

METRO WASTEWATER RECLAMATION DISTRICT

Minutes of the Regular Meeting of the Board of Directors March 19, 2019

The Board of Directors of the Metro Wastewater Reclamation District, in the Counties of Adams, Arapahoe, Douglas, Jefferson, and Weld, and the City and County of Denver, State of Colorado, met in regular session in the Board Room, 6450 York Street, Denver, Colorado, Tuesday, March 19, 2019, at 5:30 p.m.

Chairman Baertlein called the meeting to order.

1. ROLL CALL

Secretary Caldwell called the roll.

Officers Present:

Peter Baertlein, Denver
Scott Twombly, Thornton
Nadine Caldwell, Aurora
John Ennis, South Adams County

Chairman
Chairman Pro Tem
Secretary
Treasurer

Directors Present:

Phil Burgi, Wheat Ridge
Philip Cipri, Berkeley
Thomas Colchin, Applewood
David Councilman, Pleasant View
John Dingess, Aurora
Robert Duncanson, Denver
Stephen Gay, Westminster
Mark Hunter, Lakewood
Joan Iler, Westridge
Kathryn Jensen, North Table Mountain
Andrew Johnston, Denver
Janet Kieler, Denver
Craig Kocian, Arvada
Charles Long, Thornton
Martin Majors, Fruitdale

Jim McClung, Alameda
Dan Mikesell, Aurora
Claude Off, East Lakewood
Barbara Puls, Denver
Bill Ray, Arvada
Ronald Sanchez, Crestview
Michael Sapp, Denver
Kim Schoen, Brighton
Gerry Schulte, Lakewood
Peter Spanberger, Denver
Delbert Smith, Bancroft-Clover
Amerigo Svaldi, North Washington Street
Dennis Towndrow, North Pecos
Ronald Younger, Denver

Directors Absent:

George Dumas, Aurora
Ingrid Lindemann, Aurora

Christopher Pacheco, Denver
Mary Beth Susman, Denver

Others Present:

Robert Thomas
Emily Jackson
Yvonne Kohlmeier
Brittany Peshek
Elaine Wizzard
Ray Gonzales
Michael Holub

Deputy Manager/Director of Environmental Services
General Counsel
Administrative Assistant
Executive Assistant
Associate General Counsel
Adams County Manager
Adams County Director of Facilities and Fleet
Management
Adams County Deputy County Manager –
Community Services
Adams County Deputy County Manager –
Administrative Services

Bryan Ostler

Alisha Reis

2. PUBLIC COMMENT

There was no comment.

3. APPROVAL OF MINUTES

Chairman Baertlein asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held February 19, 2019.

Director Sapp moved and Director Burgi seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held February 19, 2019.

Ms. Jackson answered a question about the reference to Kathy Odle responding to a PPM question in the November 18, 2018, Retirement Board Meeting Minutes.

The motion carried unanimously.

4. PROGRESS AND PROJECTION REPORTS

4.a Report by District Manager

Due to District Manager Conway's absence, Deputy Manager Thomas reviewed the written report and also provided an update on the effects of the winter storm on March 13, 2019, on both the Robert W. Hite Treatment Facility (RWHTF) and the Northern Treatment Plant (NTP) operations. He also answered a question about the Listening Tours and about the PAR 1340 six-month update.

4.b Report by General Counsel

Ms. Jackson reviewed the written report and stated a copy of the corrosion control litigation technical study report would be provided to the Board of Directors.

5. REPORTS OF OFFICERS AND COMMITTEES

There were no additions to the following meeting minutes:

Retirement Board	November 15, 2018
Operations Committee	March 5, 2019
Finance Committee	March 7, 2019
Executive Committee	March 12, 2019

6. NEW BUSINESS

Consent Agenda

6.a Consideration of NTP Dewatering Emulsion Polymer Chemical Contract

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

WHEREAS, it is necessary that the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," purchase a supply of dewatering emulsion polymer used to condition anaerobically digested biosolids during the centrifugation process at the Northern Treatment Plant; and

WHEREAS, to ensure the polymer products would meet the Metro District's performance criteria, full-scale performance trials for centrifuge dewatering dry polymer were scheduled in November 2018 with participation being a requirement to bid; and

WHEREAS, three vendors were invited and two vendors participated in the full-scale trials and Metro District staff determined one vendor, Polydyne Inc. (Polydyne), met the performance criteria and, based on its performance during the trial, Polydyne was invited to bid; and

WHEREAS, one bid was received and opened on February 15, 2019, with Polydyne being the sole qualifying bidder submitting a bid to supply dewatering emulsion polymer at a price of \$2.857 per active pound; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend entering into a one-year contract from April 1, 2019, through March 31, 2020, with Polydyne for the supply of dewatering emulsion polymer at a price of \$2.857 per active pound; and

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

NOW, THEREFORE, BE IT RESOLVED that the District Manager be and hereby is authorized to enter into a one-year contract from April 1, 2019, through March 31, 2020, with Polydyne Inc. for the supply of dewatering emulsion polymer at a price of \$2.857 per active pound; and

BE IT FURTHER RESOLVED that the District Manager be and hereby is authorized to enter into additional contract periods for the aforementioned contract, not exceeding a total of five years, with potentially new unit prices, if he deems such extensions to be in the best interest of the Metro District.

The motion carried unanimously.

6.b Consideration of Adams County Request to Become a Special Connector to the Metro District

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

WHEREAS, it is in the best interest of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," to approve the request of Adams County to become a Special Connector to the Metro District; and

WHEREAS, on December 13, 2010, in lieu of obtaining a permit pursuant to Adams County's Development Standards and Regulations that cover the 1041 permitting process, the Metro District and Adams County entered into an Intergovernmental Agreement (IGA) regarding pipelines for the Metro District's Northern Treatment Plant (NTP); and

WHEREAS, the IGA provided that Adams County could receive sewer service for its Regional Park through the City of Brighton (Brighton) and that service could begin once the NTP was operational; and

WHEREAS, the NTP became operational in October 2016, and Brighton and Adams County were unable to agree on the conditions for Brighton to provide sewer service to Adams County; and

WHEREAS, on January 10, 2018, Adams County submitted a formal request to become a Special Connector to the Metro District; and

WHEREAS, an alternative solution for the Adams County Regional Park to receive sewer service is for Adams County to become a Special Connector to the Metro District; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend authorizing the District Manager to enter into a *Special Connectors Agreement* with Adams County to become a Special Connector to the Metro District; and

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

NOW, THEREFORE, BE IT RESOLVED that the District Manager be and hereby is authorized to enter into a *Special Connectors Agreement*, in a form substantially similar to Attachment A, with Adams County to become a Special Connector to the Metro District.

The motion carried unanimously.

6.c Consideration of Purchasing One Motor Grader and Two Articulated Loaders for the Biosolids Program

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

WHEREAS, it is in the best interest of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," to purchase a motor grader and two articulated loaders to be used in operations by the Resource Recovery and Reuse Department of the Metro District or as otherwise necessary; and

WHEREAS, adhering to the Metro District's *Purchasing and Contracting Policies*, specifications for a motor grader and two articulated loaders were submitted to Honnen Equipment Company (Honnen) as part of a cooperative government price agreement through Sourcewell; and

WHEREAS, the Metro District obtained pricing for a 2019 John Deere Model 772G Motor Grader with 6WD conforming to the specifications provided to Honnen, for a total purchase price of \$318,056 for the motor grader and extended warranty; and

WHEREAS, the Metro District obtained pricing for one 2019 John Deere Model 744K-II High Lift 4WD Articulated Loader and one 2019 John Deere Model 744K-II 4WD Articulated Loader conforming to the specifications provided to Honnen, for a total purchase price of \$680,691 less a trade-in allowance of \$65,000, for a net purchase price of \$615,691 for two articulated loaders and extended warranties; and

WHEREAS, the Operations and Finance Committees of the Metro District, after having reviewed the matter, recommend entering into a contract with Honnen for the purchase of one 2019 John Deere Model 772G Motor Grader with 6WD, one 2019 John Deere Model 744K-II High Lift 4WD Articulated Loader, and one 2019 John Deere Model 744K-II 4WD Articulated Loader, for a total purchase price of \$998,747 less a trade-in allowance of \$65,000, for a net purchase price of \$933,747; and

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

NOW, THEREFORE, BE IT RESOLVED that the District Manager be and hereby is authorized to purchase one 2019 John Deere Model 772G Motor Grader with 6WD from Honnen Equipment Company, for a total purchase price of \$318,056; and

BE IT FURTHER RESOLVED that the District Manager be and hereby is authorized to purchase one 2019 John Deere Model 744K-II High Lift 4WD Articulated Loader and one 2019 John Deere Model 744K-II 4WD Articulated Loader from Honnen Equipment Company, for a total purchase price of \$680,691 less a trade-in allowance of \$65,000, for a net purchase price of \$615,691; and

BE IT FURTHER RESOLVED that the sum of \$933,747 be and hereby is appropriated from the Fixed Asset Replacement Fund for these purposes.

The motion carried unanimously.

6.d Consideration of a Board of Directors Code of Conduct

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

WHEREAS, it is in the best interest of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," to adopt a Code of Conduct for the Metro District's Board of Directors; and

WHEREAS, in 1999, the Board of Directors adopted a *Statement of Ethical Principles and Procedures* which established general standards and provided guidance to members of the Board of Directors regarding conflicts of interest; and

WHEREAS, establishment of basic standards of behavior through adoption of a Code of Conduct will provide guidance to members of the Board of Directors regarding their responsibilities and interactions and reduce legal risk; and

WHEREAS, the Executive Committee determined the Metro District's Board of Directors should establish a Code of Conduct; and

WHEREAS, the Ethics Committee reconvened in mid-2018 and, over the course of several meetings, developed a Code of Conduct; and

WHEREAS, the Ethics Committee recommends adopting the Code of Conduct for the Metro District's Board of Directors; and

WHEREAS, the Ethics Committee further recommends having all Directors sign an Acknowledgement of the Code of Conduct and to add the Code of Conduct to the annual Acknowledgement Statement signed in January each year; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend adopting the Code of Conduct and requiring Directors to sign an Acknowledgement of the Code of Conduct; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors be and hereby adopts the Code of Conduct for the Metro Wastewater Reclamation District's Board of Directors as shown in Attachment A attached hereto; and

BE IT FURTHER RESOLVED that the Board of Directors be and hereby directs Metro District staff to provide Directors with an Acknowledgement Statement of the Code of Conduct to be signed upon adoption, by new Directors when joining the Board of Directors, and annually thereafter in January.

The motion carried unanimously.

Roll Call Agenda

6.e Consideration of General Property Acquisition 2019-2022 (PAR 1356)

Director Mikesell moved and Director Colchin seconded the motion to adopt the following resolution:

WHEREAS, it is necessary that the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," purchase properties and/or acquire land rights as needed or required to support Metro District day-to-day functions and operation; and

WHEREAS, the Metro District is seeking a more efficient approach to purchasing properties or acquiring land rights when there is an opportunity or need not associated with a specific Metro District capital project; and

WHEREAS, Metro District staff recommends the Board of Directors authorize the District Manager to negotiate such purchases or acquisitions and appropriate \$1,500,000 for this purpose; and

WHEREAS, the District Manager will keep the Board of Directors informed of transactions and the status of any purchase of properties and/or acquisition of land rights; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend authorizing the District Manager to negotiate the purchase of properties and/or acquire land rights as needed and appropriating \$1,500,000 for these purposes; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs with the recommendation of the other Committees;

NOW, THEREFORE, BE IT RESOLVED that the District Manager be and hereby is authorized to negotiate the purchase of properties and/or acquire land rights as needed or required to support Metro District day-to-day functions and operations; and

BE IT FURTHER RESOLVED that \$1,500,000 (100 percent) be and hereby is appropriated from the General Fund for these purposes.

Chairman Baertlein called for a roll call vote which carried with 32 Directors voting Yes:

Peter Baertlein	Kathryn Jensen	Ronald Sanchez
Phil Burgi	Andrew Johnston	Michael Sapp
Nadine Caldwell	Janet Kieler	Kim Schoen
Phil Cipri	Craig Kocian	Gerry Schulte
Thomas Colchin	Charles Long	Delbert Smith
David Councilman	Martin Majors	Peter Spanberger
Robert Duncanson	Jim McClung	Amerigo Svaldi
John Ennis	Dan Mikesell	Dennis Towndrow
Stephen Gay	Claude Off	Scott Twombly
Mark Hunter	Barbara Puls	Ronald Younger
Joan Iler	Bill Ray	

and one Director voting No:

John Dingess

7. DIRECTOR RECOGNITION

In his absence, Chairman Baertlein recognized Director Dumas for his service to the Metro District and thanked him for 16 years of service as a member of the Board of Directors. Director Dingess and Director Mikesell expressed appreciation for Director Dumas's hard work and well-informed service to the Board.

8. INDIVIDUAL DIRECTOR COMMENTS

9. OTHER INFORMATION

Mr. Gonzales, Adams County Manager, thanked the Board of Directors for approving the Special Connector Agreement, and he and Chairman Baertlein commented on the positive partnership between Adams County and the Metro District moving forward.

10. ADJOURNMENT

Chairman Baertlein adjourned the meeting at 5:52 p.m.

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