

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

April 15, 2025

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, April 15, 2025 at 5:30 p.m. in the Boardroom.

Chair Niyork called the meeting to order.

1. ROLL CALL

Secretary Smith 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:

Curt Aldstadt, Westminster
Mike Barrett, Crestview*
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
Andrew Johnston, Denver
Craig Kocian, Arvada*
Laura Kroeger, Lakewood
Bob LeGare, Aurora

Martin Majors, Fruitdale*
George Mazzotti, North Washington Street
Jamie Miller, North Table Mountain
Cat Olukotun, Aurora
Josh Redman, Thornton
Thomas Roode, Denver
Greg Sekera, Lakewood
Peter Spanberger, Denver
Mary Beth Susman, Denver*
Dennis Towndrow, North Pecos
Scott Twombly, Thornton
Don Wick, Arvada
Jennifer Williams, Denver
Ronald Younger, Denver

Directors Absent:

Cody Berg, Applewood
Clint Blackhurst, Brighton
Joe Drew, Wheat Ridge

Charlie Miller, Fort Lupton
Bob Roth, Aurora

Others Present:

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

Chief Executive Officer (CEO)
Chief Legal Officer
Chief Operating Officer
Senior Administrative Manager
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 March 18, 2025

Chair Niyork asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held March 18, 2025.

Director Kroeger moved and Director Councilman seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held March 18, 2025.

The motion carried unanimously.

4. PROGRESS AND PROJECTION REPORTS

4.a Report by CEO

CEO Conway reviewed his written report, highlighting discussions held with legislators at the National Association of Clean Water Agencies (NACWA) 2025 Water Week in the District of Columbia regarding funding; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and where and how Metro Water Recovery can provide information and support, along with other meetings with the Environmental Protection Agency (EPA) senior members. He also announced that Metro is the recipient of two awards from the Colorado Energy Office for its thermal energy recovery work and expressed appreciation to Chief Financial Officer Molly Kostelecky and Chief Innovation Officer Tanja Rauch-Williams and other staff for their work on the item. He also stated Metro is issuing a Connector community survey as part of the community engagement program and additional information will be provided at the Spring Board Workshop.

Mr. Conway responded to follow up questions about items in the report and noted additional communication will be provided to the Board regarding tax credits associated with the grants.

Chair Niyork stated her District Manager had requested she attend the 2025 Water Week and she expressed appreciation for working with and observing Mr. Conway and Chief Legal Officer Jackson during the week.

4.b Report by Chief Legal Officer

Ms. Jackson stated Claudia Shadler has joined the Legal Department as an associate general counsel and was introduced at the April Committee meetings and a second new attorney will be introduced at the May Committee meetings; and provided an overview of her Legal Report.

5. REPORTS OF OFFICERS AND COMMITTEES

5.a Rules and Regulation Committee

Director Twombly gave an update on the April 15, 2025 Rules and Regulations Committee Meeting, highlighting the presentation and recommendation to be discussed the Spring Board Workshop and noting the final meeting of the Committee will be held May 20, 2025.

Director Johnston expressed appreciation to Director Twombly for chairing the Committee.

Director Twombly answered a question about when annual charge calculation materials would be shared with the full Board and clarified no decision will be made until after the Spring Board Workshop.

5.b Audit Committee

Director DeHerrera gave an update on the April 3, 2025 Audit Committee meeting, stating Metro Water Recovery received a clean audit opinion from the external auditor, Director Roode was elected the Vice Chair of the Committee, and the Committee reviewed the 2025 internal audit plan.

5.c Meeting Minutes

There were no additions to the following meeting minutes:

Audit Committee	November 7, 2024
Rules and Regulations Committee	February 18, 2025
Operations Committee	April 1, 2025
Finance Committee	April 3, 2025
Executive Committee	April 8, 2025

6. NEW BUSINESS

Consent Agenda

6.a Consideration of Northern Treatment Plant Post Digestion Sidestream Improvements (PAR 1434) Work Authorization 3 and Appropriation

Director Bogan moved and Director Caldwell 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 Work Authorization 3 (WA3) under the existing Construction Manager-at-Risk (CMAR) Agreement with Archer Western Construction, LLC (Archer Western) to execute the balance of construction associated with the Post Digestion Solids Treatment (PDST) system for the Northern Treatment Plant Post Digestion Sidestream Improvements Project (PAR 1434) (Project); and

WHEREAS, in June 2023, the Board of Directors approved Metro to enter into a Professional Services Agreement to provide design phase services for the Project with Black and Veatch Corporation (Black & Veatch); and

WHEREAS, in August 2023, the Board of Directors approved Metro to enter into a CMAR Agreement with Archer Western to provide preconstruction services for the necessary modifications to the post digestion process' chemical storage and feed, aeration, and temperature control systems to mitigate sidestream nitrogen and phosphorus loading; and

WHEREAS, in May 2024, the Board of Directors approved Metro to enter into Work Authorization 1 of the project, and in August 2024, the Board of Directors approved Metro to enter into Work Authorization 2 of the project; and

WHEREAS, Metro staff, in collaboration with Black & Veatch and Archer Western, has finalized the design of WA3; and

WHEREAS, Metro has negotiated not-to-exceed pricing with Archer Western for this construction and pricing for an amendment to the Professional Services Agreement for construction phase engineering services with Black & Veatch; and

WHEREAS, Metro's *Purchasing and Contracts Policy* requires the Board of Directors to approve a Work Authorization with Archer Western, an amendment to Black & Veatch's Professional Services Agreement, and appropriate funds for the Project; and

WHEREAS, the Operations and Finance committees having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into WA3 with Archer Western in the amount of \$5,100,000 to execute the balance of construction associated with the Post Digestion Solids Treatment system for the Project, authorizing the Chief Executive Officer to amend the Professional Services Agreement with Black & Veatch in an amount not to exceed \$1,000,000 to provide engineering services during construction of WA3 for the Project, and appropriating \$6,902,000 from the Fixed Asset Replacement Fund Capital Project Account for WA2 of 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 Chief Executive Officer be and hereby is authorized to enter into Work Authorization 3 (WA3) with Archer Western Construction, LLC for an amount not-to-exceed \$5,100,000 to execute the balance of construction associated with the Post Digestion Solids Treatment system for the Northern Treatment Plant Post Digestion Sidestream Improvements Project (PAR 1434) (Project); and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to amend the Professional Services Agreement with Black & Veatch Corporation in an amount not to exceed \$1,000,000 to provide engineering services during construction of WA3 for the Project; and

BE IT FURTHER RESOLVED the sum of \$6,902,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund Capital Project Account for the Project.

6.b Consideration of Enterprise Resource Planning Replacement Project (PAR 1450) – Software and Services Agreement and Appropriation

Director Bogan moved and Director Caldwell 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 agreement for Software and Implementation Services; and

WHEREAS, Metro implemented Oracle eBusiness Suite (EBS) in January 1994, which has been updated several times to its current version, but no longer fits Metro's financial business needs; and

WHEREAS, pursuant to Metro's *Purchasing and Contracts Policy*, a solicitation for proposals to provide ERP software and services, including implementation, was posted in November 2024, and an employee review committee considered seven qualified proposals referring two finalists for final selection; and

WHEREAS, a Selection Committee, comprised of Metro staff and Board members interviewed the two finalists in March 2025, determined High Street IT Solutions, LLC (High Street) provided the best value to help Metro implement Oracle Cloud Fusion ERP (Fusion); and

WHEREAS, High Street and Metro staff have negotiated a fee in the not-to-exceed amount of \$3,000,000 for implementation services and \$350,000 for the first year of a software subscription; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an agreement with High Street for Software and Implementation Services and appropriate \$4,300,000 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 enter into an agreement with High Street IT Solutions, LLC (High Street) for Software and Implementation Services; and

BE IT FURTHER RESOLVED the sum of \$4,300,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this purpose.

6.c Consideration of Compensation Consultant Agreement

Director Bogan moved and Director Caldwell 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 agreement to provide compensation consulting services; and

WHEREAS, Metro has an ongoing need for compensation consulting services and its current contract with Graves Consulting expired March 15, 2025; and

WHEREAS, pursuant to Metro's *Purchasing and Contracts Policy*, a Request for Proposals for compensation consulting services was issued on November 6, 2024, with eight firms submitting proposals on December 10, 2024; and

WHEREAS, an employee review committee considered the proposals, referring three finalists for final selection; and

WHEREAS, a Selection Committee comprised of Metro staff and Board members interviewed the finalists and determined CPS HR provided the best value to Metro; 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 with CPS HR to provide compensation consulting services and enter into additional contract periods, not exceeding a total of five years, if it is determined by the Chief Executive Officer to be in the best interest of Metro; 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 with CPS HR to provide compensation consulting services; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods, not exceeding a total of five years, if it is determined to be in the best interest of Metro Water Recovery.

6.d Consideration of Peak to Prairie Harvesting and Planting Service Contract

Director Bogan moved and Director Caldwell seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as “Metro,” enter into a one-year agreement to provide spring and fall planting services at the METROGRO Farm (Farm); and

WHEREAS, Metro manages all farming operations at the Farm including planting, chemical application, harvesting, road maintenance, and land applications on approximately 28,000 crop-producing acres with an average of 14,000 acres in production in alternating years; and

WHEREAS, the current planting contract expired in December 2024; and

WHEREAS, pursuant to Metro’s *Purchasing and Contracts Policy*, a solicitation for crop planning services was issued in February 2025; and

WHEREAS, an employee review committee considered three responding vendors, ultimately determining Peak to Prairie as the best qualified for Metro; and

WHEREAS, Peak to Prairie proposed to provide planting services at a price of \$21 per acre planted, which is estimated to cost \$357,000 for the one-year contract period; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a one-year agreement with Peak to Prairie in the amount of \$21 per acre planted, for an estimated total cost of \$357,000 for the one-year period, to provide spring and fall planting services at the Farm, and to enter into additional contract periods, not exceeding a

total of five years, if it is determined by the Chief Executive Officer to be in the best interest of Metro; 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 agreement with Peak to Prairie in the amount of \$21 per acre planted, for an estimated total cost of \$357,000 for the one-year period, to provide spring and fall planting services at the METROGRO Farm; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods, not exceeding a total of five years, if it is determined to be in the best interest of Metro Water Recovery.

6.e Consideration of Pump's Tires and Service Contract

Director Bogan moved and Director Caldwell 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 agreement to supply tires/services for Metro's vehicle/equipment fleet; and

WHEREAS, the Resource Recovery and Reuse (RR&R) Department of Metro is responsible for managing the beneficial use of Metro's biosolids as well as maintaining Metro's fleet of vehicles and equipment; and

WHEREAS, the current tire supply and service contract is due to expire in April 2025, and the continued availability and reliability of these services is necessary to meet the objectives of the RR&R Department; and

WHEREAS, Metro staff recommends entering into an agreement with Pump's Tires Service Inc. (Pump) to enable Metro to more efficiently and cost-effectively meet these objectives; and

WHEREAS, the Operations and Finance committees of Metro, after having reviewed the matter, recommend the Board of Directors authorize the Chief Executive Officer to enter into a one-year agreement with Pump to supply tires/services for Metro's vehicle/equipment fleet, for an estimated annual amount of \$257,000, and enter into additional contract periods, not exceeding a total of five years and contract amount of \$1,375,000, if it is determined by the Chief Executive Officer to be in the best interest of Metro; 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 agreement with Pump's Tires Service Inc. to supply tires/service for Metro Water Recovery's vehicle/equipment fleet in the estimated annual amount of \$275,000; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods, not exceeding a total of five years

and contract amount of \$1,375,000, if it is determined to be in the best interest of Metro Water Recovery.

6.f Consideration of Magnesium Chloride Solution Contract

Director Bogan moved and Director Caldwell seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as “Metro,” purchase a supply of magnesium chloride solution to be used for phosphorus sequestration in the MagPrex™ process at the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, pursuant to the bid process in Metro's *Purchasing and Contracts Policy*, Envirotech Services, Inc. was determined to provide the best overall value to Metro for supplying magnesium chloride solution at a price of \$0.95/gallon (via rail shipment) and \$1.01/gallon (via truck shipment), with a total estimated one-year price of \$1,054,500; and

WHEREAS, Univar submitted the second best overall value bid to supply magnesium chloride solution at a price of \$1.14/gallon (via rail shipment) and \$3.50/gallon (via truck shipment), with a total estimated one-year price of \$1,259,850; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into separate one-year contracts from July 1, 2025 through June 30, 2026 for the supply of magnesium chloride solution with Envirotech Services, Inc. as the primary supplier at a price of \$0.95/gallon (via rail shipment) and \$1.01/gallon (via truck shipment) and with Univar as the secondary supplier at a price of \$1.14/gallon (via rail shipment) and \$3.50/gallon (via truck shipment), and enter into additional contract periods, not exceeding a total of five years, if it is determined by the Chief Executive Officer to be in the best interest of Metro; 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 July 1, 2025 through June 30, 2026 for the supply of magnesium chloride solution with Envirotech Services, Inc. as the primary supplier at a price of \$0.95/gallon (via rail shipment) and \$1.01/gallon (via truck shipment); and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into a one-year secondary contract from July 1, 2025 through June 30, 2026 with Univar for the supply of magnesium chloride solution as the secondary supplier at a price of \$1.14/gallon (via rail shipment) and \$3.50/gallon (via truck shipment) should there be an issue with the primary supplier; 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 determined to be in the best interest of Metro Water Recovery.

Consent Agenda

6.g Consideration of an Intergovernmental Agreement with City and County of Denver: Globeville Levee

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 with the City and County of Denver (Denver) regarding work on a Denver levee which resides over a portion of Metro’s Platte River Interceptor; and

WHEREAS, Metro has an existing easement for its Platte River Interceptor that resides on the west bank of the South Platte River, and Denver owns the land and an existing levee that was installed in the early 2000s paralleling and over the top of a portion of Metro’s Platte River Interceptor from 46th Ave. through Caprio Sanguinette Park (formerly Northside Park) to the Colorado Army National Guard facility; and

WHEREAS, in the construction of the new Caprio Sanguinette Park, Denver worked to relocate the levee critical section away from Metro’s interceptor where possible, but in several locations the levee critical section will reside over the top of the interceptor, requiring collaboration on how Metro will access and maintain its infrastructure; and

WHEREAS, an Intergovernmental Agreement and Operations and Maintenance Manual was developed laying out protocols for access, construction, and restoration within the easement and within the critical section of the levee; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Intergovernmental Agreement with Denver regarding work on a Denver levee which resides over a portion of Metro’s Platte River Interceptor; 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 the City and County of Denver regarding work on a Denver levee which resides over a portion of Metro Water Recovery’s Platte River Interceptor; 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.

Chair Niyork called for a roll call vote which carried with 32 Directors voting Yes:

Curt Aldstadt
Mike Barrett

Andrew Johnston
Janet Kieler

Josh Redman
Thomas Roode

Travis Bogan
Nadine Caldwell
John Chavez
David Councilman
Deborah Crisp
Clark Davenport
James DeHerrera
Mary Gearhart
Joan Iler

Craig Kocian
Laura Kroeger
Bob LeGare
Marena Lertch
Martin Majors
George Mazzotti
Jamie Miller
Sarah Niyork
Cat Olukotun

Greg Sekera
Del Smith
Peter Spanberger
Dennis Towndrow
Scott Twombly
Don Wick
Jennifer Williams
Ronald Younger

Chair Niyork expressed appreciation to staff for the work done on the item.

7. INDIVIDUAL DIRECTOR COMMENTS

Director Kroeger expressed appreciation for Metro Water Recovery's demonstration of leadership in its culture of safety highlighted in the recent Risk Management Review – Spring 2025 magazine produce by Colorado Special Districts Property and Liability Pool Publication which featured Ms. Kedzior and her personal experience at Metro.

Director Davenport expressed appreciation for Metro Water Recovery's posts on LinkedIn, and CEO Conway affirmed staff's work to promote Metro's social media presence.

8. OTHER INFORMATION

Chair Niyork reminded Directors to RSVP for the May 1, 2025 Spring Board Workshop and the May 21, 2025 Town Hall and Field Day.

10. ADJOURNMENT

Chair Niyork adjourned the meeting at 5:52 p.m.

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