

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

January 17, 2023

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, January 17, 2023 at 5:30 p.m. in the Boardroom.

Chair Johnston called the meeting to order.

1. 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*
Greg Baker, Aurora*
Phil Burgi, Wheat Ridge
Nadine Caldwell, Aurora
John Chavez, Berkeley
David Councilman, Pleasant View
Deborah Crisp, East Lakewood
Clark Davenport, Northwest Lakewood
James DeHerrera, Aurora
Robert Duncanson, Denver*
Mary Gearhart, Denver*
Joan Iler, Westridge
Janet Kieler, Denver*
Laura Kroeger, Lakewood
Kathy Laurienti, Crestview*

Doug Lazure, Denver*
Bob LeGare, Aurora
Martin Majors, Fruitdale*
Charlie Miller, Fort Lupton*
Jamie Miller, North Table Mountain*
Steve Pott, Applewood*
Bill Ray, Arvada
Bob Roth, Aurora*
Kim Schoen, Brighton*
Greg Sekera, Lakewood*
Peter Spanberger, Denver*
Mary Beth Susman, Denver
Dennis Towndrow, North Pecos
Scott Twombly, Thornton
Jennifer Williams, Denver*

Directors Absent:

Craig Kocian, Arvada
Charles Long, Thornton
*Attended virtually

Amerigo Svaldi, North Washington Street
Ronald Younger, Denver

Others Present:

Mickey Conway
Emily Jackson
Liam Cavanaugh
Ruth Kedzior
Yvonne Kohlmeier
Lydia Nkem

Chief Executive Officer (CEO)
General Counsel
Deputy CEO/Chief Operating Officer (COO)
Assistant to the CEO
Senior Administrative Assistant
Executive Assistant

2. PUBLIC COMMENT

There was no comment.

3. APPROVAL OF MINUTES

3.a Minutes of the Board of Directors Meeting on December 20, 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 December 20, 2022.

Director Councilman moved and Director Davenport seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held December 20, 2022.

The motion carried unanimously.

4. PROGRESS AND PROJECTION REPORTS

4.a Report by CEO

CEO Conway reviewed his written report, highlighting the interim 2023 Strategic Plan goals, the upcoming Annual Charge presentations available to Connectors, and his participation in Metro Talks with employees, and he appreciated the employees who worked during the polar vortex event in December.

Director Kroeger expressed appreciation on behalf of the entire Board of Directors for the effort made by the polar vortex crews, and Mr. Cavanaugh stated he would pass the message along.

4.b Report by General Counsel

General Counsel Jackson provided an update on the recent litigation developments and the requirement for Metro Water Recovery to monitor for per- and polyfluoroalkyl substances (PFAS) in biosolids.

Ms. Jackson and CEO Conway responded to a question regarding how much PFAS testing will cost.

5. REPORTS OF OFFICERS AND COMMITTEES

5.a Strategic Planning Committee

Director Kroeger gave an update on the schedule for completing the updated Strategic Plan.

5.b Meeting Minutes

There were no additions to the following meeting minutes:

| | |
|----------------------|------------------|
| Operations Committee | January 3, 2023 |
| Finance Committee | January 5, 2023 |
| Executive Committee | January 10, 2023 |

6. NEW BUSINESS

Consent Agenda

6.a Consideration of Designation of Place for Posting Meeting Notices

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

WHEREAS, the Colorado Open Meetings Law, C.R.S. § 24-6-402(2)(c), requires Metro Water Recovery, hereinafter referred to as “Metro,” to designate the public place for posting meeting notices at its first regular meeting of each calendar year; and

WHEREAS, Metro staff recommends the lighted, glass-enclosed bulletin board located at the turnaround outside of the security guard house at the main entrance to the Metro facility located at 6450 York Street, Denver, Colorado, be designated as the public place for posting meeting notices; and

WHEREAS, the Operations, Finance, and Executive committees, after having reviewed the matter, concur in the recommendation of staff;

NOW, THEREFORE, BE IT RESOLVED the lighted, glass-enclosed bulletin board located at the turnaround outside of the security guard house at the main entrance to the Metro Water Recovery facility located at 6450 York Street, Denver, Colorado, be and hereby is designated as the public place for posting meeting notices.

The motion carried unanimously.

6.b Consideration of North Secondary Upgrades and Intensification Project (PAR 1411) Preconstruction Services Agreement and Appropriation

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

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as “Metro,” enter into an Agreement for preconstruction phase services for the North Secondary Upgrades and Intensification Project (PAR 1411) (Project); and

WHEREAS, the North Secondary Complex (NSEC) was part of the original “Central Treatment Plant” construction in the mid-1960s and is approaching its process capacity; and

WHEREAS, to address the capacity issue in the NSEC, it is necessary to replace aging fixed assets in the NSEC and implement the densified activated sludge (DAS) process, also referred to as “densification”, to increase the NSEC treatment capacity without constructing additional aeration basins and clarifiers; and

WHEREAS, on September 26, 2022, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for the preconstruction phase services for the Project, and received four proposals on November 4, 2022; and

WHEREAS, through a standard Construction Manager-At-Risk selection process, the proposals were reviewed by Metro staff, and two firms were invited to participate

in interviews on December 7, 2022, with a Selection Committee of Metro staff and Board Directors; and

WHEREAS, the Selection Committee recommended selecting PCL Construction, Inc. (PCL) to provide preconstruction phase 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 an agreement with PCL in the amount of \$1,459,000 to provide preconstruction phase services for the Project; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Agreement with PCL in the amount of \$1,459,000 to provide preconstruction phase services 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 the Chief Executive Officer be and hereby is authorized to enter into an Agreement with PCL Construction, Inc. in the amount of \$1,459,000 to provide preconstruction phase services for the North Secondary Upgrades and Intensification Project (PAR 1411); and

BE IT FURTHER RESOLVED the sum of \$1,615,000 be and hereby is appropriated for this Project, 90 percent from the Fixed Asset Replacement Fund Capital Project Account and ten percent from the General Fund Capital Project Account.

The motion carried unanimously.

6.c Consideration of Rules and Regulations Significant Industrial User Definition Update

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

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as "Metro," update the Significant Industrial User (SIU) definition in *Metro Water Recovery's Rules and Regulations Governing the Operation, Use, and Services of the System (Rules and Regulations)*; and

WHEREAS, through implementation of the Pretreatment Program, Metro staff discovered its definition of SIU in its *Rules and Regulations* does not match the federal definition, and to remain consistent with federal program, the *Rules and Regulations* must be updated; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to update the definition of SIU in the *Rules and Regulations* to match the federal definition; 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 2 of *Metro Water Recovery's Rules and Regulations Governing the Operation, Use, and Services of the System (Rules and Regulations)* attached hereto be and hereby are adopted and incorporated into the *Rules and Regulations* of Metro; and

BE IT FURTHER RESOLVED the amendments for Section 2 of Metro's *Rules and Regulations* be and hereby shall be effective upon U.S. Environmental Protection Agency approval.

The motion carried unanimously.

Roll Call Agenda

6.d Consideration of Sludge Holding Tank Cleaning Services Contract

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

WHEREAS, it is in the best interest for Metro Water Recovery, hereinafter referred to as "Metro," to amend the Agreement with P&H Senesac, Inc. (Senesac), which provides contract cleaning of Sludge Holding Tank #3 (SHT-3); and

WHEREAS, due to delays in the contractor completing the Solids Processing Building Improvements Project (PAR 1244), SHT-3 needed to be cleaned in the fall of 2022 to meet wintertime biosolids dewatering needs, including contract dewatering; and

WHEREAS, Metro does not have the in-house capabilities to clean SHT-3 due to the several-year accumulation of solids in the tank, and

WHEREAS, three firms were contacted having previous experience with Metro and capability of cold weather biosolids tank cleaning; and

WHEREAS, on October 19 and 20, 2022, Metro hosted each of the three firms separately on site to discuss the cleaning needs and timing, walk the area where their equipment would be located, discuss logistics, and field any questions; and

WHEREAS, proposals were subsequently received from the three companies and evaluated on both projected cost and ability to meet the cleaning schedule, with Senesac selected as the lowest cost, most responsive proposer; and

WHEREAS, based on past experience Metro estimated 50 dry tons of solids would be present in SHT-3 and executed a contract within the Chief Executive Officer's authority based on the estimate; and

WHEREAS, Senesac began cleaning SHT-3 on December 13, 2022 and throughout cleaning, the solids content of the biosolids contained far greater amounts of grit, sand, and phosphorus-rich material than originally estimated, pushing the contract value beyond \$250,000; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to amend the Short Form Agreement with Senesac to provide contract cleaning of SHT-3 as follows:

1. Modify the rate of \$1,855 per dry ton of sludge removed to apply to only the first 100 dry tons and add a rate of \$1,575 per dry ton of sludge removed to apply after the first 100 tons;
2. Increase the not-to-exceed amount of the agreement to \$450,000; 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 amend the Short Form Agreement with P&H Senesac, Inc. to provide contract cleaning of Sludge Holding Tank #3 (SHT-3) as follows:

1. Modify the rate of \$1,855 per dry ton of sludge removed to apply to only the first 100 dry tons and add a rate of \$1,575 per dry ton of sludge removed to apply after the first 100 tons;
2. Increase the not-to-exceed amount of the agreement to \$450,000.

Chair Johnston called for a roll call vote which carried with 35 Directors voting Yes:

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|------------------|-----------------|-------------------|
| Curt Aldstadt | Jo Ann Giddings | Steve Pott |
| Peter Baertlein | Joan Iler | Bill Ray |
| Greg Baker | Andrew Johnston | Bob Roth |
| Phil Burgi | Janet Kieler | Kim Schoen |
| Nadine Caldwell | Laura Kroeger | Greg Sekera |
| John Chavez | Kathy Laurienti | Del Smith |
| David Councilman | Doug Lazure | Peter Spanberger |
| Deborah Crisp | Bob LeGare | Mary Beth Susman |
| Clark Davenport | Martin Majors | Dennis Towndrow |
| James DeHerrera | Charlie Miller | Scott Twombly |
| Robert Duncanson | Jamie Miller | Jennifer Williams |
| Mary Gearhart | Sarah Niyork | |

7. INDIVIDUAL DIRECTOR COMMENTS

There was none.

8. OTHER INFORMATION

Chair Johnston remarked on the National Western Stock Show in town and the time approaching to take down holiday lights.

9. ADJOURNMENT

Chair Johnston adjourned the meeting at 5:51 p.m.

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