

METRO WASTEWATER RECLAMATION DISTRICT

Minutes of the Regular Meeting of the Board of Directors April 20, 2021

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 GoToMeeting at 6450 York Street, Denver, Colorado, Tuesday, April 20, 2021 at 5:30 p.m. in the Metro District Environmental Services A conference room.

Chairman Twombly called the meeting to order.

1. OATH OF OFFICE

The following Director has been appointed by her Member Municipality to complete a two-year term of office that expires June 30, 2022.

Appointed Director

Kathy Laurienti

Member Municipality

Crestview Water and Sanitation District

2. ROLL CALL

Secretary Caldwell called the roll.

Officers Present:

Scott Twombly, Thornton
Andrew Johnston, Denver
Nadine Caldwell, Aurora
Stephen Gay, Westminster

Chairman
Chairman Pro Tem
Secretary
Treasurer

Directors Present:

Peter Baertlein, Denver
Phil Burgi, Wheat Ridge
John Chavez, Berkeley
David Councilman, Pleasant View
Deborah Crisp, East Lakewood
Clark Davenport, Northwest Lakewood
John Dingess, Aurora
Robert Duncanson, Denver
Jo Ann Giddings, City of Aurora
Joan Iler, Westridge
Kathryn Jensen, North Table Mountain
Janet Kieler, Denver
Craig Kocian, Arvada
Laura Kroeger, Lakewood
Kathy Laurienti, Crestview
Bob LeGare, Aurora

Charles Long, Thornton
Martin Majors, Fruitdale
Dan Mikesell, Aurora
Sarah Niyork, South Adams
Christopher Pacheco, Denver
Steve Pott, Applewood
Bill Ray, Arvada
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:
Barbara Puls, Denver

Others Present:

Mickey Conway
Emily Jackson
Mitch Costanzo
Ruth Kedzior
Molly Kostelecky
Yvonne Kohlmeier
Lydia Nkem
Brittany Peshek
Tammy Hitchens

District Manager
General Counsel
Deputy District Manager/Director of Engineering
Assistant to the District Manager
Director of Administrative Services
Administrative Assistant
Executive Assistant
Administrative Analyst
Public Attendee

3. PUBLIC COMMENT

There was no comment.

4. APPROVAL OF MINUTES

4.a Minutes of the Board of Directors Meeting on March 16, 2021

Chairman Twombly appointed Director Younger to make motions and Director Iler to make seconds throughout the Board of Directors meeting.

Chairman Twombly asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held March 16, 2021.

Director Younger moved and Director Iler seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held March 16, 2021.

The motion carried unanimously.

5. PROGRESS AND PROJECTION REPORTS

5.a Report by District Manager

District Manager Conway reviewed his written report, highlighting Metro District's audited 2020 financial statements, noting no significant misstatements found by Moss Adams LLP (Moss Adams). He mentioned the 2022 Operations and Budget Review done by Raftelis Consulting has been completed and will be fully presented at the upcoming spring workshop next week. Mr. Conway stated the governor of Colorado proclaimed the week of April 18, 2021 as Wastewater Worker Recognition Week and Chairman Twombly presented an encouraging message to District staff recognizing all their hard work especially during this past year with the COVID-19 complications. Mr. Conway remarked on the damage done to the primary clarifier covers at the Northern Treatment Plant (NTP) and staff's rigorous response to the incident. He also noted District staff's dedication during the March 2021 blizzard in keeping the plant operational. Mr. Conway stated two new senior director positions are being advertised locally and nationally to oversee the administrative and technical departments of the District.

Mr. Conway answered questions regarding the manufacturer's response to the damage to the primary clarifier covers and how the recent weather incident impacted the METROGRO Farm.

5.b Report by General Counsel

General Counsel Jackson noted new litigation will be discussed in detail during Item 10 on the agenda.

6. REPORTS OF OFFICERS AND COMMITTEES

6.b Meeting Minutes

There were no additions to the following meeting minutes:

Audit Committee	November 5, 2020
Operations Committee	April 6, 2021
Finance Committee	April 8, 2021
Executive Committee	April 13, 2021

Director Niyork gave an update on the recent Audit Committee meeting, stating Moss Adams is the Metro District's new external audit company and has completed their audit and financial findings for year ending December 2020. She noted the audit was presented during the April Finance Committee meeting and the results were successful with no misstatements noted. She also thanked District staff for completing this information in a timely manner. Director Niyork informed there are two new proposed internal audits, NTP process control and Family and Medical Leave Act. She stated the other internal audits in progress for 2021 are METROGRO Farm, work order procedures, and Robert W. Hite Treatment Facility (RWHTF) dissolved air flotation.

Chairman Twombly expressed appreciation to the Audit Committee for their efforts.

7. NEW BUSINESS

Consent Agenda

7.a Consideration of Technical Services Building Annex and Lab Storage Building Repurpose Project (PAR 1353) Supplement

Director Younger moved and Director Iler 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 provide a supplemental appropriation for additional work associated with the Design/Build contract for the Technical Services Building Annex and Lab Storage Building (LSB) Repurpose Project (Project); and

WHEREAS, the Metro District initiated this Project to design and construct renovations to repurpose the northern two-thirds of the LSB to provide needed laboratory space for increased sampling and testing requirements in part because of

starting the Northern Treatment Plant, a new permit for the Robert W. Hite Treatment Facility, and additional requirements for the Metro District's pre-treatment program; and

WHEREAS, repurposing the northern two-thirds of the LSB will eliminate the Water Quality Division's current storage and workspace, this Project also includes design and construction of a new metal building just west of the LSB to serve as the Water Quality's new storage and workspace facility; and

WHEREAS, in April 2020, the Metro District entered into a Design/Build contract with Calahan Construction Services (Calahan) to provide design and construction services for the Project; and

WHEREAS, during the design phase of the project, several changes to the original design concepts were identified, including electrical service feed rerouting to the renovated LSB and the need to relocate a chilled water vault and piping; and

WHEREAS, Metro District staff recommends appropriating an additional \$200,000 for this Project to move forward with identified design changes and retain some contingency funds; and

WHEREAS, the Operations and Finance committees of the Metro District, having reviewed the matter, recommend providing a supplemental appropriation in the amount of \$200,000 to fund design changes and contingency for a total appropriation of \$1,800,000 for the Project; and

WHEREAS, the Executive Committee, after having review the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the sum of \$200,000 (100 percent) be and hereby is appropriated from the General Fund Capital Project Account to fund design changes and contingency for the Technical Services Building Annex and Lab Storage Building Repurpose Project.

The motion carried unanimously.

Roll Call Agenda

7.b Consideration of Technical Services Building Fixed Asset Replacements and Improvements Project (PAR 1369)

Director Younger moved and Director Iler 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 construction contract for the Technical Services Building (TSB) Fixed Asset Replacements (FARs) and Improvements Project (Project); and

WHEREAS, the TSB, originally constructed in 1964, can no longer accommodate present-day staffing needs according to the 2018 Facility Plan and the Resource Recovery and Reuse Services Building is in need of minor tenant improvements; and

WHEREAS, Engineering Department staff performed design-phase engineering services for this Project, beginning in May 2020 and completing in February 2021; and

WHEREAS, pursuant to the bid process in Metro District's *Purchasing and Contracting Policies*, an invitation to bid was posted in February 2021; and

WHEREAS, TCC Corporation (TCC) submitted a bid of \$388,882 and was determined to be the lowest responsive, responsible bidder; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the District Manager enter into a construction contract, in the amount of \$388,882, with TCC to provide construction 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 District Manager be and hereby is authorized to enter into a construction contract, in the amount of \$388,882, with TCC to provide construction services for the Technical Services Building Fixed Asset Replacements and Improvements Project; and

BE IT FURTHER RESOLVED the sum of \$540,300 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this purpose.

Chairman Twombly called for a roll call vote which carried with 34 Directors voting Yes:

Peter Baertlein	Kathryn Jensen	Steve Pott
Phil Burgi	Andrew Johnston	Bill Ray
Nadine Caldwell	Janet Kieler	Kim Schoen
John Chavez	Craig Kocian	Greg Sekera
David Councilman	Laura Kroeger	Del Smith
Deborah Crisp	Kathy Laurienti	Peter Spanberger
Clark Davenport	Bob LeGare	Mary Beth Susman
John Dingess	Charles Long	Amerigo Svaldi
Robert Duncanson	Dan Mikesell	Dennis Towndrow
Stephen Gay	Sarah Niyork	Scott Twombly
Jo Ann Giddings	Christopher Pacheco	Ronald Younger
Joan Iler		

8. INDIVIDUAL DIRECTOR COMMENTS

There was none.

9. OTHER INFORMATION

District Manager Conway encouraged Board members to RSVP for the upcoming Spring Workshop on April 29, 2021 if they have not already done so as the presentations will be very informative.

10. LITIGATION UPDATE

Chairman Twombly stated, "For this item, I'm going to recuse myself and hand over the item to Chairman Pro Tem Johnston. In my position with Thornton, I believe I potentially have a conflict of interest with this matter. In this virtual environment, I will stay in the public meeting and will not join my fellow Directors in the Executive Session meeting. Does anyone else need to recuse themselves from the Executive Session discussion?"

Director Niyork stated, "For this item, I'm going to recuse myself. In my position with South Adams County Water and Sanitation District, I believe I potentially have a conflict of interest with this matter. In this virtual environment, I will stay in the public meeting and will not join my fellow Directors in the Executive Session meeting."

General Counsel Jackson gave an overview of potential Director conflicts of interest related to the Ditch Companies' litigation and asked if there were any further conflicts of interest.

No additional Directors recused themselves at this time.

Chairman Pro Tem Johnston stated, "This discussion will be conducted in executive session as authorized by C.R.S. 24-6-402(4)(b) which authorizes executive sessions for conferences with the Metro District's Counsel for the purpose of receiving legal advice on specific legal questions. The matter to be discussed in this executive session is the Litigation Update. As a reminder, no formal action may be taken in executive session. Additionally, the discussion must be confined to this topic."

Director Younger moved and Director Smith seconded the motion to enter executive session. The motion carried unanimously, and the Board entered executive session at 6 p.m. All Metro District staff except Mr. Holland joined the executive session.

Chairman Pro Tem Johnston reconvened the regular meeting at 6:58 p.m.

10. ADJOURNMENT

Chairman Pro Tem Johnston adjourned the meeting at 6:59 p.m.

MC/raklyjk