

# METRO WASTEWATER RECLAMATION DISTRICT

## Minutes of the Regular Meeting of the Board of Directors Tuesday, May 19, 2020

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 via a GoToMeeting in the Boardroom, 6450 York Street, Denver, Colorado, Tuesday, May 19, 2020 at 5:30 p.m.

Chairman Baertlein called the meeting to order.

### 1. OATH OF OFFICE

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

#### Appointed Director

#### Member Municipality

Deborah Crisp

East Lakewood Sanitation District

The following Directors have been reappointed by their Member Municipality for a two-year term of office that expires June 30, 2022.

#### Reappointed Director

#### Member Municipality

Joan Iler

Westridge Sanitation District

Del Smith

Bancroft-Clover Water and Sanitation District

Amerigo Svaldi

North Washington Street Water and Sanitation District

Scott Twombly

City of Thornton

### 2. ROLL CALL

Secretary Caldwell called the roll.

#### **Officers Present:**

Peter Baertlein, Denver

Chairman

Scott Twombly, Thornton

Chairman Pro Tem

Nadine Caldwell, Aurora

Secretary

Andrew Johnston, Denver

Treasurer

#### **Directors Present:**

Phil Burgi, Wheat Ridge

Dan Mikesell, Aurora

Philip Cipri, Berkeley

Sarah Niyork, South Adams

David Councilman, Pleasant View

Christopher Pacheco, Denver

Deborah Crisp, East Lakewood

Barbara Puls, Denver

John Dingess, Aurora

Bill Ray, Arvada

Robert Duncanson, Denver

Ronald Sanchez, Crestview

Stephen Gay, Westminster

Michael Sapp, Denver

Jo Ann Giddings, City of Aurora

Kim Schoen, Brighton

Mark Hunter, Lakewood  
Joan Iler, Westridge  
Kathryn Jensen, North Table Mountain  
Janet Kieler, Denver  
Bob LeGare, Aurora  
Charles Long, Thornton  
Martin Majors, Fruitdale

Greg Sekera, Lakewood  
Del Smith, Bancroft-Clover  
Peter Spanberger, Denver  
Mary Beth Susman, Denver  
Amerigo Svaldi, North Washington Street  
Dennis Towndrow, North Pecos  
Ronald Younger, Denver

**Directors Absent:**

Craig Kocian, Arvada  
Steve Pott, Applewood

**Others Present:**

Mickey Conway  
Robert Thomas  
Dawn Ambrosio  
Emily Jackson  
Molly Kostelecky  
Ruth Kedzior  
Yvonne Kohlmeier  
Lydia Nkem  
Brittany Peshek

District Manager  
Deputy District Manager/Director Environmental Services  
Director of Strategy and Communication  
General Counsel  
Director of Administrative Services  
Assistant to the District Manager  
Administrative Assistant  
Executive Assistant  
Administrative Analyst

**3. PUBLIC COMMENT**

There was none.

**4. APPROVAL OF MINUTES**

Chairman Baertlein appointed Director LeGare to make motions and Director Niyork to make seconds throughout the Board of Directors meeting.

**4.a. Minutes of the Board of Directors Meeting on April 21, 2020**

Chairman Baertlein asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held April 21, 2020.

Director LeGare moved and Director Niyork seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held April 21, 2020.

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

**5.a Report by District Manager**

District Manager Conway reviewed his written report, highlighting the Metro District's continued participation with Biobot Analytics, Inc. in analyzing and tracking ribonucleic acid (RNA) in wastewater. Mr Conway said this nationwide study has been brought to the attention of John Putman at the Colorado Department of Public Health and Environment (CDPHE), and a program may be created in Colorado to support

increased sampling across the state to identify hotspots and flareups closer to real time. He also remarked on the positive relationship between the District and CDPHE.

Mr. Conway gave a positive update on Metro District operations citing excellent effluent quality, healthy employees and an increase in onsite staffing levels to maintain workloads, which is now up to 50 percent of staff.

Mr. Conway explained exploring possible virtual options for a larger scale staff gathering later this summer in place of the joint all-employee Field Day and Town Hall.

Mr. Conway responded to questions on the distinction between RNA data and transmission of COVID-19 in wastewater, RNA testing results, the disinfectant programs at Robert W. Hite Treatment Facility and Northern Treatment Plant, staff overtime, and personnel cost. He also stated Excel Energy had been contacted regarding the heat recovery program.

**5.b Report by General Counsel**

General Counsel Jackson stated there are currently no active litigation updates.

**6. REPORTS OF OFFICERS AND COMMITTEES**

**6.a Appointment of Nominating Committee**

Chairman Baertlein reported his appointment to the Nominating Committee – Directors Long (Chairman), Giddings, Jensen, Ray, and Spanberger. The Committee will announce its recommended slate of Officers at the June Board meeting and the election will be held in July.

**6.b Meeting Minutes**

There were no additions to the following meeting minutes:

Special Executive Committee	April 22, 2020
Operations Committee	May 5, 2020
Finance Committee	May 7, 2020
Executive Committee	May 12, 2020

**7. NEW BUSINESS**

**7.a Hearing for the Metro District’s Preliminary 2021 Budget**

Chairman Baertlein opened the Hearing of the 2021 Preliminary Budget at 5:45 p.m. to allow for questions and comments from holders of any security issues by the Metro District. There were no questions or comments. Chairman Baertlein closed the Hearing and reconvened the Regular Meeting of the Board of Directors at 5:46 p.m.

**7.b Consideration of Designating a Memorial Resolution for Lewis Short**

Director LeGare moved and Director Niyork seconded the motion to adopt the following resolution:

WHEREAS, Lewis Short passed away on April 6, 2020. Mr. Short was a valued member of the Board of Directors of the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," representing the city of Lakewood from November 1979 to June 2009; and

WHEREAS, during his term on the Board of Directors, Mr. Short was most diligent and faithful to the duties he assumed; and

WHEREAS, he served on the Audit, American Metropolitan Sewerage Agencies Publication, Annual Charges, Board Activities, Bond Advisory, Effluent Management, Executive, Finance, Future Programs, Manager's Review, Nitrification Alternatives, Nominating, Planning Advisory, Policy Review, Retirement Board, Stream Standards committees; and

WHEREAS, he served as Chairman of the Annual Charges Committee from 1981 to 1983, Chairman of the Stream Standards Committee from 1985 to 1988, Chairman of the Board Activities Committee from 1988 to 1989, Chairman of the Finance Committee from 1989 to 1991, and Chairman of the Nominating Committee in 1999 and 2007; and

WHEREAS, the Metro District was very fortunate to have the expertise Mr. Short so willingly and unselfishly gave to the Metro District and his community;

NOW, THEREFORE, BE IT RESOLVED the Board of Directors and staff of the Metro Wastewater Reclamation District do hereby record its deep sorrow in the loss of its former member, Lewis Short, remembering him as a friend and a devoted Director, and by the adoption of this Resolution in his memory express our deep sympathy to the members of his family; and

BE IT FURTHER RESOLVED a copy of this Resolution be sent to his family.

The motion carried unanimously.

Chairman Baertlein expressed his appreciation for Mr. Short's many contributions to the Metro District. Director Burgi remarked on how Mr. Short's business acumen and wisdom was a benefit to the Board.

## **Consent Agenda**

### **7.d Consideration of Force Main and Siphon Condition Assessment and Cleaning Project**

Director LeGare moved and Director Niyork 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 into a construction contract for completion of the Force Main and Siphon Condition Assessment and Cleaning Project (Project); and

WHEREAS, the 2013 Facility Plan identified a portion of the pressurized pipelines including force mains and inverted siphons (Unassessed Pressurized Pipelines) in the Transmission System that have never been inspected to assess the condition of these pipelines, which may be in need of cleaning or rehabilitation; and

WHEREAS, it was necessary to complete an assessment of the condition of the unassessed pressurized pipelines, which required specialized skills and equipment; and

WHEREAS, the Metro District selected Brown and Caldwell (B&C) to provide a condition assessment of the Unassessed Pressurized Pipelines and provide preliminary design, final design, and bidding phase services necessary to support and deliver the Project; and

WHEREAS, B&C completed the inspection and assessment of only the high priority Unassessed Pressurized Pipelines in 2016, and based on this work the rehabilitation and cleaning of the Central Denver Interceptor Siphon was included in the Interceptor Rehabilitation 2018-2019 Project (PAR 1332); and

WHEREAS, B&C completed the inspection and assessment of the low priority unassessed pressurized pipelines in 2018-2019 and prepared a comprehensive condition assessment report, including the recommendation to rehabilitate and clean certain Unassessed Pressurized Pipes; and

WHEREAS, pursuant to the bid process in Metro District's *Purchasing and Contracting Policies*, an invitation to bid was posted in January 2020, and Doetsch Environmental (Doetsch) was determined to be the lowest responsive, responsible bidder; and

WHEREAS, Metro District staff recommends amending the Professional Services Agreement with B&C in the amount of \$443,000 to provide construction phase engineering services for the Project; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to enter into a construction contract with Doetsch in the amount of \$5,185,585 for completion of the Project and amend the Professional Services Agreement with B&C in the amount of \$443,000 to provide construction phase engineering services 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 the District Manager be and hereby is authorized to enter into a construction contract with Doetsch Environmental in the amount of \$5,185,585 for completion of the Force Main and Siphon Condition Assessment and Cleaning Project (Project) and amend the Professional Services Agreement with Brown and Caldwell in the amount of \$443,000 to provide construction phase engineering services for this Project; and

BE IT FURTHER RESOLVED the sum of \$6,166,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this Project.

The motion carried unanimously.

**7.e Consideration of Heating Ventilation and Air Conditioning Control System Maintenance -Trane**

Director LeGare moved and Director Niyork 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 into a contract for maintenance services for the Metro District's heating, ventilation, and air conditioning (HVAC) systems; and

WHEREAS, the Metro District manages HVAC systems for office buildings and numerous plant buildings using Trane U.S. Inc.'s (Trane) HVAC Control System (HCS) which allows the District to monitor and control HVAC operations remotely using computers; and

WHEREAS, in 2017, the Metro District began migrating from Johnson Controls Network Automation Engine/Network Control Module (NAE/NCM) building controllers and Metasys software to Trane controllers and the overarching Trane Ensemble software and, in the fall of 2018, entered into an annual contract with Trane for routine remote and on-site support of troubleshooting and programming needs; and

WHEREAS, this contract with Trane for both the Robert W. Hite Treatment Facility (RWHTF) and Northern Treatment Plant (NTP) HVAC services expires on May 31, 2020; and

WHEREAS, Metro District staff recommends entering into a contract with Trane for HVAC control system maintenance for the RWHTF and NTP; and

WHEREAS, the Operations and Finance committees of the Metro District, after having reviewed the matter, recommend the Board of Directors authorize the District Manager to enter into a one-year contract with Trane for HCS maintenance for the RWHTF and NTP for an estimated amount of \$57,587, authorize the District Manager to enter into additional contract periods, not exceeding a total of five years, if he deems

such extensions to be in the best interest of the Metro District, and approve additional services for the upgrade of the obsolete Johnson Controls NAE/NCM controllers up to the amount of \$75,000 over the five-year period for a total not-to-exceed amount of \$380,735; and

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

NOW, THEREFORE, BE IT RESOLVED the District Manager be and hereby is authorized to enter into a one-year contract with Trane U.S. Inc. for heating, ventilation, and air conditioning control system maintenance for the Robert W. Hite Treatment Facility and Northern Treatment Plant for an estimated amount of \$57,587, and enter into additional contract periods, not exceeding a total of five years, if he deems such extensions to be in the best interest of the Metro District, and approve additional services for the upgrade of the obsolete Johnson Controls Network Automation Engine/Network Control Module controllers up to the amount of \$75,000 over the five-year period for a total not-to-exceed amount of \$380,735.

The motion carried unanimously.

#### **7.f Consideration of 2020 Annual Fixed Asset Replacement Priorities Project**

Director LeGare moved and Director Niyork 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 replace fixed assets at the Robert W. Hite Treatment Facility which have reached the end of their useful life to ensure reliable, effective, and efficient process treatment; and

WHEREAS, in 2019, the Metro District formed an Asset Management Workgroup to evaluate and prioritize in-kind fixed-asset replacements with an emphasis on the highest-priority replacements; and

WHEREAS, the Asset Management Workgroup identified that creating a Fixed Asset Replacement Priorities Project executed through job order contracting would be the best way to accomplish timely and prioritized asset replacements; and

WHEREAS, pursuant to the Metro District's *Purchasing and Contracting Policies*, the Metro District selected Moltz Construction, Inc. (Moltz) to provide civil/mechanical construction work for the 2020 Annual Fixed Asset Replacement (FAR) Priorities Project (Project); and

WHEREAS, pursuant to the Metro District's *Purchasing and Contracting Policies*, the Metro District selected Sturgeon Electric Company, Inc. (Sturgeon) to provide electrical construction work for the Project; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to enter into a one-year Job Order Contracting (JOC) Services Agreement with Moltz to provide civil/mechanical construction work for the Project for a not-to-exceed amount of \$900,000, enter into a

one-year JOC Services Agreement with Sturgeon to provide electrical construction work for the Project for a not-to-exceed amount of \$3.5 million, and enter into an additional one-year contract period with both Moltz and Sturgeon for a total combined, not-to-exceed amount of \$5 million, contingent upon a new appropriation of funds, if it is determined by the District Manager to be in the best interest of 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 the District Manager be and hereby is authorized to enter into a one-year Job Order Contracting (JOC) Services Agreement with Moltz Construction, Inc. (Moltz) to provide civil/mechanical construction work for the 2020 Annual Fixed Asset Replacement (FAR) Priorities Project (Project) for a not-to-exceed amount of \$900,000, enter into a one-year JOC Services Agreement with Sturgeon Electric Company, Inc. (Sturgeon) to provide electrical construction work for the Project for a not-to-exceed amount of \$3.5 million, for a total combined, not-to-exceed amount of \$5 million; and

BE IT FURTHER RESOLVED that the District Manager is authorized to enter into an additional one-year contract period with both Moltz and Sturgeon, contingent upon a new appropriation of funds, if it is determined by the District Manager to be in the best interest of the Metro District; and

BE IT FURTHER RESOLVED that \$5 million (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for these purposes.

The motion carried unanimously.

**7.g Consideration of Grace Period for Interest Charges Under Connector Contracts Due to COVID-19**

Director LeGare moved and Director Niyork 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 provide a temporary five-business-day grace period on payment due dates for the Annual Charges for Service (Annual Charges) and Sewer Connection Charges (SCCs) for payments due to the Metro District between March 1 and December 31, 2020; and

WHEREAS, the Metro District's *Sewage Treatment and Disposal Agreement (Service Contract)*, *Special Connectors Agreement*, *Rules and Regulations Governing Operation, Use, and Services of the System (Rules and Regulations)*, and bond documents obligate Member Municipalities and Special Connectors (Connectors) to make payments related to Annual Charges and SCCs to the Metro District no later than certain dates specified in the contract documents; and

WHEREAS, if any payments are not made by the due date, the Metro District shall charge interest with rates at one (1) percent per month in the Service Contract and one and a half (1.5) percent per month in the Special Connectors Agreement; and



WHEREAS, in late March 2020, the state of Colorado and many local governments responded to the World Health Organization's (WHO) announcement of the global COVID-19 pandemic by issuing Stay at Home Orders (Orders) and the Metro District and many of its Connectors took unprecedented and extraordinary measures to ensure social distancing by implementing work-from-home programs and adjusting work schedules; and

WHEREAS, the processing of routine work for Connectors has become less efficient and more onerous; therefore, Metro District staff recommends providing a five-business-day grace period from the Annual Charges and SCC payment due dates by explicitly agreeing to waive the strict payment deadlines in the contracts for payments due to the District between March 1 and December 31, 2020; and

WHEREAS, a notice will be sent to all Connectors informing them the Metro District expects payment by the due dates, but will provide a five-business-day grace period due to the COVID-19 pandemic; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager to provide a temporary five-business-day grace period on payment due dates for the Annual Charges and SCCs for payments due to the Metro District between March 1 and December 31, 2020 and assess interest payments under Section 610 of the Service Contract and Special Connector Agreement on the sixth business day thereafter; and

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

NOW, THEREFORE, BE IT RESOLVED the District Manager is authorized to provide a temporary five-business-day grace period on payment due dates for the Annual Charges for Service and Sewer Connection Charges for payments due to the Metro District between March 1 and December 31, 2020 and assess interest payments under Section 610 of the Metro District's *Sewage Treatment and Disposal Agreement* and *Special Connector Agreement* on the sixth business day thereafter.

The motion carried unanimously.

### **Roll Call Agenda**

#### **7.c Consideration of Proposed Amendments to the Rules and Regulations Section 6**

Director Smith moved and Director Niyork seconded the motion to adopt the following resolution:

WHEREAS, it is necessary for the Metro Wastewater Reclamation District, hereinafter referred to as the "Metro District," to adopt amendments to Section 6 of the *Metro Wastewater Reclamation District Rules and Regulations Governing Operation, Use, and Services of the System* (Rules and Regulations or Rules); and

WHEREAS, the Rules and Regulations, initially issued in March 1971, govern the operation, use, and services of the Metro District's system; and

WHEREAS, any amendments or revisions to the Rules must be approved by the Board of Directors, and revisions to certain Sections within the Rules must be approved by the U.S. Environmental Protection Agency (EPA) to meet the requirements of the District's EPA-approved Industrial Pretreatment Program (IPP), and

WHEREAS, the Colorado Discharge Permit System (CDPS) wastewater discharge permits issued to the Metro District by the Colorado Department of Public Health and Environment (CDPHE) for both the Robert W. Hite Treatment Facility and Northern Treatment Plant require a technical evaluation of the local limits be completed and submitted to the EPA by July 1, 2020 to meet CDPS permit and EPA pretreatment program implementation requirements; and

WHEREAS, Metro District staff completed the evaluation, and the revisions of Section 6.18.1 Metro District's Limitations (local limits) represent changes necessary based on this work; and

WHEREAS, other changes to the Rules and Regulations are intended to clarify and refine existing language to benefit the Metro District's implementation of the IPP; and

WHEREAS, Metro District staff recommends amending the Rules and Regulations to (1) update the Metro District's Specific Discharge Limitations; (2) clarify existing language and better align language with current District implementation practices; and (3) refine applicability of certain federal pretreatment program requirements to the District's IPP implementation; and

WHEREAS, the Operations and Finance committees of the Metro District, having reviewed the matter, concur with the recommendation of Metro District staff; and

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

NOW, THEREFORE, BE IT RESOLVED amendments to Section 6 of the Metro District's *Metro Wastewater Reclamation District Rules and Regulations Governing Operation, Use, and Services of the System* (Rules and Regulations or Rules) attached hereto be and hereby are adopted and incorporated into the Rules and Regulations of the Metro District; and

BE IT FURTHER RESOLVED the effective date for Section 6 of the Metro District's Rules and Regulations be and hereby is effective upon U.S. Environmental Protection Agency (EPA) approval.

Chairman Baertlein called for a roll call vote which carried with 33 Directors voting Yes:

Peter Baertlein	Joan Iler	Ronald Sanchez
Phil Burgi	Kathryn Jensen	Michael Sapp
Nadine Caldwell	Andrew Johnston	Kim Schoen
Phil Cipri	Janet Kieler	Greg Sekera
David Councilman	Bob LeGare	Del Smith
Deborah Crisp	Charles Long	Peter Spanberger
John Dingess	Martin Majors	Mary Beth Susman
Robert Duncanson	Dan Mikesell	Amerigo Svaldi
Stephen Gay	Sarah Niyork	Dennis Towndrow
Jo Ann Giddings	Barbara Puls	Scott Twombly
Mark Hunter	Bill Ray	Ronald Younger

#### **8. INDIVIDUAL DIRECTOR COMMENTS**

There was none.

#### **9. OTHER INFORMATION**

Chairman Baertlein and District Manager Conway discussed the limitations for group meetings as a result of the governor's order, what the next phase in the Metro District recovery plan might look like, and how certain citizens deemed vulnerable have been requested to continue working remotely for safety and health reasons. Chairman Baertlein asked for input from Directors and District staff on different meeting ideas and approaches to getting back to normal moving forward.

#### **10. ADJOURNMENT**

Chairman Baertlein adjourned the meeting at 6:25 p.m.

MC:rak/yjk