

# METRO WATER RECOVERY

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

January 16, 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, January 16, 2024 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 which expires June 30, 2025.

**Appointed Director**

Cody Berg

**Member Municipality**

Applewood 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\*  
Cody Berg, Applewood\*  
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  
Mary Gearhart, Denver\*  
Joan Iler, Westridge  
Sharon Israel, Arvada  
Janet Kieler, Denver\*  
Craig Kocian, Arvada

Laura Kroeger, Lakewood  
Bob LeGare, Aurora  
Marena Lertch, Aurora  
Martin Majors, Fruitdale\*  
Charlie Miller, Fort Lupton\*  
Jamie Miller, North Table Mountain\*  
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:**

Bonnie Baird, Alameda  
Clint Blackhurst, Brighton

Doug Lazure, Denver

**Others Present:**

Mickey Conway  
Emily Jackson  
Liam Cavanaugh\*  
Ruth Kedzior  
Yvonne Kohlmeier  
Lydia Nkem  
Brian Jackson  
Brooks Jackson  
\*Attended virtually

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

**3. PUBLIC COMMENT**

There was no comment.

**4. APPROVAL OF MINUTES**

4.a Minutes of the Board of Directors Meeting on December 19, 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 December 19, 2023.

Director Davenport moved and Director Kocian seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held December 19, 2023.

The motion carried unanimously.

**5. PROGRESS AND PROJECTION REPORTS**

5.a Report by CEO

CEO Conway reviewed his written report, highlighting there were no new Type 1 Connections or Special Connector requests in 2023, the upcoming HVAC High Priority Improvements (PAR 1392) Selection Committee and if anyone interested in serving on this committee to let Chair Johnston know, the two Connector annual charge presentations being held on February 7 at 9 a.m. and March 7 at 2 p.m., noting Directors are welcome to attend also, and reminded Directors to turn in their completed Acknowledgement of Ethical Standards/Code of Conduct form.

Mr. Conway informed the Board of how successfully Mr. Cavanaugh and his team handled and prepared for the past weekend's extremely cold temperatures and working in the tough weather conditions.

Mr. Conway answered a question explaining what is involved in getting ready for a cold snap like this.

5.b Report by Chief Legal Officer

Chief Legal Officer Jackson provided an update on the legal report noting, the Director Refresher on Robert's Rules of Order and encouraged Directors to ask questions. Ms. Jackson noted the legislative session began last week where the Warrant Authority

Bill has now been introduced and Metro Water Recovery is working on a Memorandum of Understanding with the City and County of Denver and Xcel Energy on a pilot program to explore the feasibility of the using wastewater thermal energy in downtown Denver under House Bill 23-1252.

Ms. Jackson gave an update on recent litigation developments on the Farmers Reservoir and Irrigation Company, Burlington Ditch Reservoir and Land Company, and Henrylyn Irrigation District, stating discovery is ongoing and a trial date has been reset for April, and the MWH Constructors trial is scheduled for July, also with discovery continuing.

Ms. Jackson answered a question on whether Metro Water Recovery approached Xcel Energy or vice versa, stating Director of the Technology and Innovation Department Dan Freedman is credited with connecting Metro with this program.

Ms. Jackson responded to a question stating Associate General Counsel Eric Burggraf, who has a strong regulatory background, will begin work at Metro Water Recovery on March 1, 2024.

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

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

Director Twombly gave an update on the upcoming first meeting of the Rules and Regulations Committee scheduled for 4 p.m. on February 20 and noted the Committee members would be Directors Marena Lertch, Jamie Miller, Sarah Niyork, Peter Spanberger, and Scott Twombly.

### **6.b Meeting Minutes**

There were no additions to the following meeting minutes:

Joint Operations and Finance Committee	January 4, 2024
Executive Committee	January 9, 2024

## **7. NEW BUSINESS**

### **Consent Agenda**

#### **7.a Consideration of Designation of Place for Posting Meeting Notices**

Director DeHerrera moved and Director Lertch 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.

### **Roll Call Agenda**

#### **7.b Consideration of Robert W. Hite Treatment Facility Biogas Utilization Project (PAR 1395) Construction Manager-at-Risk Agreement, Work Authorization, Engineer Amendment, and Appropriation**

Director Baker moved and Director Caldwell 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 execute a Construction Manager-at-Risk (CMAR) Agreement and Work Authorization for procurement of equipment under Work Package #1 (WP1) for the Robert W. Hite Treatment Facility Biogas Utilization Project (PAR 1395) (Project) and amend the Professional Services Agreement to provide engineering services for the Project; and

WHEREAS, Metro, Carollo Engineers (Carollo), and Moltz Construction, Inc. (Moltz) have completed 60 percent design and associated cost estimates of the Project and have identified equipment requiring early procurement to maintain the Project schedule; and

WHEREAS, based on the adjustments made to the schedule and approach to the design, an amendment is required with Carollo to complete the design of the Project; and

WHEREAS, Metro staff has negotiated an amendment to Carollo's Professional Services Agreement for the scope of work and associated fees to complete the design of the Boiler Mechanical Facility (BMF) and Renewable Natural Gas (RNG) facilities, as well as provide construction phase engineering services for WP1; and

WHEREAS, Metro staff has provided Moltz with a refined CMAR Agreement which includes procurement provisions and has negotiated WP1 with Moltz to procure large, long lead equipment necessary to construct the BMF including substation transformers, switchgear, motor control centers, and variable frequency drives; and

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

1. Authorizing the Chief Executive Officer to execute a CMAR Agreement and Work Authorization in the amount of \$3,120,000 with Moltz for procurement of equipment under WP1,
2. Authorizing the Chief Executive Officer to amend the Professional Services Agreement in the amount of \$1,410,300 with Carollo to provide engineering services to complete the final design for the Project, support continued Owner's Advisor services in review of the Public-Private Partnership proposals, and support WP1 procurement efforts, and
3. Appropriating \$5,401,000 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. Execute a Construction Manager-at-Risk Agreement and Work Authorization in the amount of \$3,120,000 with Moltz Construction, Inc. for procurement of equipment under Work Package #1 (WP1) for the Robert W. Hite Treatment Facility Biogas Utilization Project (PAR 1395) (Project),
2. Amend the Professional Services Agreement in the amount of \$1,410,300 with Carollo Engineers to provide engineering services to complete the final design for the Project, support continued Owner's Advisor services in review of the Public-Private Partnership proposals, and support WP1 procurement efforts; and

BE IT FURTHER RESOLVED the sum of \$5,401,000 (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 37 Directors voting Yes:

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

**8. INDIVIDUAL DIRECTOR COMMENTS**

There was none.

**9. OTHER INFORMATION**

There was none.

**10. ADJOURNMENT**

Chair Johnston adjourned the meeting at 5:50 p.m.

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