

# METRO WATER RECOVERY

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

September 19, 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, September 19, 2023 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, 2025.

**Appointed Director**

Clint Blackhurst

**Member Municipality**

City of Brighton

The following Director has been reappointed by her Member Municipality for a two-year term of office expiring June 30, 2025.

**Reappointed Director**

Deborah Crisp

**Member Municipality**

East Lakewood Sanitation District

### 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  
Greg Baker, Aurora  
Mike Barrett, Crestview  
Travis Bogan, Denver  
Nadine Caldwell, Aurora  
John Chavez, Berkeley  
David Councilman, Pleasant View  
Deborah Crisp, East Lakewood  
Clark Davenport, Northwest Lakewood\*  
James DeHerrera, Aurora  
Joan Iler, Westridge  
Sharon Israel, Arvada\*  
Janet Kieler, Denver  
Craig Kocian, Arvada  
Doug Lazure, Denver\*  
Bob LeGare, Aurora

Marena Lertch, Aurora  
Martin Majors, Fruitdale\*  
Charlie Miller, Fort Lupton\*  
Jamie Miller, North Table Mountain\*  
Steve Pott, Applewood  
Josh Redman, Thornton  
Thomas Roode, Denver  
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:**

Clint Blackhurst, Brighton  
Phil Burgi, Wheat Ridge  
\*Attended virtually

Mary Gearhart, Denver  
Laura Kroeger, Lakewood

**Others Present:**

Mickey Conway  
Emily Jackson  
Liam Cavanaugh  
Ruth Kedzior  
Lydia Nkem

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

**3. PUBLIC COMMENT**

There was no comment.

**4. APPROVAL OF MINUTES**

**4.a Minutes of the Board of Directors Meeting on August 15, 2023**

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 15, 2023.

Director Kieler moved and Director Caldwell seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held August 15, 2023.

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

**5.a Report by CEO**

CEO Conway reviewed his written report, highlighting meetings with the Environmental Protection Agency (EPA) officials, legislative representatives, and Connectors; the METROGRO Farm (Farm) harvest update; Mr. Cavanaugh's presentation at the Arvada/Jefferson Kiwanis Club; and Metro Water Recovery's representation at Rocky Mountain Water Environment Association (RMWEA) including awards received by Metro Water Recovery staff. He also stated if Directors wish to have a presentation for their board or counsel to reach out to Ruth Kedzior at [rkedzior@metrowaterrecovery.com](mailto:rkedzior@metrowaterrecovery.com).

Director Smith and Mr. Conway answered a question regarding the yield per acre on the Farm.

Mr. Conway answered questions concerning the lessons learned from the meeting with the Department of Homeland Security's Cybersecurity & Infrastructure Security Agency and the Metro Water Recovery teams who will compete at the Water Environment Federation's Technical Exhibition and Conference.

**5.b Report by General Counsel**

General Counsel Jackson provided an update on the recent developments concerning litigation matters and Metro Water Recovery’s International Sustainability and Carbon Certification (ISCC), stating the final paper audit has been completed.

Ms. Jackson answered questions about the expected returns from the sale of environmental attributes, the timeline and contract for selling environmental attributes, associated broker fees, and how the expected returns compare to initial expectations.

**6. REPORTS OF OFFICERS AND COMMITTEES**

**6.a Meeting Minutes**

There were no additions to the following meeting minutes:

Defined Benefit Plan Retirement Board	May 18, 2023
Defined Contribution Plan Retirement Board	May 18, 2023
Operations Committee	September 5, 2023
Finance Committee	September 7, 2023
Executive Committee	September 12, 2023

**7. NEW BUSINESS**

**Consent Agenda**

**7.a Consideration of Resolution Recognizing Employees’ Years of Service**

Director Sekera moved and Director Councilman seconded the motion to adopt the following resolution:

WHEREAS, by the year ending December 31, 2023, certain employees of Metro Water Recovery will have completed five, ten, fifteen, twenty, twenty-five, thirty, 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:

**35 YEARS OF SERVICE**

*James T. Graber*

**30 YEARS OF SERVICE**

*Jimmy A. Morales*

*Lance R. Wenholz*

**25 YEARS OF SERVICE**

*Elizabeth M. McLaughlin*

*James C. Dorsch*

*James E. Nickolette*

**20 YEARS OF SERVICE**

*Stanley A. Light  
Jennifer S. Schwarz*

*Roxangela K. McDaniel*

*Steven E. Sanchez  
Michelle R. Turner*

**15 YEARS OF SERVICE**

*Christopher M. Bailey  
Thomas J. Gerst  
Jack M. Mirabile  
Michelle D. Neilson  
Daniel J. Stillwell*

*Angela S. Betts  
Calvin M. Harding  
Sean E. Monroe  
Adrian J. Quintana*

*Kimberly N. Cowan  
Abraham Martinez  
Steven R. Musco  
Jensen T. Santos  
Theresa A. Stone*

**10 YEARS OF SERVICE**

*Jonathan M. Buscher  
Patrick R. Gehlhoff  
Michael J. Grengs  
Jordan J. Padilla*

*Tina M. Clark  
Bryan M. Gilbert  
Patricia R. Lopez  
Paul D. Parodi*

*William J. Conway  
Joseph T. Greer  
Brian C. O'Malley  
Ryan L. Winterhalder*

**5 YEARS OF SERVICE**

*Rika J. Beck  
Brienne E. Burd  
Thomas Copeland  
Daniel Freedman  
Muzit Kiflai  
Sean R. Morris  
Cameron D. Rose  
Ethan Weyer*

*Andrew M. Brown  
Cassandra L. Caley  
Tambrae D. Elhart  
Ruth A. Kedzior  
Patrick M. Maes  
Miracle Ott  
Travis J. Sargent*

*Ashley N. Bruhn  
Leah G. Chamberlain  
Phillippe M. Flechas  
Christopher R. Kershner  
Daniel J. McCausland  
Ravi S. Raj  
Brian Soderman  
Mark A. Wood*

BE IT FURTHER RESOLVED awards and certificates of five, ten, fifteen, twenty, twenty-five, thirty, 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.

Chair Johnston expressed appreciation on behalf of the Board for the tenure of the employees recognized.

The motion carried unanimously.

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

Director Sekera moved and Director Councilman seconded the motion to adopt the following resolution:

WHEREAS, by the year ending December 31, 2023, certain members of the Board of Directors of Metro Water Recovery will have completed five, twenty, and twenty-five 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:

**TWENTY-FIVE YEARS OF SERVICE**

*Phil Burgi, Wheat Ridge Sanitation District*

**TWENTY YEARS OF SERVICE**

*Curt Aldstadt, City of Westminster*

*Craig Kocian, City of Arvada*

**FIVE YEARS OF SERVICE**

*Janet Kieler, City and County of Denver*

*Del Smith, Bancroft-Clover Water and Sanitation District*

*Mary Beth Susman, City and County of Denver*

BE IT FURTHER RESOLVED certificates of five, twenty, and twenty-five 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.

**7.c Consideration of On-Call Consulting Services for General Engineering Support**

Director Sekera moved and Director Councilman 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 five-year, on-call services agreements to provide general engineering support services for miscellaneous projects; and

WHEREAS, Metro has historically contracted with multiple “on-call” engineering firms to provide a wide variety of consulting services on an as-needed basis; and

WHEREAS, additional services were identified within these agreements and recent modifications to Metro’s standard professional services agreement template both require a new solicitation for these services; and

WHEREAS, pursuant to Metro’s *Purchasing and Contracts Policy*, after Metro staff review of the Statements of Qualifications, Black & Veatch Corporation, Brown and Caldwell, Burns & McDonnell, Carollo Engineers Inc., CDM Smith Inc., Garver LLC, Hazen and Sawyer, HDR Engineering Inc., Jacobs Engineering Group Inc., Merrick & Company, The RMH Group Inc., and Stantec Consulting Services Inc. were determined to be best qualified; and

WHEREAS, Metro staff recommends contracting with these companies to allow for selection of the appropriate consultant for a given, specialized task; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into five-year, on-call service agreements with Black & Veatch Corporation, Brown and Caldwell, Burns & McDonnell, Carollo Engineers Inc., CDM Smith Inc., Garver LLC, Hazen and Sawyer, HDR Engineering Inc., Jacobs Engineering Group Inc., Merrick & Company, The RMH Group Inc., and Stantec Consulting Services Inc., to provide general engineering support services for miscellaneous projects; 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 five-year, on-call services agreements with Black & Veatch Corporation, Brown and Caldwell, Burns & McDonnell, Carollo Engineers Inc., CDM Smith Inc., Garver LLC, Hazen and Sawyer, HDR Engineering Inc., Jacobs Engineering Group Inc., Merrick & Company, The RMH Group Inc., and Stantec Consulting Services Inc., to provide general engineering support services for miscellaneous projects.

The motion carried unanimously.

#### **7.d Consideration of Heating, Ventilation and Air Conditioning Services Contract**

Director Sekera moved and Director Councilman 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 an agreement for preventive and corrective maintenance services for Metro's heating, ventilation, and air conditioning (HVAC) systems at the Robert W. Hite Treatment Facility (RWHTF) and the Northern Treatment Plant (NTP); and

WHEREAS, on August 2, 2023, one bid was received pursuant to Metro's *Purchasing and Contracts Policy* from Frontier Mechanical Inc. (Frontier), the current incumbent; and

WHEREAS, a Selection Committee comprised of Metro staff and Board Directors evaluated the bid and the Directors directed Metro staff to negotiate an agreement with Frontier; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend the Chief Executive Officer:

1. Enter into a one-year agreement effective November 1, 2023 through October 31, 2024 with Frontier to provide preventive and corrective maintenance services for Metro's HVAC systems at the RWHTF and the NTP in the total amount of \$1,159,200 for the initial agreement year;

2. Approve overtime and emergency services above the base agreement amount up to \$15,000 for the one-year agreement period;

3. Enter into additional agreement periods, not exceeding a total of five years, if it is determined by the Chief Executive Officer to be in the best interest of Metro; 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:

1. Enter into a one-year agreement effective November 1, 2023 through October 31, 2024 with Frontier Mechanical Inc. to provide preventive and corrective maintenance services for Metro’s heating, ventilation, and air conditioning systems at the Robert W. Hite Treatment Facility and the Northern Treatment Plant, in the total amount of \$1,159,200 for the initial agreement year;

2. Approve overtime and emergency services above the base agreement amount up to \$15,000 for the one-year agreement period; and

3. Enter into additional agreement periods, not exceeding a total of five years, if it is determined by the Chief Executive Officer to be in the best interest of Metro.

The motion carried unanimously.

### **Roll Call Agenda**

#### **7.e Consideration of Northern Treatment Plant Modeling and Advanced Automation (PAR 1430) Consulting Services Agreement and Appropriation**

Director Twombly moved and Director Lertch 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 task order-based agreement to provide owner’s advisor services for the Northern Treatment Plant (NTP) Modeling and Advanced Automation Project (PAR 1430) (Project); and

WHEREAS, due to the complexity of the process and increasingly stringent regulatory limits, Metro staff procured a software vendor to deploy a digital technology platform which uses advanced modeling and data visualization tools to supplement the existing supervisory control and data acquisition (SCADA) system at the NTP; and

WHEREAS, on August 2, 2023, pursuant to Metro’s *Purchasing and Contracts Policy*, Metro staff negotiated an agreement with DHI Water & Environment, Inc. (DHI) as the vendor providing an off-the-shelf software package and professional integration support services for process modeling, data visualization, and advanced process automation; and

WHEREAS, the agreement with DHI was funded by the small project budget which will be reimbursed through Project funds; and

WHEREAS, to support this implementation, Metro required the assistance of a consultant to provide owner’s advisor services; and

WHEREAS, on April 18, 2023, Metro issued a Request for Proposals (RFP) to select a consultant as an owner’s advisor with experience in process controls and automation integration, facility management consulting, and intelligent digital solutions services and received proposals from five firms; and

WHEREAS, a Selection Committee comprised of Metro staff ranked Brown and Caldwell as the highest of the five firms; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a task order-based agreement and any necessary task orders with Brown and Caldwell to provide owner's advisor services for the Project, and appropriate \$2,000,000 from the General Fund Capital Project Account for this purpose; 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 task order-based agreement and any necessary task orders with Brown and Caldwell to provide owner's advisor services for the Northern Treatment Plant Modeling and Advanced Automation Project (PAR 1430); and

BE IT FURTHER RESOLVED \$2,000,000 (100 percent) be and hereby is appropriated from the General Fund Capital Project Account for this purpose.

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

Curt Aldstadt	Sharon Israel	Josh Redman
Greg Baker	Andrew Johnston	Thomas Roode
Mike Barrett	Janet Kieler	Greg Sekera
Travis Bogan	Craig Kocian	Del Smith
Nadine Caldwell	Doug Lazure	Peter Spanberger
John Chavez	Bob LeGare	Mary Beth Susman
David Councilman	Marena Lertch	Amerigo Svaldi
Deborah Crisp	Martin Majors	Dennis Towndrow
Clark Davenport	Charlie Miller	Scott Twombly
James DeHerrera	Jamie Miller	Jennifer Williams
Jo Ann Giddings	Sarah Niyork	Ronald Younger
Joan Iler	Steve Pott	

## **8. DIRECTOR RECOGNITION**

Chair Johnston commemorated the milestone achievements of the Directors listed in Resolution 0923-B7.b and presented them with a certificate recognizing their years of Board service.

The Board gave a round of applause for the Directors being recognized.

## **9. INDIVIDUAL DIRECTOR COMMENTS**

There was none.

## **10. OTHER INFORMATION**

CEO Conway reminded Directors to RSVP for the October 26, 2023 Fall Board Workshop and gave a preview of the agenda items.

## **11. ADJOURNMENT**

Chair Johnston adjourned the meeting at 5:56 p.m.