

# METRO WATER RECOVERY

## Minutes of the Regular Meeting of the Board of Directors

September 20, 2022

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, September 20, 2022 at 5:30 p.m. in the Boardroom.

Chair Johnston 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 expiring June 30, 2024.

#### Appointed Director

Charlie Miller

#### Member Municipality

City of Fort Lupton

### 2. ROLL CALL

Secretary Giddings called the roll.

#### **Officers Present:**

Andrew Johnston, Denver  
Sarah Niyork, South Adams  
Jo Ann Giddings, Aurora  
Del Smith, Bancroft-Clover

Chair  
Chair Pro Tem  
Secretary  
Treasurer

#### **Directors Present:**

Curt Aldstadt, Westminster  
Peter Baertlein, Denver  
Phil Burgi, Wheat Ridge\*  
Nadine Caldwell, Aurora  
John Chavez, Berkeley  
Deborah Crisp, East Lakewood  
Clark Davenport, Northwest Lakewood  
James DeHerrera, Aurora  
Robert Duncanson, Denver\*  
Joan Iler, Westridge  
Janet Kieler, Denver\*  
Craig Kocian, Arvada  
Laura Kroeger, Lakewood  
Kathy Laurienti, Crestview  
Doug Lazure, Denver

Bob LeGare, Aurora  
Charles Long, Thornton  
Martin Majors, Fruitdale\*  
Charlie Miller, Fort Lupton\*  
Jamie Miller, North Table Mountain  
Steve Pott, Applewood  
Bob Roth, Aurora\*  
Greg Sekera, Lakewood  
Peter Spanberger, Denver  
Mary Beth Susman, Denver  
Amerigo Svaldi, North Washington Street  
Dennis Towndrow, North Pecos  
Scott Twombly, Thornton  
Jennifer Williams, Denver\*  
Ronald Younger, Denver

#### **Directors Absent:**

Greg Baker, Aurora  
David Councilman, Pleasant View

Marv Falconburg, Brighton  
Bill Ray, Arvada

**Others Present:**

Mickey Conway

Emily Jackson

Ruth Kedzior\*

Yvonne Kohlmeier

Lydia Nkem

Brittany Peshek\*

\*Attended virtually

Chief Executive Officer (CEO)

General Counsel

Assistant to the CEO

Senior Administrative Assistant

Executive Assistant

Administrative Analyst

**3. PUBLIC COMMENT**

There was no comment.

**4. APPROVAL OF MINUTES**

4.a Minutes of the Board of Directors Meeting on August 16, 2022

Chair Johnston asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held August 16, 2022.

Director Baertlein moved and Director Iler seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held August 16, 2022.

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

5.a Report by CEO

CEO Conway reviewed his written report, highlighting Metro Water Recovery recently being awarded the Silver Excellence in Management Award by the National Association of Clean Water Agencies (NACWA) and the Champion of Well-Being Leader Award by Health Links™ and the Operations Challenge team qualifying for the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) this October. Mr. Conway stated the METROGRO Farm tour scheduled for September 21<sup>st</sup> was cancelled due to inclement weather and reminded Directors of two upcoming events – the Fall Board Workshop on October 27, 2022 at the Northern Treatment Plant and the Town Hall at the Robert W. Hite Treatment Facility on November 9, 2022.

5.b Report by General Counsel

General Counsel Jackson provided an update on the recent developments on new litigation filed by MWH Contractors concerning delays to the Solids Processing Building Improvements Project and the public comment letter submitted to the Water Quality Control Commission (WQCC) regarding the September 2022 Regulation #38 Rulemaking.

Ms. Jackson answered questions on the response timeline from Metro Water Recovery's submitted public comments and whether the Environmental Protection Agency (EPA) will move in the same direction.

## 6. REPORTS OF OFFICERS AND COMMITTEES

### 6.a Meeting Minutes

There were no additions to the following meeting minutes:

Defined Benefit Retirement Board	May 26, 2022
Defined Contribution Retirement Board	May 26, 2022
Operations Committee	September 6, 2022
Finance Committee	September 8, 2022
Executive Committee	September 13, 2022

Chair Johnston reminded Directors the next Strategic Planning Committee meeting will be held on October 6, 2022 from 9 a.m. to 1 p.m.

## 7. NEW BUSINESS

### Consent Agenda

#### 7.a Consideration of Resolution Recognizing Employees' Years of Service

Director Aldstadt moved and Director Laurienti seconded the motion to adopt the following resolution:

WHEREAS, by the year ending December 31, 2022, certain employees of Metro Water Recovery will have completed five, ten, fifteen, twenty, twenty-five, and thirty-five years of faithful service on behalf of Metro Water Recovery and the people of the Denver metropolitan area; and

WHEREAS, it is right and proper such loyal service be recognized by the Board of Directors on behalf of the people served by Metro Water Recovery;

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of Metro Water Recovery by this resolution hereby recognizes the loyal and faithful service rendered by:

<i>James E Hudak</i>	<b><u>35 YEARS OF SERVICE</u></b> <i>Ronald K Motooka</i>	<i>Rob R White</i>
<i>Earl L Green</i>	<b><u>25 YEARS OF SERVICE</u></b>	<i>Sean Rutt</i>
<i>Douglas J Connolly</i> <i>Steve E Lundt</i> <i>Kisha L Ortiz</i>	<b><u>20 YEARS OF SERVICE</u></b> <i>Troy G Gottschalk</i> <i>Lisa M O'Brien</i> <i>Suzanne E Renter</i>	<i>Rodney W Kemper</i> <i>Michael P O'Mara</i> <i>Georgina Valadez</i>
<i>Kenneth R Betts</i>	<b><u>15 YEARS OF SERVICE</u></b> <i>Amy L Burk</i>	<i>Kelly D Cisneros</i>

*Joshua D Malloreay*

*Dan J Pointon*

*Judy A White*

**10 YEARS OF SERVICE**

*Scott A Ast  
Christopher W Ernst  
Denise C Manguso  
Scott W Reed  
Orren E West*

*Kevin W Cline  
James C Halliwell  
Matthew W Mullins  
Obed Rodriguez-Sarmiento*

*Adam R Dyche  
James P Jackson  
Ian E Myers  
Elisabeth A Werth  
Jason J Zimbelman*

**5 YEARS OF SERVICE**

*Hassan E AISai  
Rachel J Bowden  
Caleb A Frandsen  
Salina M Jenkins  
Nathan E Reichner*

*Dawn M Ambrosio  
Colleen M Dempsey  
Brian L Haggerty  
Tyson L Johnecheck  
Jennifer T Robinett*

*Todd A Bezerra  
Donald L Ekstein  
Joseph A Helbok  
Jason Lee  
William O Whitley*

BE IT FURTHER RESOLVED awards and certificates of five, ten, fifteen, twenty, twenty-five, and thirty-five years of service be tendered to the above-named employees to express the appreciation of this Board of Directors and the people whom it represents.

The motion carried unanimously.

**7.b Consideration of Resolution Recognizing Directors' Years of Service**

Director Aldstadt moved and Director Laurienti seconded the motion to adopt the following resolution:

WHEREAS, by the year ending December 31, 2022, certain members of the Board of Directors of Metro Water Recovery will have completed five and ten years of faithful service on behalf of Metro Water Recovery; and

WHEREAS, it is right and proper such loyal service be recognized by the Board of Directors on behalf of the people served by Metro Water Recovery;

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of Metro Water Recovery by this Resolution recognizes the loyal and faithful service rendered by:

**TEN YEARS OF SERVICE**

*David Councilman, Pleasant View Water and Sanitation  
District*

*Scott Twombly, City of Thornton*

**FIVE YEARS OF SERVICE**

*Bill Ray, City of Arvada*

*Peter Spanberger, City and County of Denver*

BE IT FURTHER RESOLVED certificates of five and ten years of service be tendered to the above-named Directors to express the appreciation of Metro Water Recovery Board of Directors and the people to whom it represents

The motion carried unanimously.

### **Roll Call Agenda**

#### **7.c Consideration of Northern Treatment Plant Effluent Temperature Project (PAR 1416) Job Order Contracting Services Agreement and Appropriation**

Director Younger moved and Director Twombly 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 a Job Order Contracting (JOC) Agreement for preconstruction and construction services for the Northern Treatment Plant (NTP) Effluent Temperature Project (Project); and

WHEREAS, Metro staff are working toward the objective of meeting the temperature reduction requirements at both the Robert W. Hite Treatment Facility (RWHTF) and NTP; and

WHEREAS, since there are currently no known wastewater facilities in cold weather climates employing cooling tower technology for effluent temperature reduction and no Water Quality Control Division (WQCD) approved design criteria, Metro staff will use this Project to determine whether this is a viable solution for thermal pollution reduction in this region; and

WHEREAS, if shown to be technically, environmentally, and economically feasible, the data collected during the Project will facilitate the design of these cooling systems and help optimize the operation and maintenance of effluent cooling systems for both the RWHTF and NTP; and

WHEREAS, on June 30, 2022, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for preconstruction and construction services for the Project, and received one proposal on July 28, 2022; and

WHEREAS, through a standard selection process, the proposal was reviewed by Metro staff, and the firm was invited to participate in an interview on August 17, 2022, with a Selection Committee of Metro staff and Board Directors; and

WHEREAS, the Selection Committee recommended selecting Hensel Phelps (Hensel) to provide preconstruction and construction services for the Project and, on behalf of the Board of Directors, Directors on the Selection Committee instructed staff to negotiate an agreement; and

WHEREAS, Metro staff has negotiated a JOC Agreement with Hensel not-to-exceed \$800,000, to provide preconstruction and construction services through issuance of individual Task Orders for the Project; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a JOC Agreement with Hensel not-to-exceed \$800,000 to provide preconstruction and construction services through issuance of individual Task Orders for the Project, and appropriate \$1,140,000 from the General Fund Capital Project Account for these purposes; 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 Job Order Contracting Agreement with Hensel Phelps not-to-exceed \$800,000 to provide preconstruction and construction services through issuance of individual Task Orders for the Northern Treatment Plant Effluent Temperature Project (Project); and

BE IT FURTHER RESOLVED the sum of \$1,140,000 (100 percent) from the General Fund Capital Project Account be and hereby is appropriated for this Project.

Chair Johnston called for a roll call vote which carried with 34 Directors voting Yes:

Curt Aldstadt	Janet Kieler	Steve Pott
Peter Baertlein	Craig Kocian	Bob Roth
Phil Burgi	Laura Kroeger	Greg Sekera
Nadine Caldwell	Kathy Laurienti	Del Smith
John Chavez	Doug Lazure	Peter Spanberger
Deborah Crisp	Bob LeGare	Mary Beth Susman
Clark Davenport	Charles Long	Amerigo Svaldi
James DeHerrera	Martin Majors	Dennis Towndrow
Robert Duncanson	Charlie Miller	Scott Twombly
Jo Ann Giddings	Jamie Miller	Jennifer Williams
Joan Iler	Sarah Niyork	Ronald Younger
Andrew Johnston		

## **8. INDIVIDUAL DIRECTOR COMMENTS**

There was none.

## **9. OTHER INFORMATION**

There was none.

## **10. ADJOURNMENT**

Chair Johnston adjourned the meeting at 5:47 p.m.

MC\raklyjk