

METRO WASTEWATER RECLAMATION DISTRICT

Minutes of the Regular Meeting of the Board of Directors

Tuesday, March 17, 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 conference call that was facilitated in the Boardroom, 6450 York Street, Denver, Colorado, Tuesday, March 17, 2020, at 5:30 p.m.

Chairman Baertlein called the meeting to order.

1. ROLL CALL

Secretary Caldwell called the roll.

Officers Present:

Peter Baertlein, Denver
Scott Twombly, Thornton
Nadine Caldwell, Aurora
Andrew Johnston, Denver

Chairman
Chairman Pro Tem
Secretary
Treasurer

Directors Present:

Phil Burgi, Wheat Ridge
Philip Cipri, Berkeley
David Councilman, Pleasant View
John Dingess, Aurora
Robert Duncanson, Denver
Jo Ann Giddings, City of Aurora
Mark Hunter, Lakewood
Joan Iler, Westridge
Kathryn Jensen, North Table Mountain
Janet Kieler, Denver
Craig Kocian, Arvada
Bob LeGare, Aurora
Charles Long, Thornton
Martin Majors, Fruitdale
Dan Mikesell, Aurora

Sarah Niyork, South Adams
Christopher Pacheco, Denver
Steve Pott, Applewood
Barbara Puls, Denver
Bill Ray, Arvada
Ronald Sanchez, Crestview
Michael Sapp, Denver
Kim Schoen, Brighton
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:

Stephen Gay, Westminster

Others Present:

Mickey Conway
Robert Thomas
Emily Jackson
Ruth Kedzior
Yvonne Kohlmeier

District Manager
Deputy District Manager, Director Engineering Services
General Counsel
Assistant to the District Manager
Administrative Assistant

2. PUBLIC COMMENT

There was no comment.

3. APPROVAL OF MINUTES

3.a Minutes of the Board of Directors Meeting on January 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 January 21, 2020.

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

The motion carried unanimously.

4. PROGRESS AND PROJECTION REPORTS

4.a Report by District Manager

District Manager Conway reviewed his written report, highlighting Metro District being awarded the Water and Energy Exchange Global 2020 Award for Innovation and Circular Economy in Water and Energy for the Blower No. 8 Replacement Project, continuation of monitoring Colorado General Assembly bills, and receiving good feedback as a result of the listening tours.

4.b Report by General Counsel

Ms. Jackson, General Counsel, provided an update on the recent developments, informing the Environmental Protection Agency (EPA) granted Denver Water's variance, closing the timeframe to challenge implementation of the Lead Reduction Program Plan.

5. REPORTS OF OFFICERS AND COMMITTEES

5.a Meeting Minutes

There were no additions to the following meeting minutes:

Defined Benefit Plan Retirement Board	October 31, 2019
Defined Contribution Plan Retirement Board	October 31, 2019
Operations Committee	February 4, 2020
Finance Committee	February 6, 2020
Executive Committee	February 11, 2020
Operations Committee	March 3, 2020
Finance Committee	March 5, 2020
Executive Committee	March 10, 2020

6. NEW BUSINESS

6.a Consideration of Designating a Memorial Resolution for Don Allard

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

WHEREAS, Mr. Don Allard, a valued member of the Board of Directors of the Metro Wastewater Reclamation District who represented the City of Arvada, passed away on February 12, 2020; and

WHEREAS, Don Allard faithfully served on the Board of Directors from July 1974 to June 2009, and was most diligent to the duties he assumed; and

WHEREAS, he served on the Annual Charges, Bond Advisory, Budget, Executive, Future Programs, Legislative Review, Litigation, Nominating, Operations, Policy Review, Retirement, Stream Standards, and Support Facilities committees of the Board of Directors; and

WHEREAS, he served as an Officer of the Board of Directors, elected as Chairman Pro Tem in 1976, Chairman in 1977, and Chairman of the Annual Charges Committee in 1984; and

WHEREAS, the Metro District was very fortunate to have the expertise he 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 Board Member Don Allard, 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 that a copy of this Resolution be given to his family.

Director Kocian remarked on the astonishing amount of time and years Director Allard gave to the Metro District and to the city and council of Arvada. He also mentioned how well-prepared Director Allard continually was for each meeting.

Chairman Baertlein also commented on how fortunate the Metro District was to have someone like Director Allard who devoted so much of his life and time to creating the infrastructure currently in place and stated a copy of the resolution would be given to the family.

Director Ray requested a copy of the resolution be sent to the Mayor and City Council of Arvada also.

The motion carried unanimously.

Consent Agenda

6.b Consideration of Multifunction (Copier, Printer, and Fax) Equipment Lease

Director Smith moved and Director Burgi 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 lease agreement for multifunction equipment (printers, copiers, and fax equipment) and support services; and

WHEREAS, the Metro District is currently leasing a variety of Xerox multifunction devices to support printing, copying, and faxing, which were entered into through multiple cooperative agreements at different times; and

WHEREAS, Metro District staff evaluated equipment and service needs of the District and invited three national suppliers to present their capabilities, technology, and support services through a Request for Information; and

WHEREAS, Metro District staff evaluated the information provided by the suppliers and determined Ricoh is best qualified to provide the equipment and services the District requires for an annual estimated cost of \$190,000; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend entering into a lease agreement, for an amount estimated at \$190,000 per year and not to exceed \$950,000 over a five-year term, with Ricoh for multifunction equipment (printers, copiers, and fax equipment) and support services; 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 lease agreement, not to exceed \$950,000 over a five-year term, with Ricoh for multifunction equipment (printers, copiers, and fax equipment) and support services.

The motion carried unanimously.

6.c Consideration of TSB Annex and Lab Storage Building Repurpose Project (PAR 1353) Design/Build Contract Award and Funding Appropriation

Director Smith moved and Director Burgi 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 Stipulated Price (fixed-cost) Agreement for Design/Build Services for the Technical Services Building (TSB) Annex and Lab Storage Building (LSB) Repurpose Project (Project); and

WHEREAS, over the last several years the Analytical Services Division has significantly increased the number of samples and analyses it processes because of new permits at the Northern Treatment Plant and Robert W. Hite Treatment Facility, and pretreatment requirements; and

WHEREAS, the laboratory space in the TSB has reached capacity and more space is needed to process the increased volume of samples; and

WHEREAS, the LSB is currently used by the Analytical Services Division for storage and by the Water Quality Division for bench space, equipment maintenance, and storage; and

WHEREAS, the most cost effective solution to provide additional space for laboratory analyses is to remodel the LSB to provide additional space with laboratory hoods, bench space, bottle storage space, dishwashers, and other equipment for the Analytical Services Division, and construct a new metal building that will provide workspace, bench space, a washdown area, and storage to be used by the Water Quality Division; and

WHEREAS, a Request for Proposal was published pursuant to Metro District procedures, and on September 9, 2019, proposals for the Project were received from two contractors, with Calahan Construction Services (Calahan) submitting the best value proposal with a cost of \$1,438,066; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend entering into a Stipulated Price (fixed-cost) Agreement for Design/Build Services, in the amount of \$1,438,066, with Calahan for design and construction of 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 District Manager be and hereby is authorized to enter into a Stipulated Price (fixed-cost) Agreement for Design/Build Services, in the amount of \$1,438,066, with Calahan for the design and construction of the Technical Services Building Annex and Lab Storage Building Repurpose Project; and

BE IT FURTHER RESOLVED the sum of \$1,600,000 (100 percent) be and hereby is appropriated from the General Fund for this purpose.

The motion carried unanimously.

6.d Consideration of South Headworks and Grease Processing Improvements Project (PAR 1225) Engineering Amendment and Supplemental Funding Appropriation

Director Smith moved and Director Burgi 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 amend the Professional Services

Agreement with Carollo Engineers, Inc. (Carollo) to provide additional construction engineering, resident engineering services, and post-construction phase services for the Robert W. Hite Treatment Facility's (RWHTF) South Headworks and Grease Processing Improvements Project (Project); and

WHEREAS, on April 24, 2014, following Metro District procedure, the District entered into a Professional Services Agreement (Agreement) with Carollo to perform preliminary design, final design, and bidding services for the Project, which was completed January 2016, and on May 18, 2016, the District entered into a construction contract with MWH Constructors, Inc. (MWHC) for the construction of the Project with the Notice to Proceed issued on June 17, 2016; and

WHEREAS, on May 16, 2016, Carollo's Agreement was amended to provide construction phase engineering services for this Project, including construction services, resident project services, and post-construction phase services; and

WHEREAS, the original contractual Substantial Completion date for the Project was February 18, 2019, and the Final Completion date was April 19, 2019; and

WHEREAS, by mid-2018, due to many factors, the Project was behind schedule, therefore the Metro District, Carollo, and MWHC agreed to extend the contractual Substantial Completion date to November 1, 2019, and the Final Completion date to December 1, 2019, through a negotiated Change Order; and

WHEREAS, MWHC did not meet the November 1, 2019, date for Substantial Completion or the December 1, 2019, date for Final Completion, and the current schedule has established a final completion date in October 2020, resulting in the accrual of liquidated damages for failing to meet these completion deadlines; and

WHEREAS, MWHC's delay in completing the Project has resulted in additional unanticipated work for Carollo which was not accounted for in the appropriation for the Project nor in the upper limit of the Agreement; and

WHEREAS, the Metro District needs Carollo to continue to provide construction services, resident project services, and post-construction services for this Project; however, for Carollo to do so requires an additional appropriation and an increase to the upper limit of the Agreement; and

WHEREAS, at the end of the Project, there will be sufficient retainage and liquidated damage authority to reimburse the District for the additional services provided by Carollo because of impacts resulting from MWHC's delay; and

WHEREAS, Metro District staff recommends amending the Agreement with Carollo, in the amount of \$1,348,000, to provide additional construction engineering, resident engineering services, and post-construction phase services for the Project through the extended construction schedule; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend amending the Agreement with Carollo, in the amount of \$1,348,000, to provide additional construction engineering, resident engineering services, and post-construction phase services for the Project; and

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

NOW, THEREFORE, BE IT RESOLVED the District Manager be and hereby is authorized to amend the Professional Services Agreement with Carollo Engineers, Inc., in the amount of \$1,348,000, to provide additional construction engineering, resident engineering services, and post-construction phase services for the Robert W. Hite Treatment Facility's South Headworks and Grease Processing Improvements Project; and

BE IT FURTHER RESOLVED the sum of \$943,600 (70 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund and the sum of \$404,400 (30 percent) be and hereby is appropriated from the General Fund for these and related purposes.

The motion carried unanimously.

Roll Call Agenda

6.e Consideration of Fiber Optic Line Easement Agreement on METROGRO Farm Property

Director Hunter moved and Director Giddings 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 grant a Utility Line Easement to Bijou Telephone Co-Op (Bijou) for an underground fiber optic line across a portion of the METROGRO Farm (Farm); and

WHEREAS, the Farm's neighbor, Stacked Lazy Three Ranch, LLC (SLTR), requires an easement to install fiber optic line from the end of County Road 245 along the westerly boundary of the Farm's Central property to the SLTR property, and such easement would be 15 feet wide and approximately 3,400 feet long, covering 1.21 acres; and

WHEREAS, upon evaluation of the request and the proposed route, Metro District staff has determined the easement will have no impact to the District's biosolids land application program or custom farming operations; and

WHEREAS, Metro District staff recommends granting the requested Utility Line Easement to Bijou with all construction costs being the responsibility of Bijou, including providing the District the standard \$500 compensation for the land rights associated with the Utility Line Easement; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend granting the Utility Line Easement to Bijou for an underground fiber optic line across a portion of the Farm; 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 grant a Utility Line Easement to Bijou Telephone Co-Op for an underground fiber optic line across a portion of the METROGRO Farm.

Chairman Baertlein called for a roll call vote which carried with 32 Directors voting Yes:

Peter Baertlein	Janet Kieler	Bill Ray
Phil Burgi	Craig Kocian	Kim Schoen
Nadine Caldwell	Bob LeGare	Greg Sekera
Phil Cipri	Charles Long	Del Smith
David Councilman	Richard Lucero	Peter Spanberger
John Dingess	Martin Majors	Mary Beth Susman
Robert Duncanson	Dan Mikesell	Amerigo Svaldi
Jo Ann Giddings	Sarah Niyork	Dennis Towndrow
Mark Hunter	Christopher Pacheco	Scott Twombly
Kathryn Jensen	Steve Pott	Ronald Younger
Andrew Johnston	Barbara Puls	

7. INDIVIDUAL DIRECTOR COMMENTS

There was none.

8. OTHER INFORMATION

Chairman Baertlein gave an update on the COVID-19 virus (coronavirus) explaining how response plans have been created and are being implemented by Metro District. He also conveyed District Manager Conway has the full support of the Board to take any necessary steps to maintain work continuity and to preserve the health and safety of District staff. As new developments occur, adjustments will continue to be made and regular updates will be provided. Board members will be requested to attend the April committee meetings via telephone and everyone was asked to adapt accordingly. Chairman Baertlein requested the normal channel of communication procedures be followed, allowing for the collection of ideas and concerns Board members may have.

Mr. Conway summarized the memorandum sent to Board members, outlining the Metro District's actions which have been implemented in response to the coronavirus and how the longstanding Critical Incident Response Plan (CIRP) provides for responses to critical events. He also explained how the District has developed a Continuity of Operations Plan (COOP) which describes delegated authority, incident command, departmental essential function definitions, and definition of critical functions in the event 50 percent of essential staff being absent. Mr. Conway expressed the philosophy behind COOP is the continued health protection of the public and Metro District staff.

Mr. Conway explained in response to federal and state requirements, all Metro District staff who can perform work from home have been asked to do so. Onsite work is being performed with social distancing requirements (minimum six foot spacing, etc) in mind and with as few staff as possible to avoid unnecessary employee contact. The Information Technology team has (and is) doing an excellent job making sure staff working at home has a virtual experience identical to the workplace experience and are able to maintain the workload from home.

At this point, the Board meeting was interrupted by a shelter in place order due to a chemical release at Suncor. The meeting continued thereafter.

Mr. Conway answered a question concerning the status of onsite contractors, stating they are fully operational, not generally in contact with staff (who have been instructed to stay clear of certain construction areas), and noted this is a fluid situation being taken one day at a time.

Mr. Conway and Ms. Jackson responded to an inquiry on staff illness, stating employees have called in sick recently but were unable to give specifics due to regulations in the Health Insurance Portability and Accountability Act (HIPPA).

Mr. Conway discussed the different methodologies of metering and sampling for connectors' annual charges under the rules and regulations. He explained how in order to effectively promote social distancing, the Metro District is trying to limit lab shifts and was recommending the suspension of sampling for annual charges to focus on permit compliance. Mr. Conway and Mr. Thomas responded to questions about the cost of losing fees and charges, how the use of data trends would be helpful as most connections are fairly consistent, and the possibility of flows changing due to unprecedented numbers of people staying at home.

Mr. Conway mentioned increased communications and the distribution of a press release on flushing only toilet paper to prevent residential clogged lines and issues throughout the system.

Mr. Conway explained the limitation of in-person meetings given the State of Colorado's Executive Order to limit gatherings to 10 people or less. After discussion with the Board, the Chairman decided the Spring Board Workshop would not take place and information related to the Budget, Annual Charges and possible debt issuance be distributed by staff in April and discussed at the May Committee meetings.

Chairman Baertlein and Mr. Conway discussed the budget timing issue, including the May Budget Hearing and statutory requirement to have the budget and annual charges completed in a timely fashion.

Mr. Cavanaugh answered a question of staff safety, stating there was no evidence the coronavirus is transmitted through wastewater and staff has access to safety gear and respirators for use at any time. Director Kieler requested this be tracked with more detail moving forward.

Mr. Conway responded to a question regarding the April Audit Committee meeting.

Mr. Kocian asked about sick leave and the information in the memo regarding staff pay. Mr. Conway explained the Metro District has one of the most robust sick and leave benefits programs in place for staff. He noted many employees have healthy sick leave balances, and while some new employees have less, cases are being looked at on an individual basis.

9. ADJOURNMENT

Chairman Baertlein adjourned the meeting at 6:29 p.m.

MC rak/yjk

