Protection Agency, and Colorado Department of Public Health and Environment, Metro has constructed four phases of aquatic life/habitat improvements downstream of the Robert W. Hite Treatment Facility (RWHTF) over the last 20 years; and

WHEREAS, Phase V of the project is the final phase of construction improvements, which consist of one riffle, boulder clusters, wood snags, revegetation, and site restoration on the South Platte River just downstream of 160th Ave; and

WHEREAS, pursuant to Metro's Purchasing and Contracts Policy, the Project team used the Mile High Flood District (MHFD) prequalified list of contractors approved to work within the South Platte River to pre-qualify four contractors and seek interest in the Project; and

WHEREAS, on June 20, 2024, Metro issued an Invitation for Bid for the Project and received one bid from Naranjo Civil Constructors (Naranjo) on July 17; and

WHEREAS, Naranjo and Metro staff have negotiated a fee in the amount of \$1,484,020 to provide these services; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a Construction Services Agreement with Naranjo in the amount of \$1,484,020 to provide Construction Services for work on the Project, and appropriate \$1,942,000 from the General Fund Capital Project 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 a Construction Services Agreement with Naranjo Civil Constructors in the amount of \$1,484,020 to provide Construction Services for work on the South Platte River Aquatic Life Habitat Improvements Phase V Project; and

BE IT FURTHER RESOLVED that the sum of \$1,942,000 (100 percent) be and hereby is appropriated from the General Fund Capital Project Account for this Project.

The motion carried unanimously.

6.d Consideration of Chemical Contract for Sodium Bisulfite Solution

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

WHEREAS, it is necessary that Metro Water Recovery, hereinafter referred to as "Metro," purchase a supply of liquid ferric chloride (ferric chloride), a commonly used chemical in the wastewater treatment process at the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, in June 2024, Metro posted a Request for Qualifications for the supply of ferric chloride on the Rocky Mountain E-Purchasing site (*BidNet*); and

WHEREAS, two proposals were received and evaluated by Metro subject matter experts; and

WHEREAS, it was determined Kemira Water Solutions, Inc. (Kemira) provided the best overall value to Metro to supply ferric chloride at a price of \$463.00 per wet ton, with a total estimated one-year price of \$392,700; and

WHEREAS, PVS Technologies, Inc. (PVS) submitted the next best proposal to supply ferric chloride at a price of \$484.00 per wet ton, with a total estimated one-year price of \$410,500; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend entering into separate one-year contracts from November 1, 2024, through October 31, 2025, for the supply of ferric chloride with Kemira as the primary supplier at a price of \$463.00 per wet ton and with PVS as the secondary supplier at a price of \$484.00 per wet ton; 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 from November 1, 2024, through October 31, 2025, with Kemira Water Solutions, Inc. for the supply of liquid ferric chloride at a price of \$463.00 per wet ton; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into a one-year secondary contract from November 1, 2024, through October 31, 2025, with PVS Technologies, Inc. for the supply of liquid ferric chloride at a price of \$484.00 per wet ton in the event the primary supplier is determined unresponsive per the contract requirements; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods for the aforementioned contracts, not exceeding a total of five years, with potentially new unit prices, if it is deemed such extensions to be in the best interest of Metro Water Recovery.

The motion carried unanimously.

6.e Consideration of Interceptor Rehabilitation 2018-2019 Project (PAR 1332) Construction Contract Award and Funding Appropriation

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

WHEREAS, it is necessary that Metro Water Recovery, hereinafter referred to as "Metro," purchase a supply of sodium bisulfite solution used to neutralize residual peracetic acid remaining after the disinfection process at the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, in June 2024, a Request for Qualifications for the supply of sodium bisulfite solution was posted on the Rocky Mountain E-Purchasing site (*BidNet*); and

WHEREAS, five proposals were received and evaluated by Metro subject matter experts; and

WHEREAS, it was determined PVS DX, Inc. provided the overall best value to Metro to supply sodium bisulfite solution at a price of \$0.194 per pound, with a total estimated one-year price of \$135,800; and

WHEREAS, Thatcher Company submitted the next best proposal to supply sodium bisulfite solution at a price of \$0.189 per pound, with a total estimated one-year price of \$132,300; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend entering into separate one-year contracts from October 1, 2024, through September 30, 2025, for the supply of sodium bisulfite solution with PVS DX, Inc. as the primary supplier at a price of \$0.194 per pound and with Thatcher Company as the secondary supplier at a price of \$0.189 per pound; 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 from October 1, 2024, through September 30, 2025, with PVS DX, Inc. for the supply of sodium bisulfite solution at a price of \$0.194 per pound; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into a one-year secondary contract from October 1, 2024, through September 30, 2025, with Thatcher Company for the supply of sodium bisulfite solution at a price of \$0.189 per pound in the event the primary supplier is determined unresponsive per the contract requirements; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods for the aforementioned contracts, not exceeding a total of five years, with potentially new unit prices, if it is deemed such extensions to be in the best interest of Metro Water Recovery.

The motion carried unanimously.

Roll Call Agenda

6.f Consideration of Digester Complex Rehabilitation Project (PAR 1259) Construction Contract Change Order Execution, Engineering Consultant Agreement Amendment, and Funding Appropriation

Director Bogan 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 amend the Energy Services Agreement (ESA) with ENGIE Denver Metro LLC (ENGIE) to extend the term through December 31, 2027; and

WHEREAS, this ESA Amendment will flexibly extend the agreement through 2027 to allow Metro to properly sequence the construction activities for the Robert W. Hite Treatment Facility (RWHTF) Biogas Utilization Project (PAR 1395); and

WHEREAS, Metro has worked with ENGIE to negotiate an amendment to the ESA to allow the Cogeneration Facility to continue to operate through construction and commissioning of the Boiler Mechanical Facility; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to amend the ESA with ENGIE to extend the term through December 31, 2027; 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 amend the Energy Services Agreement with ENGIE Denver Metro LLC to extend the term through December 31, 2027.

Chair Niyork called for a roll call vote which carried with 33 Directors voting Yes:

| | | |
|------------------|-----------------|-------------------|
| Greg Baker | Mary Gearhart | Sarah Niyork |
| Mike Barrett | Joan Iler | Josh Redman |
| Cody Berg | Sharon Israel | Thomas Roode |
| Clint Blackhurst | Andrew Johnston | Greg Sekera |
| Travis Bogan | Janet Kieler | Del Smith |
| Nadine Caldwell | Craig Kocian | Peter Spanberger |
| John Chavez | Bob LeGare | Mary Beth Susman |
| David Councilman | Marena Lertch | Dennis Towndrow |
| Deborah Crisp | Martin Majors | Scott Twombly |
| Clark Davenport | Charlie Miller | Jennifer Williams |
| James DeHerrera | Jamie Miller | Ronald Younger |

7. DIRECTOR RECOGNITION

CEO Conway commemorated the milestones of Directors LeGare, Sekera, and Niyork who were presented with certificates recognizing their five-years of service on the Board of Directors.

The Board gave a round of applause for the recognized Directors.

Chair Niyork stated she was honored to serve on the Metro Water Recovery Board of Directors and appreciated the trust they placed in electing her as the Chair.

8. INDIVIDUAL DIRECTOR COMMENTS

Director Lertch complimented Metro Water Recovery staff on their presentations and support of one another at the recent Rocky Mountain Water Conference in Keystone.

9. OTHER INFORMATION

There was none.

10. ADJOURNMENT

Chair Niyork adjourned the meeting at 5:57 p.m.

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