

# METRO WATER RECOVERY

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

March 19, 2024

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, March 19, 2024 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  
Bonnie Baird, Alameda  
Greg Baker, Aurora  
Mike Barrett, Crestview  
Clint Blackhurst, Brighton\*  
Travis Bogan, Denver  
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  
Joan Iler, Westridge  
Sharon Israel, Arvada\*  
Janet Kieler, Denver  
Craig Kocian, Arvada

Laura Kroeger, Lakewood  
Doug Lazure, Denver\*  
Bob LeGare, Aurora  
Marena Lertch, Aurora  
Martin Majors, Fruitdale\*  
Charlie Miller, Fort Lupton\*  
Jamie Miller, North Table Mountain\*  
Josh Redman, Thornton  
Thomas Roode, Denver  
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:

Cody Berg, Applewood  
Mary Gearhart, Denver

Greg Sekera, Lakewood

#### Others Present:

Mickey Conway\*  
Emily Jackson  
Liam Cavanaugh  
Yvonne Kohlmeier  
Lydia Nkem  
Larry Kalcevic

Chief Executive Officer (CEO)  
Chief Legal Officer  
Deputy CEO/Chief Operating Officer (COO)  
Executive Assistant  
Assistant to the CEO  
Member of the public

\*Attended virtually

## **2. PUBLIC COMMENT**

Mr. Kalcevic from Kalcevic Outfitting, LLC spoke on behalf of maintaining and promoting healthy wild game life including buck to doe ratios, to help control the spread of chronic wasting disease in and around the METROGRO Farm and proposed working with Metro Water Recovery in setting up a plan to manage the wildlife population.

## **3. APPROVAL OF MINUTES**

### **3.a Minutes of the Board of Directors Meeting on February 20, 2024**

Chair Johnston asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held February 20, 2024.

Director Bogan moved and Director Kroeger seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held February 20, 2024.

The motion carried unanimously.

## **4. PROGRESS AND PROJECTION REPORTS**

### **4.a Report by CEO**

Mr. Cavanaugh reviewed the key points in the written report and answered questions on the new interactive service area map confirming a static map can be provided for printing and provided further clarification on the fire incident at the NTP.

### **4.b Report by Chief Legal Officer**

Chief Legal Officer Jackson stated the public comment from earlier tonight will be looked into and brought back to the Board and noted she and Director Niyork were at the Capitol today where the Warrant Authority Bill passed out of committee. She answered questions and provided an update on the Open Meetings Law Guidelines which has been added to the Directors' General Information Manual.

Directors LeGare, Kieler, and Bogan appreciated staff work and effort on preparing the cooling towers lifecycle analysis. Ms. Jackson answered questions on how this analysis was submitted to the Water Quality Control Division.

Deputy CEO Cavanaugh answered a question on plant effluent temperature.

## **5. REPORTS OF OFFICERS AND COMMITTEES**

### **5.a Rules and Regulations Committee**

Director Twombly stated the Rules and Regulations meeting scheduled for today had been cancelled and the next meeting is scheduled for April 16, 2024.

5.b Meeting Minutes

There were no additions to the following meeting minutes:

Operations Committee	March 5, 2024
Finance Committee	March 7, 2024
Executive Committee	March 12, 2024

**6. NEW BUSINESS**

**Consent Agenda**

**6.a Consideration of NTP Plant Recycle Water System Improvements Project (PAR 1442) Professional Services Agreement and Appropriation**

Director Younger moved and Director Iler 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 Professional Services to provide design phase services for the Northern Treatment Plant (NTP) Plant Recycle Water (PRW) System Improvements Project (PAR 1442) (Project); and

WHEREAS, a study, initiated to diagnose probable causes of low flow and pressure issues in the PRW system at the NTP, indicated replacement of small diameter PRW piping within select process areas and lateral connections off the PRW main headers would meet desired flow and pressure demands; and

WHEREAS, pursuant to the procurement process in Metro's *Purchasing and Contracts Policy*, Metro issued a Request for Proposals for consulting services for this Project on January 9, 2024, and Burns & McDonnell was ranked higher of two received proposals by a Selection Committee; and

WHEREAS, Burns & McDonnell and Metro staff have negotiated a fee in the amount not to exceed \$460,000 to provide design 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 a Professional Services Agreement with Burns & McDonnell in an amount not to exceed \$460,000 to provide design phase services for this Project and appropriate \$260,000 (50 percent) from the Fixed Asset Replacement Fund Capital Project Account and \$260,000 (50 percent) 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 Professional Services Agreement with Burns & McDonnell to provide design phase services for the Northern Treatment Plant Plant Recycle Water System Improvements Project (PAR 1442) (Project); and

BE IT FURTHER RESOLVED the sum of \$260,000 (50 percent) from the Fixed Asset Replacement Fund and \$260,000 (50 percent) from the General Fund Capital Project Account be and hereby is appropriated for this Project.

The motion carried unanimously.

**6.b Consideration of the Estimated 2020 Annual Charges for Service**

Director Younger moved and Director Iler 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 Construction Manager-at-Risk (CMAR) services for the Centrate Foam Tank and Miscellaneous Improvements Project (PAR 1444) (Project) and enter into Work Authorization 1 (WA1) to acquire equipment to replace failing fixed assets; and

WHEREAS, the Project includes the design and construction of a new pumping system at the Centrate Foam Tank along with structural modifications to the tank, drain piping improvements at the Solids Processing Facility and Sludge Holding Tank facilities, miscellaneous piping modifications, and demolition of obsolete equipment and infrastructure; and

WHEREAS, the work associated with Work Authorization 1 includes procurement of four new pumps for the Centrate Foam Tank, their associated variable frequency drives, glass-lined ductile iron pipe, and valves; and

WHEREAS, Metro staff and Brown and Caldwell (BC), under an existing general engineering on-call agreement, will complete the design of the Project in collaboration with the CMAR Contractor; and

WHEREAS, on December 21, 2023, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for the preconstruction, procurement, and CMAR services for the Project, and received two proposals on February 7, 2024; and

WHEREAS, through a standard CMAR selection process, the proposals were reviewed by Metro staff, and two firms were invited to participate in interviews on February 20, 2024, with a Selection Committee of Metro staff and a Board Director; and

WHEREAS, the Selection Committee recommended selecting Moltz Construction, Inc. (Moltz) to provide CMAR services for the Project and, on behalf of the Board of Directors, the Director on the Selection Committee instructed staff to negotiate an agreement; and

WHEREAS, Metro staff has negotiated an agreement with Moltz in the amount of \$16,816, to provide CMAR services for the Project; and

WHEREAS, based on the design completed by BC, Metro has negotiated a Stipulated Price for WA1 with Moltz in the amount of \$1,395,559; and

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

1. Enter into a CMAR Agreement with Moltz in the amount of \$16,816 to provide CMAR Services for the Project,
2. Enter into WA1 with Moltz in the amount of \$1,395,559 to acquire equipment to replace failing fixed assets at the Centrate Foam Tank located in the Solids Processing Facility,
3. Appropriate \$1,781,000 (100 percent) from the Fixed Asset Replacement 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 the Chief Executive Officer be and hereby is authorized to:

1. Enter into a Construction Manager-at-Risk (CMAR) Agreement with Moltz Construction Inc. (Moltz) in the amount of \$16,816 to provide CMAR Services for the Centrate Foam Tank and Miscellaneous Improvements Project (PAR 1444) (Project),
2. Enter into Work Authorization 1 with Moltz in the amount of \$1,395,559 to acquire equipment to replace failing fixed assets at the Centrate Foam Tank located in the Solids Processing Facility; and

BE IT FURTHER RESOLVED the sum of \$1,781,000 (100 percent) from the Fixed Asset Replacement Fund Capital Project Account be and hereby is appropriated for this Project.

The motion carried unanimously.

**6.c Consideration of North Washington Street Water and Sanitation District Type 1 Connection Request for the Flatiron Development**

Director Younger moved and Director Iler 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 one-year contract for janitorial services for the Robert W. Hite Treatment Facility (RWHTF); and

WHEREAS, Metro has an ongoing need for janitorial services throughout its facilities; and

WHEREAS, the current contract for janitorial services is due to expire on March 15, 2024; and

WHEREAS, on January 10, 2024, Metro posted a Request for Proposals on the Rocky Mountain E-Purchasing site (*BidNet*) for janitorial services, and received eight responsive proposals on February 12, 2024; and

WHEREAS, through a standard selection process, the proposals were reviewed by Metro staff and American Facility Services Group was determined to be the best qualified proposer; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a one-year contract effective March 15, 2024 through March 15, 2025 with American Facility Services Group for janitorial services for the RWHTF in the total amount of \$206,418.48 for the initial contract year, and enter into additional contract 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 enter into a one-year contract effective March 15, 2024 through March 15, 2025 with American Facility Services Group for janitorial services for Metro Water Recovery's Robert W. Hite Treatment Facility in the total amount of \$206,418.48 for the initial contract year; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter additional contract periods, not exceeding a total of five years, if determined by the Chief Executive Officer to be in the best interest of Metro Water Recovery.

The motion carried unanimously.

### **Roll Call Agenda**

#### **6.d Consideration of Digester Complex Rehabilitation Project (PAR 1259) Construction Contract Change Order Execution, Engineering Consultant Agreement Amendment, and Funding Appropriation**

Director Councilman moved and Director Roode 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 Work Authorization 1 (WA1) to procure long-lead equipment associated with the full-scale demonstration for the Northern Treatment Plant (NTP) Effluent Temperature Project (PAR 1416) (Project) and amend the Professional Services Agreement to provide engineering services for Final Design of the Project; and

WHEREAS, Metro staff are working toward 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 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, Metro staff, in collaboration with Stantec Consulting Services, Inc. (Stantec) and Hensel Phelps (Hensel), identified secondary wastewater effluent as the installation location of cooling towers and procurement of long-lead equipment is necessary to ensure construction activities can be completed ahead of the compliance deadline; and

WHEREAS, Metro staff is negotiating an amendment to Stantec's Professional Services Agreement to complete the final design of Work Package 2 (WP2) of the Project and support Hensel's early procurement activities associated with WA1; and

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

1. Enter into WA1 with Hensel in an amount not to exceed \$5,000,000 to procure long-lead equipment associated with the full-scale demonstration (WP2) for the Project,
2. Amend the Professional Services Agreement with Stantec in an amount not to exceed \$650,000 to provide engineering services for Final Design Phase Services for the Project,
3. Appropriate \$6,000,000 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:

1. Enter into Work Authorization 1 with Hensel Phelps in an amount not to exceed \$5,000,000 to procure long-lead equipment associated with the full-scale demonstration for the Northern Treatment Plant Effluent Temperature Project (PAR 1416) (Project),
2. Amend the Professional Services Agreement with Stantec Consulting Services, Inc. in an amount not to exceed \$650,000 to provide engineering services for Final Design Phase Services for the Project; and

BE IT FURTHER RESOLVED the sum of \$6,000,000 (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	Joan Iler	Sarah Niyork
Bonnie Baird	Sharon Israel	Josh Redman
Greg Baker	Andrew Johnston	Thomas Roode
Mike Barrett	Janet Kieler	Del Smith
Clint Blackhurst	Craig Kocian	Peter Spanberger
Phil Burgi	Laura Kroeger	Mary Beth Susman
Nadine Caldwell	Doug Lazure	Amerigo Svaldi
David Councilman	Bob LeGare	Dennis Towndrow
Deborah Crisp	Marena Lertch	Scott Twombly
Clark Davenport	Martin Majors	Jennifer Williams
James DeHerrera	Jamie Miller	Ronald Younger
Jo Ann Giddings		

And one no vote from Director Bogan.

## **7. INDIVIDUAL DIRECTOR COMMENTS**

There was none.

## **8. OTHER INFORMATION**

Chair Johnston noted the information discussed during the recent Finance Committee Budget Workshop would be presented at the May 2, 2024 Spring Workshop being held at the NTP and encouraged Directors to review the presentation in advance of attending the workshop. He also informed Board members in the event of having no April action items the Executive Committee may cancel the April Board meeting.

## **9. ADJOURNMENT**

Chair Johnston adjourned the meeting at 6:03 p.m.

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