

# METRO WASTEWATER RECLAMATION DISTRICT

## Minutes of the Regular Meeting of the Board of Directors August 20, 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, August, 20, 2019, at 5:30 p.m.

Chairman Baertlein called the meeting to order.

### 1. OATH OF OFFICE

The following Director has been appointed by his Member Municipality to complete a two-year term of office that expires June 30, 2021.

**Appointed Director**

Roy Banks

**Member Municipality**

Applewood Sanitation District

The following Directors have been reappointed by their Member Municipality for a two-year term of office that expires June 30, 2021.

**Reappointed Director**

Peter Baertlein  
Robert Duncanson  
Andrew Johnston  
Christopher Pacheco  
Barbara Puls  
Michael Sapp  
Peter Spanberger

**Member Municipality**

City and County of Denver  
City and County of Denver  
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City and County of Denver

### 2. ROLL CALL

Secretary Caldwell called the roll.

**Officers Present:**

Peter Baertlein, Denver  
Scott Twombly, Thornton  
Nadine Caldwell, Aurora  
Andrew Johnston, Denver

Chairman  
Chairman Pro Tem  
Secretary  
Treasurer

**Directors Present:**

Roy Banks, Applewood  
Phil Burgi, Wheat Ridge  
Philip Cipri, Berkeley  
John Dingess, Aurora  
Robert Duncanson, Denver  
Stephen Gay, Westminster

Charles Long, Thornton  
Richard Lucero, East Lakewood  
Martin Majors, Fruitdale  
Dan Mikesell, Aurora  
Sarah Niyork, South Adams  
Christopher Pacheco, Denver

Jo Ann Giddings, City of Aurora  
Mark Hunter, Lakewood  
Joan Iler, Westridge  
Kathryn Jensen, North Table Mountain  
Janet Kieler, Denver  
Craig Kocian, Arvada  
Ingrid Lindemann, Aurora

Bill Ray, Arvada  
Ronald Sanchez, Crestview  
Kim Schoen, Brighton  
Peter Spanberger, Denver  
Amerigo Svaldi, North Washington Street  
Dennis Towndrow, North Pecos  
Ronald Younger, Denver

**Directors Absent:**

David Councilman, Pleasant View  
Barbara Puls, Denver  
Michael Sapp, Denver

Del Smith, Bancroft-Clover  
Mary Beth Susman, Denver

**Others Present:**

Mickey Conway  
Emily Jackson  
Ruth Kedzior  
Yvonne Kohlmeier  
Brittany Peshek

District Manager  
General Counsel  
Assistant to the District Manager  
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 July 16, 2019**

Chairman Baertlein asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held July 16, 2019.

Director Burgi moved and Director Lindemann seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held July 16, 2019.

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

**5.a Report by District Manager**

District Manager Conway reviewed his written report, highlighting the METROGRO Farm's (Farm) harvest of 752,000 bushels. He complimented Orren West, Pat Stanley, and the harvest team on working together well and doing a fantastic job harvesting, and filling the four new grain bins.

Mr. Conway also gave an update on his attendance at the National Association of Clean Water Agencies (NACWA) Board Meeting and Utility Leadership Conference noting the ongoing discussion about emerging contaminants engaging leadership on the industry level.

Chairman Baertlein congratulated Orren West and his team on behalf of the Board of Directors on the successful harvest.

Mr. Conway and Ms. Jackson answered questions regarding the pre-existing, temporary grain storage structure which was replaced with the four new grain bins, doubling the original storage capacity.

**5.b Report by General Counsel**

Ms. Jackson provided an update on the recent developments concerning Newark, New Jersey's approach to reducing lead in drinking water pursuant to the Lead and Copper Rule. Despite implementing orthophosphate to meet the optimal corrosion control treatment requirement as well as installing filters in the homes of residents, two drinking water sample results exceeded the lead action level. As a stop gap measure, Newark started to provide bottled water to citizens. She also answered questions on the filter types and testing procedures to safely remove lead that Denver Water is planning to use in comparison to those used in Newark.

Ms. Jackson discussed the 400 public responses Denver Water received from across the region being strongly in favor to the lead reduction program. Denver Water had not submitted the official variance request yet to the U.S. Environmental Protection Agency (EPA). District Manager Conway explained the EPA is postponing the public comment period. Once the EPA announces the public comment period is open for public input, Metro District staff will provide Directors with a form letter for submission to the EPA in support of Denver Water's Lead Reduction Program.

**6. REPORTS OF OFFICERS AND COMMITTEES**

**6.b Meeting Minutes**

There were no additions to the following meeting minutes:

Operations Committee	August 6, 2019
Finance Committee	August 8, 2019
Executive Committee	August 13, 2019

**7. NEW BUSINESS**

**Consent Agenda**

**7.a Consideration of Revisions to the Estimated 2019 Annual Charges for Service**

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

WHEREAS, it is desirable to adjust and revise the Estimated Annual Charges for Service for 2019 of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District"; and

WHEREAS, in 1980 the Board of Directors of the Metro District adopted a procedure to allow, but not require, the adjustment of Annual Charges for Service mid-year in order to reduce the impact of normal variability in estimating such charges; and

WHEREAS, the District Manager and staff of the Metro District have prepared the 2019 Annual Charges for Service Revised Estimate; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend approving and certifying the Revised Estimated Annual Charges for Service for 2019; and

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

NOW, THEREFORE, BE IT RESOLVED that these revisions and adjustments, as contained in the 2019 Annual Charges for Service Connector Flows, Loadings and Charges – Revised Estimate (Attachment A) and the 2019 Annual Charges for Service Calculation of Unit Charges – Revised Estimate (Attachment B) be and hereby are approved; and

BE IT FURTHER RESOLVED that the District Manager be and hereby is authorized to certify and deliver to each Member Municipality, Special Connector, and Special Corporate Connector, on or before September 1, 2019, the Revised Estimate for 2019 Annual Charges for Service as provided in Attachment A.

The motion carried unanimously.

#### **7.b Consideration of the Estimated 2020 Annual Charges for Service**

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

WHEREAS, Article VI, Section 602, of the *Sewage Treatment and Disposal Agreement* (Service Contract) and the Special Connectors Agreement provide that on or before the first day of September next preceding each fiscal year, the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," shall make and deliver to each Member Municipality, Special Connector, and Special Corporate Connector subject to payment to the Metro District of any service charge or any annual charge fixed thereby for such fiscal year, the Metro District's Certificate stating the estimated amount of the charge; and

WHEREAS, the District Manager and staff of the Metro District have prepared such an estimate of Annual Charges for Service for 2020; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend adopting and certifying the 2020 Estimated Annual Charges for Service; 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 2020 Annual Charges for Service Connector Flows, Loadings, and Charges – Certified Estimate (Attachment A) and the 2020 Annual Charges for Service Calculation of Unit Charges – Certified Estimate (Attachment B) be and hereby are adopted and certified; and

BE IT FURTHER RESOLVED that the District Manager be and hereby is authorized and instructed to deliver on or before September 1, 2019, to each Member Municipality, Special Connector, and Special Corporate Connector subject to payment to the Metro District of any service charge or annual charge, the Certified Estimate of 2020 Annual Charges for Service as provided in Attachment A.

The motion carried unanimously.

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

Director Ray moved and Director Iler 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 a Type 1 connection request for the North Washington Street Water and Sanitation District (North Washington) to connect the Flatiron Development to the South Thornton Interceptor northeast of State Highway 224 (a.k.a. East 74th Avenue) and Clayton Street; and

WHEREAS, on May 7, 2019, North Washington submitted a request for the Flatiron Development to directly connect to the Metro District's South Thornton Interceptor; and

WHEREAS, connecting the Flatiron Development to North Washington's sanitary sewer would require a lift station unless a significant volume of fill was imported to allow for a gravity connection but it could be connected by gravity flow to the Metro District's South Thornton Interceptor, which conveys flow through the Thornton-North Washington Lift Station to the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, the South Thornton Interceptor, Thornton-North Washington Lift Station, and the RWHTF have sufficient capacity to receive wastewater from the Flatiron Development; and

WHEREAS, Metro District staff requested North Washington provide design drawings for the connection, metering and sampling facility specifications, and an easement for the metering and sampling facility which will need to be evaluated and accepted by the Metro District's Engineering Department before the Flatiron Development could be connected to the South Thornton Interceptor; and

WHEREAS, Metro District staff recommends approving a Type 1 connection from the Flatiron Development to the South Thornton Interceptor contingent upon Metro District approval of engineering drawings, approval and transfer of an easement, and acceptance of construction; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend approving a Type 1 connection request for North Washington to connect the Flatiron Development to the South Thornton Interceptor, contingent upon Metro District approval of engineering drawings, approval and transfer of an easement, and acceptance of construction; 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 North Washington Street Water and Sanitation District's request for a Type 1 connection for the Flatiron Development to connect to the Metro District's South Thornton Interceptor be and hereby is conditionally approved; and

BE IT FURTHER RESOLVED that the conditional approval of the Type 1 connection for the Flatiron Development is contingent upon approval of engineering drawings, approval and transfer of an easement, and acceptance of construction by the Metro District's Engineering Department.

The motion carried unanimously.

#### **7.d Consideration of Chemical Contract for Sodium Bisulfite Solution**

Director Ray moved and Director Iler 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 sodium bisulfite solution used to neutralize residual peracetic acid remaining after the disinfection process at the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, on May 10, 2019, a Request for Quotes for the supply of sodium bisulfite solution was posted on the Rocky Mountain E-Purchasing site (*BidNet*); and

WHEREAS, 131 firms received the Request for Quotes, 19 of which downloaded the bid documents, and three bids were opened on May 24, 2019; and

WHEREAS, Southern Ionics Corporation submitted the lowest bid to supply sodium bisulfite solution at a price of \$0.109 per pound, with a total estimated one-year price of \$381,500; and

WHEREAS, DPC Industries submitted the next lowest bid to supply sodium bisulfite solution at a price of \$0.1415 per pound, with a total estimated one-year price of \$495,250; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend entering into separate one-year contracts from October 1, 2019, through September 30, 2020, for the supply of sodium bisulfite solution with Southern Ionics Corporation as the primary supplier at a price of \$0.109 per pound and with DPC Industries as the secondary supplier at a price of \$0.1415 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 that the District Manager be and hereby is authorized to enter into a one-year contract from October 1, 2019, through September 30, 2020, with Southern Ionics Corporation for the supply of sodium bisulfite solution at a price of \$0.109 per pound; and

BE IT FURTHER RESOLVED that the District Manager be and hereby is authorized to enter into a one-year secondary contract from October 1, 2019, through September 30, 2020, with DPC Industries for the supply of sodium bisulfite solution at a price of \$0.1415 per pound in the event the primary supplier is determined unresponsive per the contract requirements; and

BE IT FURTHER RESOLVED that the District Manager 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 he deems such extensions to be in the best interest of the Metro District.

The motion carried unanimously.

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

Director Ray moved and Director Iler 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 award a Construction Contract for the Interceptor Rehabilitation 2018/2019 Project (Project); and

WHEREAS, after inspection, 38 different pipe segments, totaling approximately 14,000 linear feet, on the Metro District's Central Denver, Globeville, Lakewood Gulch Common, and Platte River interceptors were found to be severely corroded or exhibit other serious defects and are in need of repair/rehabilitation; and

WHEREAS, two diversion structures on the Platte River Interceptor with significant corrosion will be abandoned, and a manhole on the Bear Creek Interceptor requires replacement; and

WHEREAS, invitations to bid were published pursuant to Metro District procedures, and on June 27, 2019, bids on the Project were received from five contractors, with Insituform Technologies, LLC, (Insituform) submitting the apparent low bid in the amount of \$9,295,510; and

WHEREAS, staff of the Metro District evaluated the bids and considers Insituform to be the lowest responsive and responsible bidder; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend awarding a Construction Contract, in the amount of \$9,295,510, to Insituform 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 that the District Manager be and hereby is authorized to enter into a Construction Contract, in the amount of \$9,295,510, with Insituform Technologies, LLC for the Interceptor Rehabilitation 2018/2019 Project; and

BE IT FURTHER RESOLVED that the sum of \$10,800,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this purpose.

The motion carried unanimously.

### **Roll Call Agenda**

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

Director Lindemann moved and Director Lucero 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 execute a change order to expand the scope of the Digester Complex Rehabilitation Project (Project) to accelerate replacement of the steel floating covers on the Robert W. Hite Treatment Facility's (RWHTF) Digesters 5 and 6; and

WHEREAS, in March 2015, the Metro District initiated the Project to rehabilitate the RWHTF Digester Complex and other facilities in its immediate vicinity necessary to address critical assets needing immediate attention, but did not include replacement of the floating steel covers on Digesters 5 and 6; and

WHEREAS, the Board of Directors adopted Resolution 0417-7.b that authorized the District Manager to enter into a Construction Contract with Moltz Construction (Moltz) and amend the Professional Services Agreement with Carollo Engineers, Inc. (Carollo) to provide construction phase engineering services for this Project; and

WHEREAS, inspection of Digester 5 revealed significant corrosion on its floating steel cover, and most likely Digester 6 is in the same condition having been constructed and placed into service at the same time in 1975; and

WHEREAS, because the level of corrosion was not anticipated when the Project was initiated, replacement of the floating steel cover systems on Digesters 5 and 6 was deferred to the Digester Gas Cover and Fixed Assets Replacement Future Project (Future Project) planned between 2019 and 2023; and

WHEREAS, the Project Team evaluated options for how to replace the floating steel covers in a timely and cost-effective manner because of the (1) amount of corrosion, (2) critical nature of the anaerobic digestion process at the RWHTF, and (3) urgent need to return Digester 5 to active service; and



WHEREAS, the Project Team determined using Carollo and Moltz to execute the work of the Future Project would result in a significant savings of time, money, and Metro District resources; and

WHEREAS, Carollo completed design drawings and specifications for the new steel covers on May 13, 2019, and Moltz completed a detailed cost proposal for this change order and met with the Project Team on June 6; and

WHEREAS, Carollo, Moltz, and the Project Team estimate accelerating the Future Project scope into this Project could save the Metro District approximately \$4.2 million and would expedite delivery of the replacement covers by eight to twelve months; and

WHEREAS, to ensure its cost proposal is fair and competitive, Moltz was required to provide a detailed cost breakdown for all costs associated with this change order, and Moltz solicited cost proposals from three separate digester cover manufacturers (based on the design drawings and specifications prepared by Carollo) which were reviewed in detail by the Project Team (including Moltz) to determine which manufacturer's cover was the best value for the Metro District; and

WHEREAS, WesTech, the selected manufacturer, provided the lowest cost for the two covers and was able to meet the requirements of the drawings and specifications along with the necessary delivery schedule; and

WHEREAS, Metro District staff recommends executing a change order to the Construction Contract with Moltz in the amount of \$6,962,821 for the replacement of the floating steel covers on Digesters 5 and 6; and

WHEREAS, Metro District staff recommends amending the Professional Services Agreement with Carollo to include the additional construction engineering, resident engineering, and post-construction engineering services in the amount of \$384,000; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend executing a change order to the Construction Contract with Moltz in the amount of \$6,962,821 for the replacement of the floating steel covers on Digesters 5 and 6 and amending the Professional Services Agreement with Carollo in the amount of \$384,000; 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 execute a change order to the Construction Contract with Moltz Construction for the Digester Complex Rehabilitation Project in the amount of \$6,962,821 for the replacement of the floating steel covers on Digesters 5 and 6; and

BE IT FURTHER RESOLVED that the District Manager be and hereby is authorized to amend the Professional Services Agreement with Carollo Engineers, Inc., in the amount of \$384,000, to provide additional construction engineering,

resident engineering, and post-construction engineering services for the change order work; and

BE IT FURTHER RESOLVED that the sum of \$7,834,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for these purposes.

Chairman Baertlein called for a roll call vote which carried with 30 Directors voting Yes:

Peter Baertlein  
Roy Banks  
Phil Burgi  
Nadine Caldwell  
Phil Cipri  
John Dingess  
Robert Duncanson  
Stephen Gay  
Jo Ann Giddings  
Mark Hunter

Joan Iler  
Kathryn Jensen  
Andrew Johnston  
Janet Kieler  
Craig Kocian  
Ingrid Lindemann  
Charles Long  
Richard Lucero  
Martin Majors  
Dan Mikesell

Sarah Niyork  
Christopher Pacheco  
Bill Ray  
Ronald Sanchez  
Kim Schoen  
Peter Spanberger  
Amerigo Svaldi  
Dennis Towndrow  
Scott Twombly  
Ronald Younger

**8. INDIVIDUAL DIRECTOR COMMENTS**

There was none.

**9. OTHER INFORMATION**

There was none.

**10. ADJOURNMENT**

Chairman Baertlein adjourned the meeting at 5:48 p.m.

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