

METRO WASTEWATER RECLAMATION DISTRICT

Minutes of the Regular Meeting of the Board of Directors December 18, 2018

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, December 18, 2018, 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:

Charlie Brown, Denver
Phil Burgi, Wheat Ridge
Philip Cipri, Berkeley
Thomas Colchin, Applewood
David Councilman, Pleasant View
John Dingess, Aurora
George Dumas, 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
Ingrid Lindemann, Aurora

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

Directors Absent:

Charles Long, Thornton
Kim Schoen, Brighton

Others Present:

Mickey Conway
Robert Thomas
Liam Cavanaugh
Mitch Costanzo
Colleen Dempsey
Emily Jackson
Molly Kostelecky
Jim McQuarrie
Steve Rogowski

District Manager
Deputy Manager/Director of Environmental Services
Director of Operations
Directors of Engineering
Director of Human Resources
General Counsel
Interim Director of Administrative Services
Director of Strategy and Innovation
Director of Maintenance

Orren West
Dawn Ambrosio
Earl Chappell
Kelli Dalton
Adam Dyche
Michael Holmes
Ruth Kedzior
Rodney Kemper
Corey Kreifels
Katie Leach
Kristen Libberton
Patricia Lopez
Lloyd Martinez
Matthew Mullins
Brittany Peshek
Scott Reed
Doug Rivera
Jennifer Robinett
Canyon Schroeder
Noah Schroeder
Scott Shafer
Theresa Stone
Stan Thurber
Tate Todd
Barbara Wilson
Blair Wisdom
Elaine Wizzard
Mark Wood

Interim Director of Resource Recovery and Reuse
Strategy and Communication Officer
Equipment Operator
Maintenance Worker – Facilities Maintenance
Facilities Maintenance Supervisor
Organizational Development Specialist
Assistant to the District Manager
Equipment Operator
Plant Operator Lead
Regulatory Compliance Specialist Senior
Technical Training Specialist
Generalist and Employment Specialist
Maintenance Worker – Facilities Maintenance
Mechanical Industrial Technician Senior
Senior Administrative Assistant
Employment and Development Officer
Maintenance Worker – Facilities Maintenance
Regulatory Compliance Officer
Maintenance Worker – Facilities Maintenance
Maintenance Worker – Facilities Maintenance
Equipment Operator
Communications Specialist
Facilities Maintenance Supervisor
Mechanical Maintenance Supervisor
Information Technology Officer
Technology and Innovation Officer
Associate General Counsel
Mechanical Industrial Technician Senior

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 November 20, 2018.

Director Iler moved and Director Younger seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held November 20, 2018.

The motion carried unanimously.

4. RECOGNITION OF THE 2018 CHAIRMAN'S AWARD WINNER

Chairman Baertlein announced the 2018 Chairman's Award Winner, Corey Kreifels, and expressed appreciation for his service and dedication to the Metro District. Mr. Kreifels accepted a commemorative trophy and \$500 check. Mr. Cavanaugh provided highlights of Mr. Kreifel's career with the District. His name has also been added to the Chairman's Award perpetual plaque located in the lobby of the Robert W. Hite Treatment Facility's (RWHTF) Administration Building.

5. **RECOGNITION OF METRO DISTRICT STAFF REPRESENTATIVES**

District Manager Conway recognized a representative group of Metro District staff members who played key roles in a variety of the District's 2018 accomplishments.

6. **PROGRESS AND PROJECTION REPORTS**

6.a Report by District Manager

District Manager Conway reviewed the written report.

6.b Report by General Counsel

Ms. Jackson provided an update on the corrosion control litigation.

7. **REPORTS OF OFFICERS AND COMMITTEES**

7.a Director Sapp, Chairman of the Branding Committee, provided an update on the rebranding effort and the two-phase approach to looking at increasing brand awareness with stakeholders.

7.b There were no additions to the following meeting minutes:

Operations Committee	October 2, 2018
Finance Committee	October 4, 2018
Executive Committee	October 9, 2018

8. **NEW BUSINESS**

Consent Agenda

8.a **Consideration of Rescinding Unexpended Capital Appropriations**

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

WHEREAS, a number of projects of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," have been completed and it is now necessary that certain unexpended appropriations be rescinded; and

WHEREAS, the total of the unexpended appropriations is as follows:

General Fund Capital Project Account	\$ 738,141.66
Fixed Asset Replacement Fund	<u>826,655.97</u>
Total Unexpended Appropriations	<u>\$1,564,797.63</u> ; and

WHEREAS, the Operations, Finance, and Executive Committees of the Metro District, after having reviewed the matter, recommend that such appropriations be rescinded;

NOW, THEREFORE, BE IT RESOLVED that the unexpended balances of the appropriations set forth in the attached Schedules of Appropriations to Be Rescinded—December 2018 be and hereby are rescinded.

The motion carried unanimously.

8.b Consideration of the Metro District Employee Health and Dental Insurance Program

Director Mikesell moved and Director Schulte 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 adjustments to the benefits package for all Metro District employees so the compensation for all Metro District employees will be at the prevailing rate of pay for equivalent work; and

WHEREAS, the Metro District 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 term "compensation" has been held to include all remuneration for services rendered by Metro District employees, including but not limited to wages; salaries; pensions; overtime; holiday and vacation pay; educational assistance; and health, dental, and life insurance; and

WHEREAS, in 2018, the Metro District hired a consultant, Gallagher Benefit Services, Inc. (Gallagher), to conduct a review of the Metro District's health and dental insurance benefits program in light of the statutory requirements; and

WHEREAS, for 2019, Gallagher has recommended the Metro District continue to contribute to the cost of health insurance and dental insurance in the same percentages as 2018, and has opined the contributions are within the prevailing range in the Denver metropolitan area; and

WHEREAS, the Operations and Finance Committees of the Metro District, after having reviewed the matter, recommend adopting the following health and dental insurance programs:

1. Health Insurance: Effective February 1, 2019, the Metro District will contribute 81 to 91 percent of the cost of employee-only coverage and 75 to 88 percent of the cost of two-person and family coverage, depending upon the health insurance plan chosen and the number of dependents covered; and
2. Dental Insurance: Effective February 1, 2019, the Metro District will contribute 70 percent of the cost of employee-only coverage and 56 percent of the cost of two-person and family coverage; 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 hereby determines the following funding distribution for the Metro District's health and dental insurance programs are necessary so the benefits package will meet the statutory mandate:

1. Health Insurance: Effective February 1, 2019, the Metro District will contribute 81 to 91 percent of the cost of employee-only coverage and 75 to 88 percent

of the cost of two-person and family coverage, depending upon the health insurance plan chosen and the number of dependents covered; and

2. Dental Insurance: Effective February 1, 2019, the Metro District will contribute 70 percent of the cost of employee-only coverage and 56 percent of the cost of two-person and family coverage.

The motion carried unanimously.

8.c Consideration of the Transmission System Modeling Support and Permanent Flow Monitoring Program Project (PAR 1239) – Construction Contract Award, Engineering Amendment, and Interceptor Infrastructure System Agreement Amendment

Director Mikesell moved and Director Schulte 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 and amend a professional services agreement for the Transmission System Modeling Support and Permanent Flow Monitoring Program Project (Project); and

WHEREAS, the Metro District's Transmission System consists of approximately 247 miles of gravity sewer lines and force mains, comprising nearly 4,000 structures, and the Metro District's Transmission System Hydraulic Model (Model) is a tool used for planning, design, and construction purposes, and its Interceptor Infrastructure System (IIS) serves as the primary repository of the Transmission System data; and

WHEREAS, permanent flow monitoring locations are needed in strategic locations to refine the Model and additional software support services are required to expand the capability of the Metro District's IIS Oracle Database; and

WHEREAS, in 2015 the Metro District entered an Agreement for Professional Services (Agreement) with Black & Veatch, Inc. (B&V) to perform hydraulic modeling services, as well as preliminary design, final design, and bidding service for both the pilot program and the permanent metering facilities; and

WHEREAS, in 2016 the Metro District installed five pilot metering facilities and based on the pilot program B&V finalized the design for fifteen permanent metering facilities; and

WHEREAS, in April 2016, the Metro District entered an Agreement with reVision Inc. (reVision) to perform software support services to complete improvements to the IIS Oracle Database; and

WHEREAS, on October 18, 2018, an invitation to bid was posted on Bidnet, which included the construction of the fifteen permanent metering facilities; and

WHEREAS, on November 14, 2018, the Metro District received two bids for construction work for this Project, with Metro District staff evaluating the bids and determining Glacier Construction Co., Inc. (Glacier) to be the lowest, responsible bidder in the amount of \$2,339,835; and

WHEREAS, based on B&V's performance on this Project, Metro District staff recommends amending the Agreement with B&V in the amount of \$258,210 to provide

construction engineering, resident engineering, and post-construction services for the Project and additional hydraulic modeling services; and

WHEREAS, based on reVision's performance on this Project, the District Manager plans to amend the Agreement with reVision in the amount of \$120,000 to provide the remaining IIS enhancements needed to support full integration with the Model, and additional funds are necessary for the amended Agreement; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend entering into a construction contract with Glacier in the amount of \$2,339,835 and amending the Agreement with B&V in the amount of \$285,210 to provide construction phase engineering services and additional hydraulic modeling services; 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 with Glacier Construction Co., Inc., in the amount of \$2,339,835 for the Transmission System Modeling Support and Permanent Flow Monitoring Program Project; and

BE IT FURTHER RESOLVED that the District Manager be and hereby is authorized to amend the Agreement for Professional Services with Black & Veatch, Inc., in the amount of \$258,210, to provide construction phase engineering services and additional hydraulic modeling services for this Project; and

BE IT FURTHER RESOLVED that \$3,033,000 (100 percent) be and hereby is appropriated from the General Fund Capital Project Account for this Project.

The motion carried unanimously.

8.d Consideration of the Robert W. Hite Treatment Facility Support Facilities Upgrade Project (PAR 1235) Construction Contract Award, Engineering Amendment, and Funding Appropriation

Director Mikesell moved and Director Schulte 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 and amend a professional services agreement for the Robert W. Hite Treatment Facility (RWHTF) Support Facilities Upgrade Project (Project); and

WHEREAS, in 2013, the Metro District conducted a comprehensive facility planning effort that (1) evaluated all RWHTF treatment, solids processing, and personnel facilities, through the next 20-year planning period; (2) considered current and future staffing levels, potential future use of facilities; and (3) looked at all RWHTF operations and support facilities to develop an integrated, whole-plant improvement plan to serve as the current management guide to address the support and personnel facilities; and

WHEREAS, the facility planning effort identified several RWHTF support facilities requiring extensive improvements and/or replacement to structures originally constructed between 1965 and 1992; and

WHEREAS, in December 2014, following standard Metro District consultant selection procedures, the Metro District entered into an Agreement for Professional Services (Agreement) with MWH Global Inc. [now Stantec Consulting Services Inc. (Stantec)] to perform preliminary design, final design, and bidding phase services for the Project, and final design was completed in August 2018; and

WHEREAS, because of the complexity of the Project, Stantec and Metro District staffs evaluated eleven general contractor prequalification applications of which five were prequalified to bid on the Project; and

WHEREAS, on November 7, 2018, the Metro District received bids from three of the five prequalified general contractors, with JHL Constructors, Inc. (JHL) being the lowest responsive, responsible bidder in the amount of \$42,388,435; and

WHEREAS, Stantec and Metro District Engineering Department staffs evaluated the bid and recommend awarding a contract to JHL; and

WHEREAS, based on Stantec's performance on the preliminary design, final design, and bidding phases of this Project, Metro District staff recommends amending Stantec's Agreement in the amount of \$4,370,615 to provide construction phase engineering services for the Project; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend entering into a construction contract with JHL, in the amount of \$42,388,435, and amending the Agreement with Stantec, in the amount of \$4,370,615, to provide construction phase engineering services; 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 with JHL Constructors, Inc., in the amount of \$42,388,435 for the Robert W. Hite Treatment Facility (RWHTF) Support Facilities Upgrade Project; and

BE IT FURTHER RESOLVED that the District Manager be and hereby is authorized to amend the Agreement for Professional Services with Stantec Consulting Services Inc., in the amount of \$4,370,615, to provide construction phase engineering services for this Project; and

BE IT FURTHER RESOLVED that \$15,464,400 (30 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund and \$36,083,600 (70 percent) be and hereby is appropriated from the General Fund Capital Project Account, for a total appropriation of \$51,548,000 for this Project.

The motion carried unanimously.

8.e Consideration of the In-Stream Temperature Habitat Improvements Project (PAR 1323) Construction Contract Award, Engineering Amendment, and Funding Appropriation

Director Mikesell moved and Director Schulte 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 In-Stream Temperature Habitat Improvements Project (Project); and

WHEREAS, the Colorado Department of Public Health and Environment's Water Quality Control Commission (Commission) has established water quality standards for temperature for South Platte River Segment 15 (Segment 15), and portions of Segment 15 do not attain these temperature standards; and

WHEREAS, in 2013, the Metro District conducted an Evaluation of Physical Changes to Segment 15 to Dissipate In-Stream Temperature Study to evaluate alternative approaches to decrease the water temperature of the South Platte River downstream of the Robert W. Hite Treatment Facility which concluded adding mixing features to the South Platte River would effectively lower the ambient water temperature in Segment 15; and

WHEREAS, the Project would add mixing features to improve the thermal mixing of the Metro District's effluent with Sand Creek and Clear Creek to lower the ambient water temperature in Segment 15; and

WHEREAS, in December 2017, Metro District staff selected CDM Smith, Inc. through a competitive selection process to provide preliminary design, final design, and bidding phase engineering services for the Project; and

WHEREAS, the Project work is unique, specialized, and will require South Platte River flow control, and the Metro District prequalified 14 contractors identified by the Urban Drainage and Flood Control District and posted an Invitation to Bid on October 23, 2018; and

WHEREAS, on November 6, 2018, five bids were received by prequalified contractors with 53 Corporation being the lowest responsive, responsible bidder; and

WHEREAS, CDM and Metro District staffs evaluated the bids and recommend awarding a construction contract to 53 Corporation in the amount of \$713,300; and

WHEREAS, based on CDM's performance on the preliminary design, final design, and bidding phases of this Project, the District Manager plans to amend the Agreement with CDM in the amount of \$87,030 to provide construction phase services, resident project services, and post-construction services, and additional funds are necessary for the amended Agreement; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend entering into a construction contract with 53 Corporation, in the amount of \$713,300, and appropriating \$1,263,000 (100 percent) from the General Fund Capital Project Account for this 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 with 53 Corporation, in the amount of \$713,300, for the In-Stream Temperature Habitat Improvements Project; and

BE IT FURTHER RESOLVED that \$1,263,000 (100 percent) be and hereby is appropriated from the General Fund Capital Project Account for this Project

The motion carried unanimously.

Roll Call Agenda

8.f Consideration of an Intergovernmental Agreement for Delgany Interceptor Facilities on the National Western Center Site

Director Younger moved and Director Brown 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 enter an Intergovernmental Agreement (IGA) between the Metro District and the City and County of Denver (Denver) regarding the optimization of the Delgany Interceptor facilities, including odor control and thermal energy use on the National Western Center (NWC) site; and

WHEREAS, in 2017, the Metro District's Board of Directors authorized the District Manager to enter a Memorandum of Understanding (MOU) to officially engage on elements of the NWC site redevelopment that could result in an optimal integration of Metro District infrastructure with the NWC Campus; and

WHEREAS, through work accomplished under the MOU, Metro District staff determined that redevelopment of the NWC site offers a timing and value opportunity on three interrelated infrastructure projects for the Metro District; and

WHEREAS, the Operations and Finance Committees of the Metro District, after having reviewed the matter, recommend the Metro District enter into the IGA with Denver; 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 enter into an Intergovernmental Agreement between the Metro District and the City and County of Denver, substantially in the form attached hereto as Exhibit A, and to execute all such other documents as may be necessary to accomplish such purposes on behalf of the Metro District.

Chairman Baertlein called for a roll call vote which carried with 35 Directors voting Yes:

Peter Baertlein
Charlie Brown
Phil Burgi
Nadine Caldwell
Phil Cipri
Thomas Colchin
David Councilman
John Dingess
George Dumas
Robert Duncanson
John Ennis
Stephen Gay

Mark Hunter
Joan Iler
Kathryn Jensen
Andrew Johnston
Janet Kieler
Craig Kocian
Ingrid Lindemann
Martin Majors
Jim McClung
Dan Mikesell
Claude Off
Christopher Pacheco

Barbara Puls
Bill Ray
Ronald Sanchez
Michael Sapp
Gerry Schulte
Delbert Smith
Peter Spanberger
Amerigo Svaldi
Dennis Towndrow
Scott Twombly
Ronald Younger

9. DIRECTOR RECOGNITION

Chairman Baertlein recognized Director Brown for his service to the Metro District and thanked him for 14 years of service as a member of the Board of Directors. Director Brown expressed his appreciation to serve on the Board through many significant events that occurred at the District. District Manager Conway also thanked Director Brown for his expertise. Director Kocian thanked Director Brown for his service to the District, but also his public service over the years.

10. INDIVIDUAL DIRECTOR COMMENTS

Director Dumas recommended all Directors read the book *Let There Be Water* by Seth M. Siegel.

Chairman Baertlein expressed appreciation for the Town Hall event in November and the effort and dedication of the Metro District staff.

11. OTHER INFORMATION

There was none.

12. ADJOURNMENT

The meeting adjourned at 6:08 p.m.

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