

NORTHWEST LAKEWOOD SANITATION DISTRICT

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1898
Tel: 303-987-0835 • 800-741-3254
Fax: 303-987-2032

<https://nwlsd.us/>

NOTICE OF REGULAR MEETING AND AGENDA OF THE BOARD OF DIRECTORS OF THE DISTRICT AND OF THE WASTE WATER UTILITY ENTERPRISE

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
Gregory A. “Greg” Fabisiak	President	2027/May 2027
Catherine “CiCi” Kesler	Vice President/Treasurer	2027/May 2027
James D. “Jim” Zimmerman	Secretary	2025/May 2025
Anthony M. Dursey	Assistant Secretary	2025/May 2025
George C. Davenport	Assistant Secretary	2025/May 2025

DATE: July 26, 2023

TIME: 4:00 P.M.

PLACE: **VIA Zoom**

If you experience technical difficulties, email Steve Beck at sbeck@sdmsi.com.

<https://us02web.zoom.us/j/81324290119?pwd=bUkzeTg3dlRSTWJFVUpLbTR5R0xWdz09>

Meeting ID: 813 2429 0119

Passcode: 700784

Dial In: 1-719-359-4580

I. ADMINISTRATIVE MATTERS

- A. Review and approve Minutes of the June 28, 2023 regular meeting (enclosure).
-

II. PUBLIC COMMENT

- A. _____

III. FINANCIAL MATTERS

- A. Review and ratify approval of the payment of claims through the period ending July 31, 2023 as follows (enclosure):

General Fund	\$22,760.38
Enterprise Fund	\$56,549.78
Total:	<u>\$79,310.16</u>

and accept the schedule of cash position as of June 30, 2023 (to be distributed); and the unaudited preliminary final financial statements for the period ending June 30, 2023; and a report on collections for the facilities renovation fees, grease trap inspection fee collections, commercial billing and any other fees imposed and collected by the District (to be distributed).

IV. LEGAL MATTERS

A. Update on 11324 West 38th Avenue.

B. Update on 2100 Youngfield Street, Lakewood, Colorado.

V. OPERATIONS MATTERS

A. Operations Monthly Report (enclosures).

B. Engineer's Report (enclosure).

1. Status of 2023 Capital Improvements.

2. Discuss Flow Study.

3. Discuss WWTP Repairs – Flume covers.

VI. OTHER BUSINESS

A. Metro Water Recovery Update (enclosure).

B. Website update.

C. Discuss 2023 Coordinated Election Notification Form from Jefferson County Clerk and Recorder (enclosure).

- D. Discuss WebTMS end of life cost proposal (enclosure).
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VII. ADJOURNMENT **THE NEXT REGULAR MEETING IS SCHEDULED FOR AUGUST 23, 2023.**

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
NORTHWEST LAKEWOOD SANITATION DISTRICT
AND THE BOARD OF DIRECTORS OF THE
WASTEWATER UTILITY ENTERPRISE
HELD
JUNE 28, 2023**

The Regular Meeting of the Board of Directors of the Northwest Lakewood Sanitation District and the Board of Directors of its Wastewater Utility Enterprise (collectively referred to hereafter as “Board”) convened by Zoom video conference and teleconference call on Wednesday, June 28, 2023, at 4:00 PM. The Zoom Meeting and call-in information were listed in the meeting notice posted by the District, and the public was able to attend the meeting by telephone, if they so desired.

ATTENDANCE

Directors In Attendance Were:

Gregory A. “Greg” Fabisiak
Catherine “CiCi” Kesler
James D. “Jim” Zimmerman
Anthony M. Dursey
George C. Davenport

Also In Attendance Were:

Steve Beck; Special District Management Services, Inc.

Tim Flynn, Esq.; Collins Cole Flynn Winn & Ulmer, PLLC

Bill Willis and Brian Techau; Martin/Martin Consulting Engineers

Wayne Ramey; Ramey Environmental Compliance

**ADMINISTRATIVE
MATTERS**

Minutes: The Board reviewed the minutes of the May 24, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler, and upon vote, unanimously carried, the minutes of the May 24, 2023 Regular Meeting were approved.

**PUBLIC
COMMENTS**

None.

**FINANCIAL
MATTERS**

Claims: Mr. Beck reviewed the claims through the period ending June 30, 2023 as follows:

General Fund	\$ 18,791.39
Enterprise Fund	\$ 98,835.57
Total	<u>\$ 128,642.80</u>

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Kesler, seconded by Director Davenport and, upon vote, unanimously carried, the Board ratified the approval of the payment of claims for the period ending June 30 2023.

Unaudited Financial Statement: Mr. Beck reviewed with the Board the May 31, 2023 financials.

Following discussion, upon motion duly made by Director Davenport, seconded by Director Kesler and, upon vote, unanimously carried, the Board approved the May 31, 2023 financials.

LEGAL MATTERS **11324 West 38th Avenue:** Attorney Flynn discussed with the Board the Agreement for 11324 West 38th Avenue. Attorney Flynn noted that he is still working on getting the Title work cleaned up. He has discovered that a transfer has not been made properly so they are still working on that.

2100 Youngfield Street, Lakewood, Colorado: Attorney Flynn and Mr. Beck discussed the status of 2100 Youngfield Street with the Board.

Senate Bill 303: Attorney Flynn and Mr. Beck discussed with the Board the Senate Bill 303.

OPERATIONS MATTERS

Operations Monthly Report: Mr. Ramey discussed the monthly report with the Board.

Replacement of Software: Mr. Ramey discussed with the Board the replacement of software.

Overflow: The Board discussed the overflow. It was noted that the bypass pump was taken out.

Engineer's Report: Mr. Willis reviewed with the Board the engineering report dated June 25, 2023 and the overflow.

Status of 2023 Capital Improvements: The Board discussed the status of the 2023 Capital Improvements. It was noted that the review from Wheatridge, Jefferson County and Lakewood is pending. Once the review is received, it will be ready to release.

Flow Study: Mr. Ramey discussed with the Board the flow study. It was noted that he is still working on the flow study, but is getting ready to get the simulation going.

WWTP Repairs: Mr. Ramey discussed with the Board the WWTP repairs to the flume covers and epoxy coatings. It was noted that Mr. Ramey received the plates last

RECORD OF PROCEEDINGS

week. He is working on painting and coating and will have on the channels by the end of the 2nd week of July.

OTHER BUSINESS **Metro Water Recovery Update:** Director Davenport discussed with the Board the Metro Water Recovery Update.

Website Update: Mr. Beck discussed with the Board the status and analytics report. Attorney Flynn noted that the website must be ADA compliant.

WebTMS: Mr. Ramey discussed with the Board the WebTMS end of life cost proposal.

1515 Whippoorwill Drive: Mr. Beck discussed with the Board, Attorney Flynn and Mr. Ramey the proposal for 1515 Whippoorwill Drive project.

ADJOURNMENT There being no further business to come before the Board at this time, upon motion duly made by Director Kesler, seconded by Director Davenport and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By _____
Secretary for the Meeting

Check No and Date	Payee	Invoice No	GL Account Title	GL Acct	Amount	Total
2731						
07/17/2023	Collins Cole Flynn Winn & Ulmer,	3946	Legal	1-675	3,288.50	3,288.50
Total 2731:						3,288.50
2732						
07/17/2023	Martin/Martin	17.0638-00112	Sewer Lines/Eng./Observ.	4-810	1,855.00	1,855.00
07/17/2023	Martin/Martin	17.0638-00113	2020 CIP	4-882	920.00	920.00
07/17/2023	Martin/Martin	17.0638-00171	2020 CIP	4-882	700.00	700.00
07/17/2023	Martin/Martin	17.0638-00235	Sewer Lines/Eng./Observ.	4-810	1,060.00	1,060.00
07/17/2023	Martin/Martin	17.0638-00243	2022 CIP	4-884	12,311.00	12,311.00
07/17/2023	Martin/Martin	17.0638-00244	2023 CIP	4-885	540.00	540.00
07/17/2023	Martin/Martin	17.0638-00253	2022 CIP	4-884	13,274.63	13,274.63
07/17/2023	Martin/Martin	17.0638-00254	Sewer Lines/Eng./Observ.	4-810	15,142.50	15,142.50
Total 2732:						45,803.13
2733						
07/17/2023	Pat Lombardi	F-5101	Website	1-677	395.00	395.00
Total 2733:						395.00
2734						
07/17/2023	Ramey Enviromental Compliance	25977	COS-Collection System	4-746	6,242.63	6,242.63
07/17/2023	Ramey Enviromental Compliance	25977	COS-Locates	4-742	4,120.47	4,120.47
07/17/2023	Ramey Enviromental Compliance	25977	COS-Emergency Service	4-748	383.55	383.55
Total 2734:						10,746.65
2735						
07/17/2023	Special Dist Management Serv	06/2023	Office Supplies	1-690	123.08	123.08
07/17/2023	Special Dist Management Serv	06/2023	Election and Publication	1-635	32.00	32.00
07/17/2023	Special Dist Management Serv	06/2023	Accounting	1-612	7,216.00	7,216.00
07/17/2023	Special Dist Management Serv	06/2023	Billing	1-616	5,548.00	5,548.00
07/17/2023	Special Dist Management Serv	06/2023	Administration	1-614	3,936.00	3,936.00
Total 2735:						16,855.08
2736						
07/17/2023	Sunbelt Rentals, Inc.	139601502-0003	COS-Collection System	4-746	1,527.86	1,527.86
Total 2736:						1,527.86
2737						
07/17/2023	UNCC	223061030	Repairs & Maintenance-L	4-740	207.69	207.69
Total 2737:						207.69
2738						
07/17/2023	Uncle Julio's Corporation	06302323	Expense Reimbursement	1-325	486.25	486.25
Total 2738:						486.25
Grand Totals:						79,310.16

<u>Check Issue Date</u>	<u>Check Number</u>	<u>Payee</u>	<u>Amount</u>
07/17/2023	91124	Davenport, George C.	369.40
07/17/2023	91125	Dursey, Anthony	554.10
07/17/2023	91126	Fabisiak, Gregory A	554.10
07/17/2023	91127	Kesler, Catherine C	554.10
07/17/2023	91128	Zimmerman, James D	554.10
Grand Totals:			<u>2,585.80</u>
	<u>5</u>		

Northwest Lakewood Sanitation District
July-23

	General	Enterprise	Totals
Disbursements	\$ 21,024.83	\$ 58,285.33	\$ 79,310.16
Payroll	\$ 2,585.80		\$ -
			\$ -
Payroll Taxes (Quarterly)	\$ -		\$ -
Direct Pay -- Consolidated Mutual Water	\$ -		\$ -
Total Disbursements from Checking Account	\$ 23,610.63	\$ 58,285.33	\$ 81,895.96

**Northwest Lakewood Sanitation District
Engineering Report
July 26, 2023**

2022 - Approximate Linear Footage

- 112,097 LF Total in Zone A Jetting Only
 - 37,265 LF Hot Spots which include Accelerated Maintenance, Mineral Cleaning, and Root Cut in all zones.
- M/M sent the requested photos, map, graph and Long-Range Plan to Roger Sherman along with a list of 2022 projects. 10/24/2022 – M/M requested CCTV files from REC in the PACP compatible format.

UPDATE: 07/26/2023 – None.

NWLSD Flow Study

04/26/2023 Field survey is complete and a few confirmations are being made with pipe slopes and MH alignments. Most flow information and existing data has been input into the model and calibration will now be started. 05/24/2023 – Final flow information has been added. Initial scenarios for peaking have been started. With the recent flow issues at the plant site, calculations and investigation of flow values has taken place in an effort to identify reasons behind the overflow. Graphs of Metro flows vs. rainfall events is attached for review. As noted by REC, the speculation is that rags may have caused limited flow capacity in the outlet pipe. Since the event, bypass pumping nor rainfall events have caused issues with the headworks.

UPDATE: 07/26/2023 – None

2023 Capital Improvements Design

Survey of system manholes along major trunklines for the Flow Study is underway. 11/23/2022 – MH survey is anticipated to be completed in late November. Input of data into the sanitary program will take place in December / Early January with anticipated report writing in February/March. 12/28/2022 – Flatirons completed initial review of the first round of field work, and sent a draft to M/M. 01/25/2023 – M/M was notified that the final file from Survey regarding the search for manholes will be complete in Early January. M/M received an updated proposal from SAM and Lamb-Star to include pipes QL-B and QL-A (10 test holes) with two separate areas of investigation within this scope/fee. Design continues. 02/22/2023 - M/M sent pdfs from our topo survey of the two areas to SAM for getting SUE locates. 03/22/2023 – Work progresses on the design with integration of the SUE locates and survey. Issues discovered with the MH cover at Orchard St. and W 15th Drive will be incorporated into the improvements package. REC has been assisting in uncovering MH's B-36 to B-37 as well as discovering the sanitary alignment around BF-17 and BF-16A. It was found that B-17 is buried along the eastside on the brick wall with 3 -4 ft of dirt, west of Clear Creek Drive. MM is coordinating to get this MH raised. Survey will take place to get coordinates and inverts of the MH's. 04/26/2023 – M/M sent a list of pothole locations to SAM for required QL A locates. SAM sent back records of the pothole locations. Design is progressing for completion with each jurisdiction. 05/24/2023 – M/M reached out to Ismael regarding rock or other debris in the pipes at GF-14 to GF-15 and Z-2 to Z-1. Potholing (SUE Locates), was completed in advance of the full remove and replace projects to avoid utility conflicts. M/M sent the 2023 Capital Improvements Project for the Northwest Lakewood Sanitation District to the City of Wheat Ridge and Jefferson County for review. M/M reached out to Leanne Goodhue to discuss possibly performing some heavy cleaning and CIPP of the line crossing beneath Denver Water conduits near the Applewood shopping center, rather than excavation. Leanne responded that the pipe can be cleaned and lined. Leanne also notes that there is heavy infiltration in the clay section approximately 2.5 LF into the pipe, and states the District may want to consider a CIPPR – trenchless point repair “bandaid” before CIPP lining. The improvement has been included in the CIP project.

UPDATE: 07/26/2023 – CIP project has been reviewed and approved by Lakewood and Wheat Ridge. Wheat Ridge noted 4 locations where we have open cuts in areas slurry sealed in 2022, however there is no restriction



to the work at these sites. One CIPP is on a street scheduled for slurry seal in mid to late September and may require coordination to avoid working in the same place at the same time. Wheat Ridge will be sending out a map of planned overlay and slurry seal locations for 2024 and 2025 by the end of the year. Awaiting review by Jefferson County and expect approval/comments the week of 7/24 with Gene Bennetts on vacation until then. M/M will prepare for Advertisement for Bid as soon as approval is received from JeffCo.

10021 West 26th Avenue – (7/11/2023) – Dogtopia

Update: 07/26/2023 – M/M sent a referral letter to WR for this Project.

23 Skyline Drive – Adam Rahberg – (7/10/2023) – Man cave ADU

Update: 07/26/2023 – Adam reached out to Steve Beck regarding the building of a “man-cave ADU”. Adam’s Client is wondering if an additional tap fee is needed for this ADU. M/M believes that an additional tap fee would need to be charged for this ADU due to an added kitchenette and bathroom. M/M sent our referral letter to Adam and mentions the need for plans that show the proposed sanitary sewer service, and the need for an additional connection fee. Adam responded stating that the homeowner is concerned about the additional fee as they feel they are not adding any additional load to his existing service or making a new connection. Steve responded that due to the addition of the kitchenette and the bathroom in the proposed construction, this falls into the category of being an ADU addition to the home. Steve informed Adam, that he and/or the homeowner can request a variance at the upcoming board meeting. Adam has since responded that homeowner has decided to eliminate the added bathroom and that the sink and dishwasher in the existing sunroom is only to be relocated to the new sunroom with zero net change to the sanitary sewer load.

1515 Whipperwill Drive – Robin Kerns – (7/5/2023) - New 40 Unit Building

Update: 07/26/2023 – Steve Beck Notified M/M and REC of a 40 unit multi-family development Robin is working on. M/M responded that there is a service with two cleanouts that likely comes from Lot 3. M/M notes that the location of the service does not have an easement with the District since the service is private. The new development is planning for a detention pond in the area of the sanitary service location. Field investigation by reported sewage leaking at two clean outs at the corner of the property at Youngfield Extended. Ismael sent M/M all the tap cards on W. 15th Pl. to the end of the cul-de-sac, Whippoorwill Dr. and Youngfield Dr. Ismael also contacted the homeowner at 1525 Whippoorwill Dr. regarding the backed up sewage and was informed that the homeowner had a plumber on site the day before and that the line was cleared of roots and flow restored. M/M responded to Robin to inform him that the service line had been cleaned, that any dispute regarding the location of the service line would need to be resolved between the landowners and that the developer can move forward with design of a sanitary extension in Youngfield Dr. to provide service to the site to be developed.

12905 W. 24th Place – Abby Votava – (6/26/2023) 6-unit townhomes

Update: 07/26/2023 – M/M received request for a proof of submission form for a 6-unit townhome development. A flow study may be required. Services would tie into existing mainline in 24th Place. No mainline extension necessary. M/M sent Abby the completed forms as well as the District referral letter. Each of the 6 units have their own $\frac{3}{4}$ water meter resulting in 6 SFRE’s as preferred by the District rather than a master meter billed to an HOA.

Golds Marketplace - 10041 W. 26th Ave – Sandwich Shop-Heide Winsor(4/24/2023)

05/24/2023 – Heidi Winsor reached out to Steve Beck regarding a new commercial tenant build-out project for a restaurant sandwich shop, and asked if the Mall has a grease tap that she can tie into. M/M responded stating that yes, an engineering review is needed for a referral letter, and asked for Site Plans, Arch Drawings, and Plumbing Drawings. M/M also noted that a deposit is needed, as well as a set of plans that show all fixtures, Professional Engineer’s certified grease interceptor calculation, and noted the standard inspection fee Steve reached out to M/M about Gold’s Market Place. Steve asked if we know which units have grease traps that need to be billed for and how each unit gets their water. M/M found that all four buildings go out to two 5000-gallon grease interceptors-buildings A and B going to one and buildings C and D going to the other. With this information



in mind Steve recommends billing OK26 LLC for each Grease Trap but have a separate Grease Trap account for each one, M/M agrees as REC only needs to review 2 tanks. The District received the deposit for the engineering review. Heidi sent BID/PERMIT signed set of drawings to M/M, Heidi also answered M/M questions regarding number of meals, seating, peak times, and hour of operations. M/M sent back a letter regarding the grease interceptor sizing for Heidi's Deli, agreeing that the calculations included in the plan set showing a required minimum sized grease interceptor of 1964-gallons should be sufficient for the development. Other grease contributing units still need to be evaluated to be sure the existing 5,000-gallon interceptor is of sufficient size. Information on the other units is being requested as referrals had not been received.

UPDATE: 07/26/2023 – Awaiting information on existing tenants currently attached to the 5000-gallon grease interceptor. Future tenants – Live Slow Brewery and Illegal Pete's will need to go through a separate grease interceptor review once they are planning to move in. The contact for Live Slow, Joe Malouff informed M/M that they were approved for construction permits in late 2022 and are far along in the build-out process. Stephanie Stevens sent M/M the approved permit plans, noting that the permit did not require a proof of submission to sanitation. M/M reached out to Will Tomlin in regards to the District having trouble keeping up with which developments are being placed where, and which developments are existing vs current. Will sent M/M a layout plan of the building that shows where each development should be. M/M sent a letter to Heidi regarding sizing approval of the grease interceptor and requested the construction schedule so the connection to the grease interceptor and existing sanitary mainline can be observed.

[1570 Cole Boulevard – Nolan Stuart – GIS Mapping – \(6/1/2023\) Multi-Family housing project](#)

Nolan reviewed high level concepts of the project and discussed potential connection points and easements. The District main that aligns along one of the property line may require re-alignment. A flow study for the site will be paramount to determine if the project size can be accommodated without line segments downstream having a capacity issue. Added survey to the prelim District Flow Study would be needed and the added 13 manholes will be up to the developer. The parcel in question had to be verified as being within the District. Significant effort to find the area within the original inception documentation took place verifying inclusion. Ismael sent video files for the mains in question on the property for review. The developer has stated they are currently on hold.

Update: 07/26/2023 – None.

[2460 Lewis Street – Tyler Kakavas – ADU – \(6/20/2023\)](#)

Steve Beck informed M/M of Tyler Kakavas building an ADU for an Architect. It will be an office/shed with a bathroom that will connect to the existing house sewer line. Steve informed Tyler that he would need to provide all plans for review and approval. They will also need common service line agreement for a detached ADU.

Update: 07/26/2023 – None.

[190 Simms Street – Don Sutherland – \(6/12/2023\)](#)

Don Sutherland reached out to Steve Beck regarding service availability, Steve notes that this property is serviced by a septic tank. Steve also notes that after searching, this property may or may not be included in the District, as they are paying the annual tax levy to the District, but not being billed the quarterly FRSF. Don is interested in connecting to NWLSD system if possible. M/M reviewed District drawings, and found it appears feasible to extend a line from the property to the east, but they would need to get an easement from the Church. M/M would prefer a mainline extension, as if there are other properties that are on septic that may need future connection, this may be a way to get participation from neighbors.

Update: 07/26/2023 – None.

[Applewood East Paving – Brandon Shaffer\(5/4/2023\)](#)

5/24/2023 – Brandon Shaffer with Jefferson County Road and Bridge reached out to M/M regarding a number count for MH risers within the Applewood East area, along with a map of the area we plan on paving with locations of each manhole (140 total risers). M/M reached out to Tim Flynn about verbiage in the letter that intimates if M/M is not on-site during construction that we relinquish our rights to remedy issues caused by their Contractor, and asked if Tim could give his opinion and offer comments to take to the county. M/M reviewed the



map of paving area and found 147 manholes, and for upcoming CIP, we have one point repair and 9 CIPP in the area. M/M and Tim are coordinating regarding the language in the letter. Ismael found riser rings from last year that weren't used, so he ordered the remainder riser rings from Castings, Inc. – to accommodate County request. They were delivered by REC. M/M notified Brandon Shaffer at the county that the District does not waive their right to inspect the County's work and notify the County of any defects, but this will not necessarily take place immediately during construction. M/M also asks to make the requested notification for manhole risers much earlier, so the District has time to set a budget in advance. M/M informed the County of the one CIP open cut improvement in the area of paving.

Update: 07/26/2023 – Resurfacing has been completed but the County never requested the MH riser rings. It is recommended the District hold on to the rings (approximately 160 ea) for future needs. REC reported MH rings & covers appeared to be raised to ¼" below finished surface. MHs need to be opened up to make sure they are clean and the paving contractor did not leave dirt or debris.

3190 Youngfield St. (FirstBank Conversion) Logan Raukar (6/23/2022)

07/27/2022 - Logan Raukar inquired on connection fees for the conversion of the FirstBank to a Fast-Food Restaurant. M/M gave information on the estimated fees, and requested a concept plan, PE stamped calculation for the grease interceptor, contact info for the property owner, developer, and engineers. M/M also stated a flow study might be required. 08/25/2022 – M/M received the requested Concept Site Plan. We are verifying if other tenants will have need for grease interceptor but this appears to be a simple project with no effect on sanitary. 01/25/2023 – We have now been informed that the renovation of the building will be a restaurant. Concept plans are needed for review and an estimate of fee deposit was noted for Grease Interceptor review. 03/22/2023 -M/M sent a referral letter for this Project. M/M was informed of a request for approval of a Specific Development Plan (SDP) amendment and Special Use Permit for a drive-thru restaurant (Wendy's). 04/26/2023 – M/M sent GIS-PDF of the mainlines in the vicinity of the property, two tap cards, and a copy of the referral from the City to Andrew Pires with Galloway. Tye Cooley with Schier Products informed M/M of an inquiry of a grease interceptor for this Project and wanted M/M to review and approve. M/M responded that an additional fee is required for review of the grease interceptor and requested additional information on the kitchen equipment. Ismael found riser rings from last year that weren't used, so he ordered the remainder riser rings from Castings, Inc. – to accommodate County request. They were delivered by REC. M/M notified Brandon Shaffer at the county that the District does not waive their right to inspect the County's work and notify the County of any defects, but this will not necessarily take place immediately during construction. M/M also asks to make the requested notification for manhole risers much earlier, so the District has time to set a budget in advance. M/M informed the County of the one CIP open cut improvement in the area of paving.

UPDATE: 07/26/2023 – None.

1991 Youngfield St. (Applewood Beer Garden) Juan Sanchez 4-14-22

Proposed bar and restaurant. MM in review for initial referral and plans. 06/22/2022 – Sent referral along with a signed 1001 Form. Sent location of manholes for easier locating. They will need to open manholes to get the elevation and inverts of the manholes. 08/25/2022 – Juan Sanchez requested Construction Details for the District, M/M sent him the information he was looking for. Juan is wanting an update on the sanitary proposal, M/M responded with a letter, and feedback, along with proof of submission. Juan asked for specific details for tracer wires and associated test stations and the Sampling Manhole, M/M responded with the information Juan was looking for. 11/23/2022 – M/M sent out a referral letter. M/M sent a referral letter to Jefferson County.

UPDATE: 07/26/2023 – None.

12601 W 32nd – Valvoline 3-Bay Oil Change Facility – Hayley Bancroft (4/4/2023)

04/26/2023 – Hayley sent the site plan and utility to M/M regarding developing a proposed 3-bay oil change facility at the NEC of Youngfield St and W 32nd St. M/M sent comments and additional information needed. M/M sent an availability letter and proof of submission, noting that resubmittal to address comments is required prior to connecting to the District Main. Cynthia Callaghan sent revised drawings showing the oil/water separator per



M/M comments. M/M sent approved plans from NW Lakewood along with the Plan Acceptance Letter. Steve Beck emailed M/M related to existing credits for the overall shopping center development. Steve noted that the existing sanitary service was left in place to connect the new structure and that a 1" water tap credit exists. M/M responded that if the previous service is not used, they would need to abandon the tap at the mainline.

05/24/2023 – Ismael was onsite and checked out the lines, and had to jet and clean the lines. The Contractor desired to reuse an existing 4-inch, cast-iron sewer line and that serviced a previous structure. Ismael inspected the line and indicated the lines looks good. MM reviewed CCTV of the service and indicated that the line should be replaced but that the line is private and it is up to the owner. Revised plans were sent and appeared acceptable. Del Lukasiewicz reached out to M/M noting that they have descaled and re-jetted this line, and sent new CCTV footage for review. We reminded the owner that the service is private and their own responsibility.

UPDATE: 07/26/2023 – None.

[Southeast corner of Clear Creek Drive and Youngfield Service Road - Take 5 Carwash\(4/12/2023\)](#)

4/26/2023 – M/M received a referral from WR and has responded. A full design of the sand/oil separator(s) is required with a resubmittal. 05/24/2023 – M/M sent a referral letter to WR.

Update: 07/26/2023 – None.

[11324 West 38th Ave – Osborne \(Westridge\) Connection to NWLSD](#)

11324 W. 38th will need to work with Westridge to obtain service instead of Northwest Lakewood. 05/25/2022 - A deposit and tap fee has been made to the District office. 06/22/2022 – Waiting on documentation, and information from the original surveyor in 2018. Additionally, the design for connection is still needed. 03/22/2023 -Tim Flynn sent proposed form of First Amendment to the existing Sewer Service Agreement between the Northwest Lakewood Sanitation District and the Westridge Sanitation District. Plans were sent for review of the MH connection. Review is on-going. 04/26/2023 – M/M received the corrected version of the agreement that has been signed by Westridge. Tim Flynn is drafting an agreement between Northwest, Westridge, and the Osbornes that Northwest will not be issuing any additional taps for connection to the Interceptor in the future. Tyler sent the architectural, plumbing, isometric, and a plan for the main line from the house. Steve Beck sent Tyler a note regarding next steps saying that after he gets the engineering approvals and permits from the City and County, and the District approval on Design Documents he is good to begin construction, noting that once the tap has been made then M/M will schedule the inspection so that the excavations can be filled in ASAP. M/M added that the Developer is responsible for all construction costs as well as finding a Contractor to perform the work. M/M sent a referral letter regarding allowing the service to go straight into the manhole from a 6" service line and transition to a 4" service line 5' away from the manhole extending to the residence. 05/24/2023 – Tim Flynn sent an agreement regarding wastewater service between Northwest, the Osbornes, their daughter and son-in-law, Tyler Kakavas and Amanda Osborne, and the Westridge Sanitation District for M/M review. M/M sent back questions and minor edits.

UPDATE: 07/26/2023 – None.

[3123 and 3143 O'Hayre Court, Lakewood CO – Combined Lot Project Garage/Barn/Loft ADU - Tim and Donna O'Hayre \(05/25/2022\)](#)

06/22/2022 – Combing 2 Lots into one. Requested a Will Serve Letter. M/M sent out referral letter. A Submittal of the residence fixtures and Barn/Loft details were requested. 08/28/2022 – M/M received notice that Formal Development Application and related docs were submitted to City of Lakewood. M/M sent a referral letter.

10/24/2022 – M/M received a response to submitted comments from RevolveDesign-Build. M/M requested plans submitted directly to us when available to expedite the process and proof letter. 01/25/2023 – Gary updated M/M of the progress of their construction documents being submitted, and noted that they are working with Consolidated mutual to get the water and sewer availability form. Plans still need to be submitted. 02/22/2023 – M/M received the sewer service availability form, the schematic design for the home/site, service availability, as well as a copy of the replat. M/M sent the completed sewer service availability form. 04/26/2023 – Gary Wegher reached out to M/M about the existing main sewer line depth, M/M sent NWLW's utilities exhibit. Gary sent an



email to M/M regarding proposing a sink and toilet in the garage/barn and asked if there would be a tap fee. M/M responded requesting plans for the garage/barn, noting that a separate building should have its own service connecting to the District main and that yes a separate building requires a connection fee.

UPDATE: 07/26/2023 – None

10925 W 32nd Avenue – Dan Kraus -Sanitary Sewer Survey (03/02/2023)

03/22/2023 – Dan Kraus reached out to M/M regarding the Survey done at his property, he attached the Survey with the Parcel highlighted. A Project kickoff meeting was held to discuss the two existing residences and improvements that would add an ADU to each, A third lot is also planned for another residence with an ADU. Connection Fees were discussed.

UPDATE: 07/26/2023 – None.

CMWC Fence Relocation and Ditch Stabilization – Consolidated Mutual Water Company Office Parcel (12/22/2022)

1/25/2023 – M/M received prelim plans from Andy Rogers, noting that COL has provided some prelim comments, but COL doesn't intend to send the plans for referral. M/M responded with initial comments on the layout plan for the fencing and wall. M/M noted that our main goal is to maintain quick access to MH's along the Ditch.

UPDATE: 07/26/2023 – None.

1325 Normandy – Jim Skeen (303-809-0027) ADU addition to Single Family

Coordination took place as to needed plan review and ADU requiring an additional tap connection fee. The proof of submission was received on October 22 and returned to the Owner with an availability letter on October 25th.

UPDATE: 07/26/2023 – None.

Miscellaneous

- 05/24/2023: Overflow of headworks: REC responded and informed MM of the situation. Cleaning of the line downstream pulled out roots and rock. However, a second day of overflow took place. It appears significant groundwater flow was added to the overall flow in the system (illicit connections and pumping). REC bypassed a portion of flow with a pump which alleviated the overflow. This operation will be left in place over the next few weeks. A dirt berm with culvert and canal gate may be desired long term unless the entire flow can be piped directly without entering the channel. Appropriate State contact and reporting took place by REC.
- 06/28/2023 – An attempt to CCTV the line downstream of the headworks would require a larger pump (6") to bypass the line. REC noted it appears from Metro flow data that the overflow blockage was at the gate at the influent structure. REC continues to get updated flows from Metro to keep track of issues.
- 06/28/2023 – Steve Beck received a CDOT Permit for Ramey to do jetting and CCTV maintenance on the sanitary lines in Kipling from 21st Ave to 32nd Ave, and sent a fully signed permit to M/M.
- **07/26/2023 – Provided GIS Shapefile of NWLSD boundary to City of Wheat Ridge to update their database.**

METRO WATER RECOVERY

Board of Directors Meeting

Tuesday, July 18, 2023

The regular monthly meeting of the Board of Directors of Metro Water Recovery will be held Tuesday, July 18, 2023 at 5:30 p.m. in the Administration Building Boardroom.

The **Agenda** will be as follows:

1. OATH OF OFFICE

The following Directors have been appointed by their Member Municipalities to complete two-year terms of office which expire June 30, 2025.

Appointed Director

Travis Bogan
Sharon Israel
Marena Lertch
Joshua Redman
Thomas Roode

Member Municipality

City and County of Denver
City of Arvada
City of Aurora
City of Thornton
City and County of Denver

The following Directors have been reappointed by their Member Municipalities to complete two-year terms of office which expire June 30, 2025.

Reappointed Director

Mary Gearhart
Andrew Johnston
Doug Lazure
Peter Spanberger
Jennifer Williams

Member Municipality

City and County of Denver
City and County of Denver
City and County of Denver
City and County of Denver
City and County of Denver

2. ROLL CALL

3. PUBLIC COMMENT

4. APPROVAL OF MINUTES

Minutes of the Board of Directors Meeting on June 20, 2023 (*Tab No. 1*)

5. PROGRESS AND PROJECTION REPORTS

5.a Report by Chief Executive Officer (*Tab No. 2*)

5.b Report by General Counsel (*Tab No. 3*)

6. REPORTS OF OFFICERS AND COMMITTEES

7. NEW BUSINESS

Consent Agenda

- 7.a **Consideration of Cost Allocation Percentages for the 2024 Annual Charges for Service** [Recommended O/F/E] *(Tab No. 4)*
- 7.b **Consideration of the 2024 Sewer Connection Charge** [Recommended O/F/E] *(Tab No. 5)*
- 7.c **Consideration of 2024 Large-User Exception Capital Investment Fractions** [Recommended O/F/E] *(Tab No. 6)*
- 7.d **Consideration of the 2024 Reactivation Charge** [Recommended O/F/E] *(Tab No. 7)*
- 7.e **Consideration of HVAC High Priority Improvements Project (PAR 1392) Consultant Agreement Amendment and Appropriation** [Recommended O/F/E] *(Tab No. 8)*
- 7.f **Consideration of On-Call Electrical Services** [Recommended O/F/E] *(Tab No. 9)*
- 7.g **Consideration of Litigation Funding** [Recommended O/F/E] *(Tab No. 10)*

Roll Call Agenda

- 7.h **Consideration of Appointments to the Defined Benefit Plan Retirement Board** [Recommended O/F/E] *(Tab No. 11)*
- 7.i **Consideration of Appointments to the Defined Contribution Plan Retirement Board** [Recommended O/F/E] *(Tab No. 12)*

8. ELECTION OF OFFICERS

- 8.a **Election of Officers per Metro Water Recovery Bylaws**
- 8.b **Consideration of Resolution Memorializing the Election of Officers** *(Tab No. 13)*

9. INDIVIDUAL DIRECTOR COMMENTS

10. OTHER INFORMATION

11. ADJOURNMENT

Andrew Johnston
Chair

Committee Meeting Minutes in Chronological Order *(Tab No. 14)*.

METRO WATER RECOVERY

Board of Directors Meeting

July 18, 2023

Action Items—Committee Recommendations

1. **Consideration of Cost Allocation Percentages for the 2024 Annual Charges for Service**

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.
2. **Consideration of the 2024 Sewer Connection Charge**

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.
3. **Consideration of 2024 Large-User Exception Capital Investment Fractions**

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.
4. **Consideration of the 2024 Reactivation Charge**

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.
5. **Consideration of HVAC High Priority Improvements Project (PAR 1392) Consultant Agreement Amendment and Appropriation**

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.
6. **Consideration of On-Call Electrical Services**

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.

7. Consideration of Litigation Funding

Operations : Unanimously recommended approval.
Finance : Unanimously recommended approval.
Executive : Unanimously recommended approval.

8. Consideration of Appointments to the Defined Benefit Plan Retirement Board

Executive : Unanimously recommended approval.

9. Consideration of Appointments to the Defined Contribution Plan Retirement Board

Executive : Unanimously recommended approval.

(The Operations and Finance Committees held a joint meeting on July 6, 2023.)

METRO WATER RECOVERY

Minutes of the Regular Meeting of the Board of Directors

June 20, 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, June 20, 2023 at 5:30 p.m. in the Boardroom.

Chair Johnston called the meeting to order.

1. OATH OF OFFICE

The following Directors have been reappointed by their Member Municipality to complete two-year terms of office which expire June 30, 2025.

Appointed Director

Greg Baker
Nadine Caldwell
Clark Davenport
Jo Ann Giddings
Greg Sekera
Dennis Towndrow

Member Municipality

City of Aurora
City of Aurora
Northwest Lakewood Sanitation District
City of Aurora
City of Lakewood
North Pecos Water and 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
Peter Baertlein, Denver
Greg Baker, Aurora
Mike Barrett, Crestview
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
Robert Duncanson, Denver
Mary Gearhart, Denver
Joan Iler, Westridge
Janet Kieler, Denver
Craig Kocian, Arvada

Laura Kroeger, Lakewood
Doug Lazure, Denver
Charles Long, Thornton
Martin Majors, Fruitdale*
Charlie Miller, Fort Lupton*
Jamie Miller, North Table Mountain*
Steve Pott, Applewood
Bill Ray, Arvada
Kim Schoen, Brighton
Greg Sekera, Lakewood
Peter Spanberger, Denver
Amerigo Svaldi, North Washington Street
Dennis Towndrow, North Pecos
Scott Twombly, Thornton
Jennifer Williams, Denver
Ronald Younger, Denver

Directors Absent:

Bob LeGare, Aurora
Mary Beth Susman, Denver

Others Present:

Mickey Conway
Emily Jackson
Liam Cavanaugh
Ruth Kedzior
Molly Kostelecky
Jack Hennes
Yvonne Kohlmeier
Lydia Nkem*
Margaret Medellin
Josh Redman
*Attended virtually

Chief Executive Officer (CEO)
General Counsel
Chief Operating Officer (COO)
Assistant to the CEO
Chief Financial Officer
Communications Specialist Senior
Senior Administrative Assistant
Executive Assistant
City and County of Denver
City of Thornton

3. PUBLIC COMMENT

There was no comment.

4. APPROVAL OF MINUTES

4.a Minutes of the Board of Directors Meeting on May 16, 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 May 16, 2023.

Director Younger moved and Director Iler seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held May 16, 2023.

The motion carried unanimously.

5. PROGRESS AND PROJECTION REPORTS

5.a Report by CEO

CEO Conway reviewed his written report, highlighting his testimony last month before the House Transportation and Infrastructure Committee, recognition of industrial partners at the May Gold Awards ceremony, Lab Analyst I Carl Verke winning the Analyst of the Year at the 2023 Rocky Mountain Water Quality Analysts Association Symposium, the success of last week's Town Hall and Field Day event, results of the employee survey, and the change order for the Second Creek Interceptor Project (PAR 1232).

Mr. Conway answered questions on the percentage of responses for the employee survey and staffing head count.

5.b Report by General Counsel

General Counsel Jackson provided an update, stating the Donald Temples litigation matter has reached a settlement, mentioned the closing of the 2023 legislative

session, and Metro Water Recovery's support of SB23-150 – Require Labeling Disposable Wipes.

6. REPORTS OF OFFICERS AND COMMITTEES

6.a Report of Nominating Committee

Nominating Committee Chair Caldwell stated the Nominating Committee comprised of Directors Aldstadt, Caldwell, Kieler, Kocian, and Twombly met on May 16, 2023 and is recommending the following slate of officers:

Director	Member Municipality	Officer Position
Andrew Johnston	City and County of Denver	Chair
Sarah Niyork	South Adams County Water and Sanitation District	Chair Pro Tem
Jo Ann Giddings	City of Aurora	Secretary
Del Smith	Bancroft-Clover Water and Sanitation District	Treasurer

6.b Report from Strategic Planning Committee

Strategic Planning Committee Chair Kroeger gave an update on the six-month implementation stage of the Strategic Plan.

6.c Meeting Minutes

There were no additions to the following meeting minutes:

Defined Benefit Retirement Board	February 23, 2023
Defined Contribution Retirement Board	February 23, 2023
Operations Committee	June 6, 2023
Finance Committee	June 8, 2023
Executive Committee	June 13, 2023

7. NEW BUSINESS

7.a Hearing for the Final Adjusted 2022 Annual Charges for Service

Chair Johnston opened the Hearing for the Final Adjusted 2022 Annual Charges for Service at 5:48 p.m. There were no questions or comments. Chair Johnston closed the hearing and reconvened the Regular Meeting of the Board of Directors at 5:49 p.m.

Consent Agenda

7.b Consideration of Adoption of the 2024 Annual Budget and Annual Charges for Service

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

WHEREAS, the proposed 2024 Annual Budget of Metro Water Recovery, hereinafter referred to as "Metro," has been prepared by the Chief Executive Officer

with the advice and counsel of the Finance Committee of Metro's Board of Directors;
and

WHEREAS, the Board of Directors duly published a notice concerning the proposed 2024 Annual Budget as required under C.R.S. § 29-1-108 and held a public hearing on May 16, 2023, on said Budget, as provided for in Section 901B of the 2009, 2012, 2019, and 2020 Bond Resolutions; and

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

- adoption of 2024 Annual Charges for Service of \$155,211,122,
- adoption of the 2024 Annual Budget for all funds totaling \$178,730,098,
- adoption of the 2024 Operating Budget of \$119,986,098,
- adoption of 2024 budget for new and replacement equipment and vehicle purchases (greater than or equal to \$10,000 and less than or equal to \$500,000) of \$3,013,000, which will be funded as follows: \$280,000 from the Operations and Maintenance Fund and \$2,733,000 from the Fixed Asset Replacement (FAR) Fund),
- adoption of 2024 budget for the General Fund and FAR Fund Small Projects of \$3,500,000, which will be funded as follows: \$2,500,000 from the General Fund and \$1,000,000 from the FAR Fund,
- approving \$52,231,000 for the 2024 Debt Service Fund,
- approving all required internal fund transfers for the 2024 Annual Budget and cash flow requirements; and

WHEREAS, the Defined Benefit Plan Retirement Board recommends:

- contributing \$11,584,570 to Metro's Defined Benefit Retirement Plan on the first business day in January 2024, pursuant to the Actuarial Determined Contribution as of January 1, 2023; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees and the Defined Benefit Plan Retirement Board;

NOW, THEREFORE, BE IT RESOLVED the 2024 Annual Budget of \$178,730,098, as prepared by the Chief Executive Officer with the advice and counsel of the Finance Committee, be and hereby is adopted as the 2024 Annual Budget for Metro; and

BE IT FURTHER RESOLVED:

- The Annual Charges for Service for 2024 be and hereby are adopted at \$155,211,122; and
- The Operating Budget for 2024 be and hereby is adopted at \$119,986,098; and
- The new and replacement equipment and vehicle purchases (greater than or equal to \$10,000 and less than or equal to \$500,000) budget for 2024 be and

hereby is adopted at \$3,013,000, which will be funded as follows: \$280,000 from the Operations and Maintenance Fund and \$2,733,000 from the Fixed Asset Replacement (FAR) Fund); and

- The General Fund and FAR Fund Small Projects budget be and hereby is adopted at \$3,500,000, which will be funded as follows: \$2,500,000 from the General Fund and \$1,000,000 from the FAR Fund; and
- The 2024 Debt Service Fund be and hereby is adopted at \$52,231,000; and
- All required internal fund transfers for the 2024 Annual Budget and cash flow requirements be and hereby are approved; and
- The contribution of \$11,584,570 to Metro's Defined Benefit Retirement Plan on the first day of January 2024, pursuant to the Actuarial Determined Contribution as of January 1, 2023, be and hereby is approved.

The motion carried unanimously.

7.c Consideration of the 2024 Annual Budget Appropriation

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

WHEREAS, the Chief Executive Officer of Metro Water Recovery, hereinafter referred to as "Metro," with the advice and counsel of the Finance Committee of Metro's Board of Directors, prepared an Annual Budget for the fiscal year beginning January 1, 2024; and

WHEREAS, the Operations, Finance, and Executive committees recommend adoption of the proposed 2024 Annual Budget; and

WHEREAS, the Board of Directors further reviewed said proposed Budget to determine its adequacy to meet the obligations of Metro Water Recovery for the fiscal year 2024 and, having found the 2024 estimated revenues and expenditures reasonable, adopted said Budget on June 20, 2023; and

WHEREAS, it is incumbent upon the Board of Directors to appropriate the necessary amounts for the purposes set forth in the adopted 2024 Annual Budget;

NOW, THEREFORE, BE IT RESOLVED \$178,730,098 be and hereby is appropriated as set forth in the 2024 Annual Budget Appropriation Summary attached hereto and made a part hereof.

The motion carried unanimously.

7.d Consideration of Certification of the Final Adjustment to the 2022 Annual Charges for Service

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

WHEREAS, Section 605 of Article VI of the *Sewage Treatment and Disposal Agreement* (Service Contract) and the *Special Connectors Agreement* of Metro Water

Recovery, hereinafter referred to as “Metro,” provides the final adjustment of any charge for any fiscal year shall be made on or before the last day of June next, following the last day of that fiscal year; and

WHEREAS, Section 606 of the Service Contract and the Special Connectors Agreement further provides a hearing be held on the proposed final adjustments of any charges made by Metro; and

WHEREAS, a hearing was held on the Final Adjustments to the 2022 Annual Charges for Service at the regular meeting of the Board of Directors on June 20, 2023; and

WHEREAS, the Operations, Finance, and Executive committees, after having reviewed the proposed Final Adjustments to the 2022 Annual Charges for Service, recommend their adoption; and

WHEREAS, the Final Adjustments to the 2022 Annual Charges for Service have been reviewed by the Board of Directors and found to be reasonable;

NOW, THEREFORE, BE IT RESOLVED the Final Adjustments to the Annual Charges for Service for the year 2022, as set forth in the attached schedule of Connector Flows, Loadings, and Charges, be and hereby are certified to be the Final Adjustments to Member Municipalities and Special Connectors of Metro Water Recovery for the fiscal year 2022.

The motion carried unanimously.

7.e Consideration of Rescinding Unexpended Capital Appropriations

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

WHEREAS, a number of projects of Metro Water Recovery, hereinafter referred to as “Metro,” have been completed and it is now necessary certain unexpended appropriations be rescinded; and

WHEREAS, the unexpended appropriations are as follows:

General Fund	65,688.15
Fixed Asset Replacement Fund	<u>677,982.21</u>
Total Unexpended Appropriations	\$ 743,670.36; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend such appropriations be rescinded; and

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

NOW, THEREFORE, BE IT RESOLVED the unexpended balances of the appropriations set forth in the attached Schedule of Appropriations To Be Rescinded June 2023 be and hereby are rescinded.

The motion carried unanimously.

7.f Consideration of Adoption of the First Amended 2023 Annual Budget

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

WHEREAS, the 2023 Annual Budget of Metro Water Recovery, hereinafter referred to as "Metro," was adopted by Metro's Board of Directors on June 21, 2022 by Resolution for the fiscal year 2023; and

WHEREAS, the annual budget may be amended under C.R.S. § 29-1-109 for unanticipated expenditures required for the operation of Metro; and

WHEREAS, the First Amended 2023 Annual Budget of Metro has been prepared by the Chief Executive Officer with the advice and counsel of the Finance Committee of Metro's Board of Directors; and

WHEREAS, the Board of Directors duly published a notice concerning the First Amended 2023 Annual Budget as required under C.R.S. § 29-1-108 and held a public hearing on May 16, 2023, on said Budget, as provided for in Section 901B of the 2009, 2012, 2019, and 2020 Bond Resolutions; and

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

- adoption of the First Amended 2023 Annual Budget for all funds totaling \$168,383,371 (original budget of \$161,742,901, additional budget of \$6,640,470),
- adoption of the First Amended 2023 Operating Budget of \$115,427,099 (original budget of \$109,437,851, additional budget of \$5,989,248),
- adoption of First Amended 2023 budget for new and replacement equipment and vehicle purchases (greater than or equal to \$10,000 and less than or equal to \$500,000) of \$1,771,272, which will be funded as follows: \$682,000 from the Operations and Maintenance Fund (original budget of \$60,000, additional budget of \$622,000) and \$1,089,272 from the Fixed Asset Replacement (FAR) Fund) (original budget of \$1,060,050, additional budget of \$29,222); and

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

NOW, THEREFORE, BE IT RESOLVED the amended 2023 Annual Budget of \$168,383,371, as prepared by the Chief Executive Officer with the advice and counsel of the Finance Committee, be and hereby is adopted as the amended 2023 Annual Budget for Metro Water Recovery; and

BE IT FURTHER RESOLVED:

- The amended Operating Budget for 2023 be and hereby is adopted at \$115,427,099; and
- The new and replacement equipment and vehicle purchases (greater than or equal to \$10,000 and less than or equal to \$500,000) amended budget for 2023 be and hereby is adopted at \$1,771,272, which will be funded as follows:

\$682,000 from the Operations and Maintenance Fund and \$1,089,272 from the Fixed Asset Replacement (FAR) Fund).

The motion carried unanimously.

7.g Consideration of First Amended 2023 Annual Budget Supplemental Appropriation

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

WHEREAS, the Chief Executive Officer of Metro Water Recovery, hereinafter referred to as "Metro," with the advice and counsel of the Finance Committee of Metro's Board of Directors, prepared an amended Annual Budget for the fiscal year beginning January 1, 2023; and

WHEREAS, the Operations, Finance, and Executive committees recommend adoption of the First Amended 2023 Annual Budget; and

WHEREAS, the Board of Directors further reviewed said amended Budget to determine its adequacy to meet the obligations of Metro Water Recovery for the fiscal year 2023 and, having found the 2023 estimated revenues and expenditures reasonable, adopted said First Amended Budget on June 20, 2023; and

WHEREAS, it is incumbent upon the Board of Directors to appropriate the necessary amounts for the purposes set forth in the amended 2023 Annual Budget;

NOW, THEREFORE, BE IT RESOLVED \$6,640,470 be and hereby is appropriated as set forth in the amended 2023 Annual Budget Supplemental Appropriation Summary attached hereto and made a part hereof.

The motion carried unanimously.

Roll Call Agenda

7.h Consideration of Northern Treatment Plant Post Digestion Sidestream Improvements (PAR 1434) Consultant Agreement and Appropriation

Director Baertlein moved and Director DeHerrera seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as "Metro," enter into an Agreement for Professional Services to provide design phase services for the Northern Treatment Plant (NTP) Post Digestion Sidestream Improvements Project (PAR 1434) (Project); and

WHEREAS, following various studies and demonstrations Metro has determined it requires the assistance of a consultant to design the necessary modifications to the post digestion process for mitigation of sidestream nutrient loading to the head of the NTP; and

WHEREAS, on March 23, 2023, Metro issued a Request for Proposals (RFP) for consulting services and received two proposals, both of which a review committee of Metro staff recommended be invited for interviews; and

WHEREAS, a selection committee of Metro staff and Board Directors directed Metro staff to negotiate an agreement with Black & Veatch Corporation (B&V);

WHEREAS, B&V and Metro staff have negotiated a fee in the amount of \$1,100,000 to provide design phase services; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into an Agreement for Professional Services with B&V to provide design phase services for this Project and appropriate \$1,232,000 from the Fixed Asset Replacement 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 Black & Veatch Corporation in the amount of \$1,100,000 to provide design phase services for the Northern Treatment Plant (NTP) Post Digestion Sidestream Improvements Project; and

BE IT FURTHER RESOLVED the sum of \$1,232,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this Project.

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

Curt Aldstadt	Jo Ann Giddings	Steve Pott
Peter Baertlein	Joan Iler	Bill Ray
Greg Baker	Andrew Johnston	Kim Schoen
Mike Barrett	Janet Kieler	Greg Sekera
Phil Burgi	Craig Kocian	Del Smith
Nadine Caldwell	Laura Kroeger	Peter Spanberger
John Chavez	Doug Lazure	Amerigo Svaldi
David Councilman	Charles Long	Dennis Towndrow
Deborah Crisp	Martin Majors	Scott Twombly
Clark Davenport	Charlie Miller	Jennifer Williams
James DeHerrera	Jamie Miller	Ronald Younger
Robert Duncanson	Sarah Niyork	

8. DIRECTOR RECOGNITION

Chair Johnston recognized and appreciated the four Directors retiring from the Metro Water Recovery Board of Directors – Bill Ray who served for six years represented the City of Arvada, Rob Duncanson who served for nine years represented the City and County of Denver, Peter Baertlein who served for 15 years represented the City and County of Denver, and Charlie Long who served for 22 years of service represented the City of Thornton.

Director Ray thanked the members of the Board for sharing thoughts, the experience, fellowship, and comradery. He recognized the leadership qualities of CEO Conway and General Counsel Jackson and wished everyone well.

Directors Baertlein, Twombly, Kocian, and Caldwell appreciated Director Ray's reliability, thoughtful input, questions, and discussion at meetings, and being an amazing public servant. CEO Conway echoed Director comments adding Director Ray is a joy to work with and appreciated his wit and wisdom. General Counsel Jackson stated Director Ray is a thoughtful individual and thanked him for all he has done on the Board. Chair Johnston thanked Director Ray for being a mentor and remarked he will be missed.

Director Duncanson stated in all his many years of government service he never had the pleasure of working with such a good group and was honored to serve with this Board.

Chair Johnston thanked Director Duncanson for his steadfastness, balance, and perspective on matters. Director Twombly was impressed with Director Duncanson's preparedness, knowledge of issues, and thoughtful questions as a member of the Defined Benefit Plan Retirement Board. CEO Conway agreed with Director statements and appreciated Director Duncanson's practical questions. General Counsel Jackson remembered and appreciated how Director Duncanson reached out and brought her books to read when she became General Counsel and how much it meant to her.

Chair Johnston stated the Board has benefitted tremendously from Director Baertlein's contributions, thanked him for being a mentor, co-worker, and friend for all these years.

Director Baertlein thanked the Board for all he learned, appreciated the opportunity, his pride regarding Metro Water Recovery's accomplishments through the years, and the direction Metro leadership is taking.

Director Giddings appreciated all four retiring individuals and thanked Director Baertlein for being so welcoming when she joined the Board and thanked him for his service. Director Williams reminisced on the August 2, 2016 day Director Baertlein took her to lunch and commented on her respect for him. Director Twombly remarked on Director Baertlein's mentorship and appreciated how that helped him in his role when he became Chair. Director Burgi appreciated Director Baertlein's insight, good service to the Board, and friendship. He also thanked all four retiring Directors for their work over the years on the Board. Directors Kieler and Long thanked Director Baertlein for being sincere and intentional, and his contributions and actions for chairing the Board through the COVID-19 pandemic. CEO Conway thanked Director Baertlein for his leadership and how much he has done for Metro Water Recovery. General Counsel Jackson appreciated Director Baertlein for their one-on-ones, his support through COVID, and his regionalism.

Chair Johnston remarked on benefiting from Director Long's experience and history, appreciated all the conversations and their impact, and thanked him for his service and commitment to making Metro Water Recovery a better place.

Director Long remarked on the Board's decision to pursue and lobby for change in the reapportionment population count, how great his experience and enjoyment of being on the Board has been, reflected on his time as a Director, how proud he was of the hiring of CEO Conway and General Counsel Jackson, and introduced his replacement, Josh Redman.

Director Smith stated there was a lot of leadership leaving the Board tonight, appreciated Director Long's wisdom and especially his soft skills when navigating discussions on difficult issues, and how he will be missed. Director Twombly presented Director Long with a piece of struvite to help memorialize his time on the Board of Directors. Director Baertlein thanked Director Long for his mentorship and being an incredible resource. Director Giddings agreed and added she always knew there was going to be a good question from Director Long

whenever he began taking notes. Director Kocian remarked on Director Long's wisdom, impeccable leadership, and advice to the Board. CEO Conway appreciated Director Long's leadership and decision-making qualities, how he stood up for transparency, and dealt fairly with everyone. General Counsel Jackson stated Director Long is wise, balanced, thoughtful, and kind and she believes he stands by those values every day. She also remarked on everything learned and thanked him for his service.

Chair Johnston remarked for the four Directors stepping down there is a total of half a century of leadership, knowledge, and experience which will truly be missed.

City and County of Denver Department of Transportation and Infrastructure Deputy Manager Ms. Medellin appreciated Director Long for his leadership as the Board Chair when Mr. Hite unexpectedly passed away and thanked him for being a wonderful mentor. Ms. Medellin also thanked Directors Baertlein and Duncanson for representing Denver on Metro Water Recovery's Board.

9. INDIVIDUAL DIRECTOR COMMENTS

Director Younger commented on his conversations with new employees at the Town Hall and Field Day and remarked how staff was excited about new training programs, and about how welcomed they felt at Metro Water Recovery.

10. OTHER INFORMATION

There was none.

11. ADJOURNMENT

Chair Johnston adjourned the meeting at 6:37 p.m.

MC\raklyjk

METRO WATER RECOVERY

MEMORANDUM

TO: Board of Directors

DATE: July 13, 2023

FROM: Mickey Conway, Chief Executive Officer

RE: Chief Executive Officer's Report

1. **Four Directors Honored at June 2023 Board Meeting**

I would like to express my deep appreciation to Directors Peter Baertlein, Rob Duncanson, Charlie Long, and Bill Ray for the dedication and commitment they have demonstrated as members of the Board. During their service, we navigated many important decisions and issues and have benefited greatly from their knowledge and direction. Here's to a happy retirement for these deserving four former Directors.



Right: Directors Charlie Long, Bill Ray, Peter Baertlein, and Rob Duncanson with their retirement cake



Bill Ray, Charlie Long, CEO Mickey Conway, Peter Baertlein, General Counsel Emily Jackson, Rob Duncanson, and Board Chair Andrew Johnston

2. Welcome New Directors

I would like to welcome our newly appointed Board Directors to Metro Water Recovery:

- Travis Bogan, representing the City of and County of Denver
- Sharon Israel, representing the City of Arvada
- Marena Lertch, representing the City of Aurora
- Joshua Redman, representing the City of Thornton
- Thomas Roode, representing the City of and County of Denver

3. Emily Jackson Wins NACWA's President's Award

Each year, the National Association of Clean Water Agencies (NACWA)'s President has the opportunity to select an individual who has made significant contributions toward achieving the Association's collective goals and objectives as part of the National Environmental Achievement Awards. Metro Water Recovery's General Counsel Emily Jackson was selected to receive the President's Award, which she received Thursday, July 12, 2023 at the 2023 Utility Leadership Conference and the 53rd Annual Meeting held in Louisville, KY. Read Emily's President's Award Letter [here](#). NACWA President Tom Sigmund noted Emily's significant contributions to our sector, including her excellent work on [per- and polyfluoroalkyl substances](#) (PFAS) and utility liability issues. We are so proud to be able to work alongside Emily and congratulate her for this well-deserved and prestigious honor.



Emily Jackson receiving the President's Award from NACWA President Tom Sigmund.

4. Permit Monitoring Update

Metro Water Recovery's discharge permit for the Robert W. Hite Treatment Facility (RWHTF) requires one successful, monthly effluent monitoring event for both nonylphenol and PFAS. A successful monitoring event for both pollutants includes the collection of multiple individual

“grab samples” over a 24-hour sampling period and successful analysis of the samples. Analyses for nonylphenol and PFAS in wastewater can be especially challenging due to the physical nature of both of these pollutants and the wastewater matrix itself. For PFAS specifically, this includes analysis for 25 individual PFAS compounds and the analyses for all 25 must be valid for a sample to be considered “successful.” For an analytical result to be considered valid, it must meet all of the state’s quantitation requirements as well as the quality control (QC) requirements of each analytical method. There is still not an Environmental Protection Agency (EPA)-approved analytical method for PFAS in wastewater. Metro’s permit requires PFAS effluent samples be analyzed using a modified drinking water method analysis for individual PFAS compounds, which routinely fail to meet quantitation and/or QC requirements for the current method. Additionally, the RWHTF has two outfalls from which the effluent samples must be collected, so double the sampling events and analyses which must be successful for each monitoring event to be successful.

Metro Water Recovery schedules two sampling events every month for monthly monitoring in case there are issues with the first sampling event. Metro had issues with RWHTF effluent PFAS monitoring during the months of December 2022, January 2023, March 2023, and April 2023 and with nonylphenol monitoring during the month of April 2023. The monitoring issues are summarized below. In all but one of the instances described below, two sampling events were conducted for both PFAS and Nonylphenol.

December 2022: Perfluorobutanesulfonic acid (PFBS) quantitation issues. Data was reported. No known compliance impact.

January 2023:

- Perfluorobutanoic acid (PFBA). Two sample events with QC failures on both. No reportable PFBA data for January. One Failure to monitor (FTM) violation. State issued compliance advisory (CA) letter for incomplete DMR in April.
- 8:2 Fluorotelomer sulfonic acid [8:2 FTS] quantitation issues. Data was reported. No known compliance impact.

March 2023: PFBA. Only one sample event (human error). QC failure. No reportable PFBA data for March. One FTM violation. Anticipate CA letter from the state.

April 2023: 6:2 Fluorotelomer sulfonic acid [6:2 FTS]. Two sample events with QC failures on both. No reportable 6:2 FTS data for April. One FTM violation. Anticipate CA letter from the state.

For the month of April 2023, Metro Water Recovery had the following issues with nonylphenol monitoring:

April 2023: Two sample events which both failed QC. No reportable nonylphenol data for April. One FTM violation. Anticipate CA letter from the state.

These monitoring issues are specifically data reporting issues. None of the monitoring issues discussed above resulted in any increased discharges of pollutants or exceedances of permit effluent limits. Metro Water Recovery is working to resolve the issues and has implemented formal “Sample Saves” for pollutants which require monthly monitoring. Metro is also evaluating the scheduling of more frequent monitoring (greater than two events per month), which includes consideration of costs and resource impacts.

5. Rocky Mountain Rivalry Operations Challenge

Metro Water Recovery hosted the 2023 Rocky Mountain Rivalry Operations Challenge on June 22, 2023. Entering its sixth year, the event is often described as “the Olympics of wastewater treatment operations” and tests teams in a variety of skills. Teams representing municipal water recovery sites internationally compete against each other in events for accuracy and speed. Teams can graduate or fall between divisions based on overall performance and rankings. Teams finishing in the top two slots at the regional level are automatically granted a ticket to the national challenge this October at the Water Environment Federation Technical Exhibition and Conference (WEFTEC) 2023 in Chicago. However, since there are two additional slots this year and four teams participating overall, all four teams competing will be able to go to Chicago this fall.

Elevated Ops is the defending winner of last year’s National Operations Challenge. The team this year consists of Kelsey Gedge, Matt Duncan, Josh Mallory, Jesse Turpin, and coach Lance Wenholz. Double Duty is ranked in Division II and consists of Adrian Quintana, Diego Navarro, Michael Grengs, Mark Hofmeister, and coach Brenda Adams.

At the Rocky Mountain Rivalry Operations Challenge, Elevated Ops took first in Lab and Maintenance and second in Safety, Process Control, and Collections events. Double Duty scored first in Collections and Safety events with a second-place finish in the Maintenance event. Elevated Ops edged by with the overall win.



Left: Brenda Adams coaching Michael Grengs, Diego Navarro, and Adrian Quintana.
Right: Kelsey Gedge, Matt Duncan, Josh Mallory, and Jesse Turpin accepting the second-place award for the Process Control Event with event judge Sydney Innerebner (middle).

6. Bike to Work Day

Bike to Work Day 2023 was held Wednesday, June 28. Sponsored by the Denver Regional Council of Governments (DRCOG), this annual event encourages commuters in the region to bike to work instead of driving solo, helping them save money on their commutes, and improve personal health and lower stress levels – all while reducing traffic congestion and improving air quality.

Metro Water Recovery celebrated Colorado's 2023 Bike to Work Day event with a support booth along the South Platte River Trail near the RWHTF outfalls. In fact, nearly 100 visitors stopped by for breakfast burritos and refreshments. Metro volunteers used this opportunity to share information about our mission and service to the community. Thank you to all employees who volunteered and of course, all our employees who biked to work.



Left: Metro Water Recovery employees Dawn Hoffman, Renee Moe, Erin Bertoli, Kimberly Ohlson, Debra Jimenez, and Brad Bagby manning the Metro booth. Right: Jack Hennes in discussion with Bike to Work Day Patron August.



Left: Bike to Work Day riders Rika Beck, Ben Ruder, and Christine Geier. Right: volunteer Ed Sturgeon.

7. Director Expense Vouchers

Directors who have not yet returned expense vouchers for meeting attendance for the period of January through June are reminded to submit signed vouchers to the Office of the CEO.

8. **Water Research Foundation and NACWA Utility Leadership Conference Meeting Update**

In June, I attended the Water Research Foundation (WRF) Board of Directors meeting and the American Water Works Association (AWWA) Annual Conference & Exposition (ACE) water conference in Toronto, Canada. The WRF Board meets twice a year in June and December. The agenda topics included issues relating to PFAS, technology and innovation developments for treating wastewater, dealing with lead pipes, asset management, climate adaptation strategies, and environmental justice. I met with other Board members from utilities around the country and had time to network with a number of industry leaders at the conference. The next WRF Board meeting is scheduled for December 2023.

Along with Emily Jackson and Liam Cavanaugh, I also attended the NACWA Utility Leadership conference in Louisville in July. I participated in conference sessions (including panels led by Emily and Liam), meetings of the Board of Directors and the Executive Committee as well as a number of discussions with utility executives and consultants. At the Board meeting, I was honored to be elected as Treasurer of the Association for the next year.

9. **Director One-On-Ones with Mickey**

I will be available for one-on-one phone meetings with Directors. In these meetings, I would like to have a brief conversation to receive Director feedback on how Metro Water Recovery is doing, suggestions for staff to improve on, and to share what is important for you and your appointing entity in the coming years. I am expecting the calls to take between 15-30 minutes. To sign up for a virtual meeting click [here](#).

10. **Metro Water Recovery Project Follow-Up**

The attached report includes information regarding the North Secondary Improvements and Intensification Project (PAR 1411), approved by the Board in January 2023.

11. **Northern Treatment Plant SWAT Training Exercise**

The second attached report includes information regarding the June 14, 2023 SWAT training day held at the Northern Treatment Plant (NTP). NTP previously hosted the first SWAT training event located there in June of 2021.

12. **Board of Directors New Director Orientation**

The Board of Directors' New Director Orientation is scheduled for Monday, August 21, 2023 as an in-person event in the Administration Building Boardroom. Breakfast with the Senior Management Team will be served at 7 a.m. in the Administration Building lunchroom. While new Directors are encouraged to attend this important onboarding event, any Director who would like an orientation refresher is welcome. Please RSVP in BoardEffect so staff can have an accurate count for breakfast and Boardroom seating.

13. Upcoming Events

Directors are asked to add applicable meeting dates to their calendars.

<u>Date</u>	<u>Event/Location</u>
Thursday, July 20, 2023 7 a.m. depart from Administration Building	METROGRO Farm Tour 1 p.m. depart Farm
Monday, August 21, 2023 7 a.m. breakfast with Senior Management Team in Administration Building Lunchroom	New Director Orientation Boardroom 7:30 a.m. to 10:30 a.m.
Thursday, August 24, 2023 7:30 a.m. (breakfast served at 7 a.m.)	Defined Benefit Plan Retirement Board Boardroom
Thursday, August 24, 2023 12:30 p.m. (lunch served at noon)	Defined Contribution Plan Retirement Board Boardroom
Tuesday, September 19, 2023 4 p.m.	National Western Tour National Western Center
Wednesday, October 18, 2023 TBD	Denver International Airport Tour Denver International Airport
Thursday, October 26, 2023 8 a.m. (breakfast served at 7 a.m.)	Fall Board Workshop TBD
Thursday, November 9, 2023 9 a.m. or directly following Finance	Audit Committee Boardroom
Wednesday, November 15, 2023 TBD	Fall Metro 6.0 Town Hall TBD
Thursday, November 30, 2023 7:30 a.m. (breakfast served at 7 a.m.)	Defined Benefit Plan Retirement Board Boardroom
Thursday, November 30, 2023 12:30 p.m. (lunch served at noon)	Defined Contribution Plan Retirement Board Boardroom
Tuesday, December 19, 2023 4:45 p.m.	Annual Employee Recognition Reception Prior to Board of Directors Meeting

Attachments

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North Secondary Improvements and Intensification Project (PAR 1411)
Prepared by Bob Neal, Principal Engineer

Background

The approved design capacity of the North [Secondary](#) (NSEC) is 106 million gallons per day (mgd) for hydraulic flow (maximum monthly average daily flow) and 79 tons per day of [biochemical oxygen demand](#) for organic loading (maximum monthly average daily loading), accounting for almost half of the total secondary treatment capacity at the Robert W. Hite Treatment Facility (RWHTF). The current secondary treatment process uses conventional activated [sludge](#) for [biological nutrient removal](#) (BNR), achieving effluent total inorganic [nitrogen](#) less than 7.0 mg/L and [total phosphorus](#) less than 0.7 mg/L. The NSEC is configured in the modified Ludzack-Ettinger process with side-stream [enhanced biological phosphorus removal](#) (EBPR).

Originally commissioned in 1967, the NSEC has undergone several improvement projects to upgrade equipment, increase treatment efficacy, and/or expand treatment capacity, including the Nitrification Facilities Project (PAR 347) and the North Secondary Treatment Improvements Project (PAR 942). Most recently, the Side Stream Nutrient Removal Project (PAR 1237) implemented EBPR as a cost-effective and sustainable method to comply with new phosphorus limits. The project implemented side-stream EBPR to achieve full BNR capabilities.

Much of the major equipment and infrastructure is aging original assets and requires increased resources to maintain reliable operation. Recent equipment failures include a catastrophic blower failure, diffuser lateral failures, [clarifier](#) equipment corrosion, major air leaks in the [aeration](#) header, and leaks in the [Return Activated Sludge](#) (RAS) and [Waste Activated Sludge](#) (WAS) piping. There is also a regulatory need to increase aerobic solids retention time and [mixed liquor suspended solids](#) concentrations to meet future, ultralow [nitrogen](#) removal targets for maximum daily total [ammonia](#) nitrogen of 2.8 mg/L by 2032 and annual median total nitrogen of 2.01 mg/L by 2037. These ultralow limits will significantly impact the planned improvements for the South Secondary expansion and [tertiary](#) treatment upgrades. Commissioning the NSEC system upgrades expeditiously will allow evaluation and optimization of the process for future secondary expansion and planning tertiary treatment facilities. Metro Water Recovery is also pursuing continuous flow densified activated sludge (DAS) as a technology to improve sludge settleability in the secondary clarifiers through process intensification in lieu of infrastructure expansion.

Contract Status and Scope of Work

PAR 1411 is being delivered through the [Construction Manager-at-Risk](#) (CMAR) delivery method. Stantec was selected as the consulting Engineer in November 2022 and PCL Construction was selected as the CMAR Contractor in January 2023. A series of Critical Path Workshops (CPW's) have been completed over the past six months with the last one, CPW#3, being scheduled for August 9, 2023. CPW#3 will be used to define the project components that will be incorporated into the Conceptual Design and moved forward into Preliminary Design. Five components investigated during the Conceptual Design process include: development of process design criteria to ensure the success of the DAS process; siting of the hydrocyclone facility (HCF); implementation of a new/rehabilitated aeration system; addressing fixed asset replacement (FAR) needs; and developing conceptual cost estimates of the various project components.

Developing process design criteria to ensure the success of the DAS process is a paramount objective of this project. Metro Water Recovery, Stantec, and their subconsultants participated in two “process summits” during May to help develop these criteria. Keeping solids within the secondary clarifiers and preventing them from “washing out” over the clarifier weirs is necessary for the success of the DAS process. Figure 1 – Clarifier Stress Testing Performance below shows the increase in solids loadings to the clarifiers that can be achieved when densified solids are retained as opposed to non-densified solids. The solids loading rate can almost be doubled while also retaining a smaller sludge blanket within the clarifier when the solids are densified.

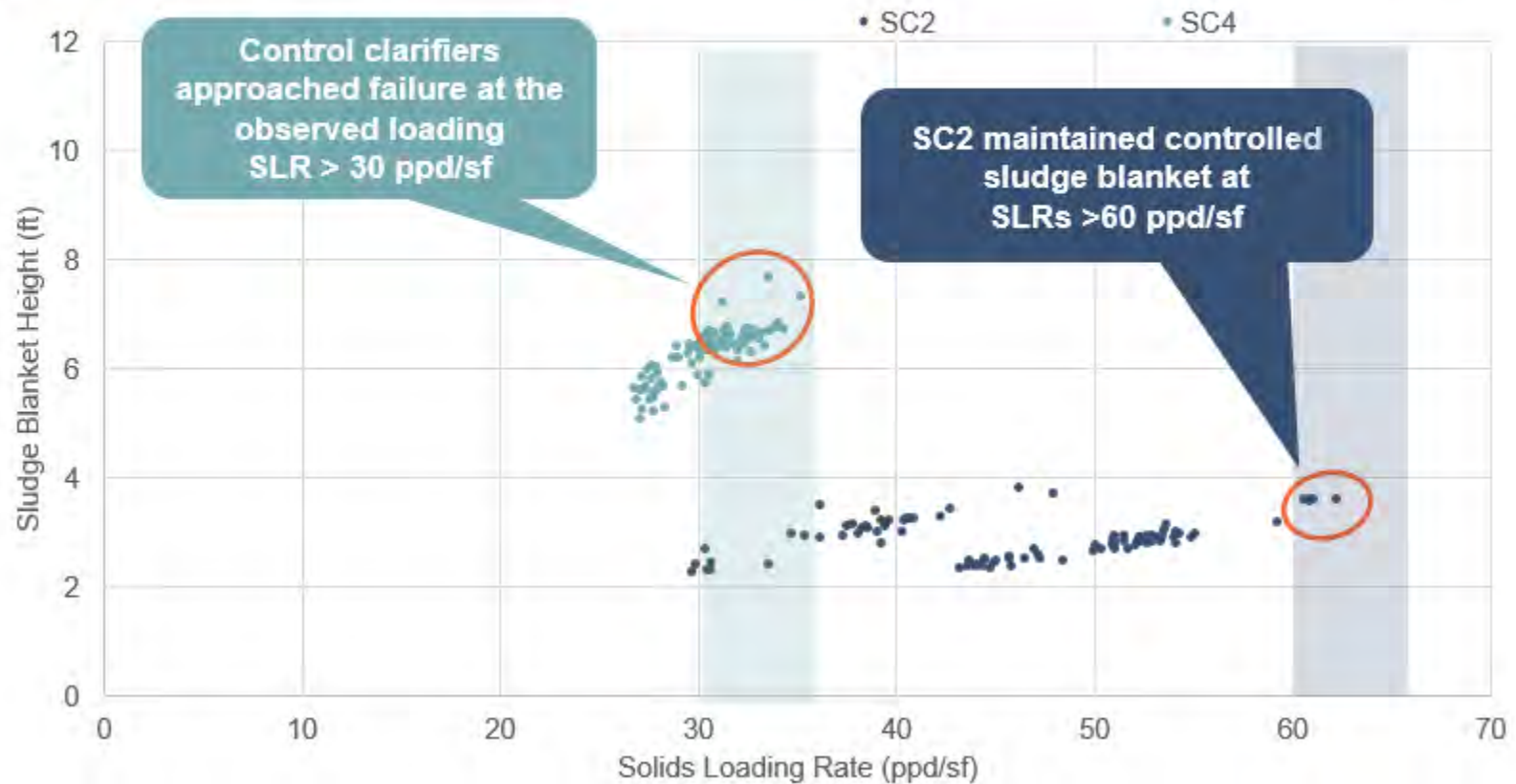
A new HCF will need to be constructed to house the DAS process equipment. The hydrocyclones create densified solids and then separate them from non-densified solids using centrifugal force. The densified solids will return to the secondary treatment process while the non-densified solids will be wasted. There will be about 44 hydrocyclones that need to be housed in the HCF. The two alternative sites being investigated for locating the HCF are shown in Figure 2 – Potential Site Locations for Hydrocyclone Facility.

Most of the existing blowers within the NSEC process are original units that have been operating successfully since 1967. While they have been rehabilitated several times, they are at the end of their operational life. It was decided during one of the CPW workshops it would be most effective to construct a new East Blower Building to house new high-speed turbo blowers. Figure 3 – New Blower Building Location shows the proposed location of the new aeration facility. The existing aeration header and distribution piping in the NSEC has also been operational since 1967 and is being considered for rehabilitation and/or replacement with an entirely new aeration header located above the NSEC decking.

Wastewater creates significant wear and tear on pumping equipment and associated piping. Since NSEC first became operational, only two projects have been completed that have rehabilitated or replaced some of the fixed assets. There are still some NSEC facilities that have been operating since 1967 with no modifications. Metro Water Recovery has made a significant effort identifying fixed assets that need to be replaced and incorporating estimated rehabilitation/replacement costs and lifecycles for these facilities. A CPW was held in June to develop a prioritization list for FAR elements associated with this project. PCL is costing the rehabilitation/replacement of the targeted FAR’s elements. PCL has also completed several specialty inspections to further refine costs. Figure 4 – Examining Aeration Header Couplings shows the investigation into the existing aeration header couplings.

PCL is estimating conceptual level costs for various project components and will complete this effort for CPW#3 scheduled for August 9. During the CPW#3 workshop, these costs will be used to help determine the Conceptual Design decisions for PAR 1411 to best design and construct to the available project budget. PCL has also helped address how the FAR elements and other new facilities can be combined into work packages to reduce cost and improve project efficiency. PCL has obtained budgetary pricing and lead times for many of the equipment suppliers/vendors.

Clarifiers Stress Testing Demonstrated Significant Increase in Clarifier Capacity with Densification



Field data used to inform NSEC evaluations

Figure 1 - Clarifier Stress Testing Performance



Figure 2 - Potential Site Locations for Hydrocyclone Facility



Figure 3 - New Blower Building Location



Figure 4 - Examining Aeration Header Couplings

Brighton and Commerce City Police Departments SWAT Training at NTP

On June 14, 2023, Metro Water Recovery worked together again with local authorities to host a training day at the Northern Treatment Plant (NTP) for the joint SWAT training team shared between Brighton and Commerce City Police Departments. NTP previously hosted the first SWAT training event in June of 2021, which was a tremendous success. This collaborative endeavor is beneficial for both parties, as it provides a real-world industrial setting for the SWAT team to train on field movement exercises, indoor exercises, and simulated emergency scenarios. The team can navigate diverse environments with live, operational equipment they would not normally be able to experience in non-industrial settings. Additionally, Metro provides hazard awareness and safety protocol training to the team specific to wastewater treatment facilities, helping the team better respond to potential incidents at Metro's facilities and others in the region. The joint training venture has also helped build a stronger relationship between



NTP Director of O&M Kim Cowan with the Brighton PD and Commerce City PD joint SWAT team

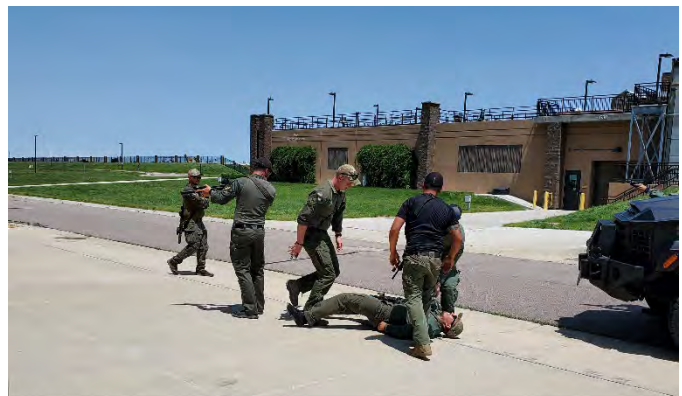


SWAT team members simulate "clearing" the headworks pump room at NTP

hazards to consider. Learning how to recognize and safely maneuver around automated pumps with moving check valve arms was a particularly helpful detail on this exercise. Lastly, the team practiced raiding the South Odor Control facility, simulating an "officer down" extraction scenario, using their newly acquired BearCat armored vehicle.

This year's training event was as successful and informative as the last, and the SWAT training team was very appreciative to continue its partnership with Metro Water Recovery's NTP.

This year's event began with open field formation practice, using NTP's large grassy areas for high visibility scenarios, then moved towards the solids processing area to navigate tight spaces amongst the buildings and process piping. From there, the team moved to NTP's Headworks building to practice "clearing" the space of potential threats. The pumping room offers unique challenges of multiple flights of grated stairways, large obstacles with pipes and pumps blocking access points, active equipment, and potential atmospheric



SWAT members simulate an "officer-down" situation outside NTP's tertiary treatment facility



METRO WATER RECOVERY

MEMORANDUM

TO: Board of Directors

DATE: July 14, 2023

FROM: Emily Jackson, General Counsel

RE: General Counsel Report

ONGOING BUSINESS

MULTI-DISTRICT LITIGATION

Currently multi-district litigation number 2873 (MDL) is pending before the United States District Court for the District of South Carolina which contains over 500 cases involving varied causes of action and claims relating to [per- and polyfluoroalkyl substances](#) (PFAS) aqueous film-forming foams (AFFFs). An MDL is a special procedure in federal court aimed at efficiency—both reducing the burden on federal district courts and making litigation more convenient for the parties. In general, this procedure is used when civil actions in different district courts have a common question of fact. The cases may be consolidated and transferred to a single district court for pretrial proceedings, though they remain separate cases, which is the situation that occurred here.

OGC Monthly Numbers

- ✓ 10 Resolutions Drafted
- ✓ 6 Contracts Reviewed
- ✓ 8 Total Requests Completed

In the MDL, Plaintiffs generally allege AFFFs containing perfluorooctanoic acid (PFOA) and/or perfluorooctane sulfonate (PFOS), two types of PFAS, contaminated groundwater near various military bases, airports, and other sites where AFFFs were used to extinguish liquid fuel fires. The plaintiffs allege they caused personal injury, a need for medical monitoring, property damage, or other economic losses. The court has separated the cases into different categories of plaintiffs/claims: public drinking water operations, state claims (primarily for natural resource damages), personal injury, medical monitoring, and property damage.

The court decided to handle the claims from the public drinking water providers first. Prior to starting trial in June 2023, 3M Chemours, DuPont, and Corteva reached settlements to resolve the claims, which reportedly was collectively over \$11 billion. The court has decided the next category of cases to move forward will be personal injury cases.

As has been reported to the Metro Water Recovery Board of Directors during the routine information item updates about Suncor Energy USA Inc., (Suncor), Suncor has historically been required to have and train with AFFF as part of its petroleum refinery operation. Suncor has historically conducted its firefighting training with AFFF on the northeastern portion of the refinery, adjacent to Metro's transmission triangle. As part of the Colorado Department of Public Health and Environment's (CDPHE) program to address PFAS in Colorado, the state required Suncor to sample groundwater preliminarily on its facility and then on the Robert W. Hite Treatment Facility (RWHTF). The groundwater sampling results show PFAS is present in the groundwater under the RWHTF. Metro staff investigated the historic uses of its property and has determined to the best of its knowledge Metro has not released PFAS-containing materials in that area.

Metro Water Recovery staff has been working with outside counsel at Taft Stettinius & Hollister, LLP (“Taft”) to determine whether Metro could file its claims for the PFAS AFFF contamination at the RWHTF in the MDL within the property damage group. The Taft attorneys have advised Metro its claims against both the manufacturers of AFFF and Suncor for the application of AFFF would be appropriate in the MDL. The purpose of filing in the MDL would be to preserve Metro’s claims. Once Metro files, the claims should be stayed by the court, and Metro will not be required to conduct discovery or participate in any of the filings for the other categories of claims for the foreseeable future because the court is moving to the personal injury category next. Metro will work with outside counsel once the property damage category commences but has options as to whether to be one of the test cases. Failing to file may adversely affect Metro’s ability to preserve its claims. Should Metro no longer want to participate in the future, it may dismiss its claims. Pursuant to the Board’s [Guidelines for Litigation Procedures](#), paragraph 2.c, staff plans to present this as an action item for Board approval in the near future.

CO-GENERATION ENVIRONMENTAL ATTRIBUTES

In January 2023, Metro Water Recovery staff spoke to the Board about the opportunity to sell the environmental attributes associated with the digester biogas on the European biomethanol market. This would be a new source of revenue for Metro which does not require any capital upgrades or operational changes; Metro would get paid for continuing its normal business operations. To determine the market interest in purchasing Metro’s environmental attributes, on December 21, 2022, Metro posted a solicitation. Only one company, OCI Methanol North America (“OCI”), responded, and staff determined OCI would be a good partner. To sell its environmental attributes on the European biofuels market, Metro must become certified under the International Sustainability and Carbon Certification (ISCC) program. ISCC is a sustainability certification program for bio-based and circular (recycled) raw materials for all markets and sectors not regulated as transportation fuels under the European Renewable Energy Directive (EU RED). In collaboration with OCI, Metro has started the process to become ISCC certified. Staff targets completing the certification process by late summer or early fall. If all goes well, thereafter, Metro will be able to start generating revenue, which staff estimates to be approximately \$300,000 per month, or \$3.6 million per year.

2023 NACWA UTILITY LEADERSHIP CONFERENCE AND 53RD ANNUAL MEETING

I attended the 2023 National Association of Clean Water Agencies (NACWA) Utility Leadership Conference and 53rd Annual Meeting from July 11–13, 2023. In my capacity as the Co-chair of the Legal Affairs committee, we presented on major challenges facing the clean water community including PFAS Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) issues (including the recent proposed enforcement guidance), Clean Water Act reforms requested by the sector, the United States Supreme Court’s decision regarding [Waters of the United States](#), the U.S. Environmental Protection Agency’s (EPA) guidance of the United States Supreme Court’s decision in the *County of Maui* decision, and other topics.

I also helped plan and moderate the Women’s Water Network Lunch. The Women’s Water Network provides an exceptional opportunity for female water professionals to come together, share insights, build connections, and address common challenges in a relaxed and informal setting. The focus of the luncheon was on envisioning and discussing how the group can further support, engage, and elevate the participants.

LITIGATION

New developments since last month's report are shown in **bold**.

MWH CONSTRUCTORS LITIGATION

On August 26, 2022, MWH Contractors (MWHC or Plaintiff) filed a civil action (2022cv32466) in Denver County District Court against Metro Water Recovery concerning the Solids Processing Building Improvements Project (PAR 1244) (Project). The action requests declaratory judgment related to the following allegations- implied warranty, a duty to disclose superior knowledge, mutual mistake, and MWHC is not responsible for delays and damages caused by KWS Manufacturing Company (KWS), as well as alleging breach of contract. The claims relate to issues arising from the gates supplied by KWS. The gates release biosolids from the four storage bins to the METROGRO trucks. Metro does not have a contractual relationship with KWS; MWHC holds the contract with KWS. Metro filed its Answer on November 17, 2022. Metro disputes the allegations in the Complaint and the relief sought.

On December 22, 2022, Metro Water Recovery filed a Motion for Judgment on the Pleadings, which is a form of a dispositive motion under Rule 12(b)(5) of the Rules of Civil Procedure, similar to a motion to dismiss. In the motion, Metro contends Counts I-IV in MWHC's complaint should be dismissed for a variety of reasons including a Supreme Court doctrine called the *Sperian* doctrine which does not apply to MWHC's implied warrant claim, the express warranties render *Sperian* inapplicable, and *Sperian* is inapposite to the KWS Relationship; the superior knowledge doctrine fails because the contract placed a duty of inquiry on MWHC; the allegation of mutual mistake fails because the mistake alleged was a future expectation not a present condition existing at the time the contract was executed; and the economic loss doctrine precludes MWHC from alleging a tort claim of negligence.

On January 5, 2023, Metro Water Recovery provided its initial disclosures.

In early February MWHC filed a Motion for Summary Judgment, alleging there are no issues of material fact and requested the court take action on the claims in their complaint. In late February, MWHC filed a Motion to Stay Ruling on Defendant's Motion for Judgment on the Pleadings. MWHC argued Metro Water Recovery's Motion for Judgment on the Pleadings and MWHC's Motion for Partial Summary Judgment should be resolved together, and if discovery is necessary on its Motion for Partial Summary Judgment, both motions should be stayed. On February 22, 2023, the judge issued an order setting the matter for an in-person hearing on April 10, 2023.

On March 23, 2023, MWHC filed an unopposed motion for leave to join party, KWS, and amend its complaint. In its amended complaint, MWHC asserts a breach of contract claim against KWS.

On April 10, 2023, the in-person hearing occurred. The judge reviewed the pending motions with the parties and asked several questions. That same day, the judge issued an order agreeing with Metro Water Recovery on both issues: the motion for judgment on the pleadings is ripe (denying MWHC's motion to stay) and allowing discovery on MWHC's Motion for Partial Summary Judgment. Metro is conducting depositions later this month in support of its response to MWHC's Motion for Summary Judgment, **which was filed on July 14, 2023**. The parties have begun conducting discovery in the underlying case, which will continue through the summer.

Metro Water Recovery has employed outside legal counsel to assist with this matter. Outside counsel for Metro is Laurin Quiat with BakerHostetler.

DITCH COMPANIES LITIGATION

On March 15, 2021, the Farmers Reservoir and Irrigation Company, Burlington Ditch Reservoir and Land Company, and Henrylyn Irrigation District (collectively, Plaintiffs) filed a civil action (Case Number 2021CV30324) in Adams County District Court against Metro Water Recovery. The action asserts breach of contract, declaratory judgment, and promissory estoppel claims arising out of an alleged breach of a 1968 Agreement (Agreement) between Metro, City and County of Denver acting through the Board of Water Commissioners (Denver Water), and Plaintiffs. Among other relief, Plaintiffs seek a court order requiring Metro obtain a water quality discharge permit for an outfall to the Burlington Canal which is currently not in operation due to a lack of connecting infrastructure.

Metro Water Recovery disputes the allegations in the Complaint and the relief sought. On May 10, 2021, Metro filed a Motion to Dismiss, arguing Plaintiffs' claims should be dismissed pursuant to C.R.C.P. 12(b)(1) and 12(h)(3) for lack of subject matter jurisdiction and pursuant to C.R.C.P. 12(b)(5) for failure to state a claim. The Plaintiffs responded to the motion, and Metro replied. On February 15, 2022, the Court denied Metro's Motion to Dismiss. Metro submitted its answer including counterclaims on March 18, 2022. The trial has been set for December 4, 2023. The parties have begun conducting discovery in the underlying case, which will continue through the summer.

Metro Water Recovery has employed outside legal counsel to assist with this matter. Outside counsel for Metro is Colin Deihl with Polsinelli.

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, it is necessary the Board of Directors of Metro Water Recovery, hereinafter referred to as "Metro," adopt the Cost Allocation Percentages for the 2024 Annual Charges for Service; and

WHEREAS, Section 508 of the *Sewage Treatment and Disposal Agreement (Service Contract)* and Section 506 of the *Special Connectors Agreement* require Metro to annually review its total costs, including operation, maintenance, replacement, and capital costs, to determine the percentage of those costs associated with parameters used for the allocation of Annual Charges for Service;

WHEREAS, in accordance with Schedule B of the *Service Contract* and Exhibit B of the *Special Connectors Agreement* staff conducted the annual review of Metro's costs to determine the percentage of total 2024 costs associated with annual flow, biochemical oxygen demand, suspended solids, and total kjeldahl nitrogen; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend adopting the 2024 Cost Allocation Percentages; and

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

NOW, THEREFORE, BE IT RESOLVED Schedule B of the *Sewage Treatment and Disposal Agreement (Service Contract)* between Metro and its Member Municipalities, attached hereto, be and hereby is amended effective January 1, 2024; and

BE IT FURTHER RESOLVED as a result of this amendment to the *Service Contract*, Exhibit B of the *Special Connector Agreement* between Metro and its Special Connectors be and hereby is similarly amended effective January 1, 2024.

METRO WATER RECOVERY

**SCHEDULE B of the SERVICE CONTRACT
and
EXHIBIT B of each SPECIAL CONNECTORS AGREEMENT**

Effective January 1, 2024

**METHODS FOR ALLOCATION OF ANNUAL CHARGES AND
DETERMINATION OF RATES**

The Annual Charges and the rates for their allocation shall be determined in the following manner:

1. Annually a review of Metro’s total costs will be made unilaterally by Metro to determine the percentage of total costs associated with various cost parameters. The analysis will include consideration of operation, maintenance, and replacement expenses and capital costs associated with flows and loadings which are received at Metro facilities and with customer service. Unit costs will be determined based upon the costs allocated to the various cost parameters and the total units or equivalent units which are received at the various facilities. Charges to each Connecting Municipality and Special Connector shall be based on flow volume, Biochemical Oxygen Demand (BOD), Suspended Solids (SS), Total Kjeldahl Nitrogen (TKN), and connecting, metering, and sampling points (Customer Equivalent Connection Units [CECU]).

2. For the year beginning January 1, 2024, the following percentages will apply:

(a) For Flow Received

Annual Flow	30.43%
BOD	24.92%
Suspended Solids	36.14%
TKN	7.65%

(b) For Customer Charges

CECU	<u>0.86%</u>
	100.00%

3. Applying these percentages to the estimated total Annual Charges and using the estimated annual sewage volume, BOD, SS, TKN, and CECU, Metro shall compute annually the unit charge per million gallons (mg) of sewage volume, the unit charge per ton of BOD content, the unit charge per ton of SS content, the unit charge per ton of TKN content, and the unit charge per CECU, as follows:

(a) Unit Charge for Volume Received (per mg)

$$= \frac{\text{Total Annual Volume Charge}}{\text{Total mg to System}}$$

(b) Unit Charge for BOD Received (per ton)

$$= \frac{\text{Total Annual BOD Charge}}{\text{Total Tons BOD to System}}$$

(c) Unit Charge for SS Received (per ton)

$$= \frac{\text{Total Annual SS Charge}}{\text{Total Tons SS to System}}$$

(d) Unit Charge for TKN Received (per ton)

$$= \frac{\text{Total Annual TKN Charge}}{\text{Total Tons TKN to System}}$$

(e) Unit Charge for CECU

$$= \frac{\text{Total Annual Customer Charge}}{\text{Total CECU}}$$

(prorated as necessary)

4. Each Connecting Municipality and Special Connector shall pay annually a total sum obtained by multiplying the respective unit charges thus obtained by the estimated annual volume, BOD, SS, TKN, and CECU of the sewage to be contributed by each Municipality and Special Connector to the System.
5. Following each fiscal year, the actual unit charges for volume, BOD, SS, TKN, and CECU will be computed by Metro on the basis of actual volume, BOD, SS, TKN, and CECU to the System. The annual payments by the Connecting Municipalities and Special Connectors made on the basis of estimated unit charges shall thereafter be adjusted on the basis of the actual unit charges, and such adjustments shall be reflected in subsequent Annual Charges to be made to the Connecting Municipalities and Special Connectors.
6. In any Fiscal Year in which Metro collects any Annual Charges, each Connecting Municipality or Special Connector shall pay not less than \$2,000.00 in that Fiscal Year to Metro:
 - (a) As an availability-of-service charge, if the Connecting Municipality or Special Connector makes no use of the System, or
 - (b) As a minimum charge, if the Connecting Municipality or Special Connector makes use of the System.

Any minimum charge to any Connecting Municipality or Special Connector shall be credited each Fiscal Year against the Annual Charge therefore levied against the Municipality or Special Connector without any carry-over of any remaining balance to any other Fiscal Year.

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, Metro Water Recovery, hereinafter referred to as "Metro," has established a Sewer Connection Charge (SCC); and

WHEREAS, Section 509 of the *Sewage Treatment and Disposal Agreement (Service Contract)* between Metro and its Member Municipalities, and Section 507 of the *Special Connector Agreement* between Metro and its Special Connectors, provide the SCC may be changed by resolution duly enacted by action of Metro's Board of Directors; and

WHEREAS, it is necessary the SCC be established for 2024 for each Single Family Residential Equivalent (SFRE) and such charge to be effective January 1, 2024; and

WHEREAS, based on the Board's current buy-in methodology, Metro staff recommends increasing the SCC from \$5,120 to \$5,520 for 2024; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend adopting a SCC of \$5,520 per SFRE for 2024; and

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

NOW, THEREFORE, BE IT RESOLVED Metro's Sewer Connection Charge be and hereby is increased to \$5,520 for each Single Family Residential Equivalent, effective January 1, 2024.

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, Metro Water Recovery hereinafter referred to as “Metro,” has established a Sewer Connection Charge (SCC) and a Large-User Exception to the SCC; and

WHEREAS, Section 509 of the *Sewage Treatment and Disposal Agreement (Service Contract)* between Metro and its Member Municipalities, and Section 507 of the *Special Connectors Agreement* between Metro and its Special Connectors, provide for adoption of an SCC and implementation of a Large-User Exception; and

WHEREAS, the Service Contract and Section 7.5.1 of the *Metro Water Recovery Rules and Regulations Governing Operation, Use, and Services of the System* provide for reviewing the Large-User Exception Capital Investment Fractions annually; and

WHEREAS, Metro staff recommends adopting the Large-User Capital Investment Fractions for 2024; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend adopting the Large-User Capital Investment Fractions for 2024; and

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

NOW, THEREFORE, BE IT RESOLVED the Capital Investment Fractions for flows and loadings used to calculate Metro’s Sewer Connection Charges for a Large User, effective January 1, 2024, be and hereby are adopted as follows:

Annual Flow	=	0.5313
Biochemical Oxygen Demand	=	0.1740
Suspended Solids	=	0.2037
Total Kjeldahl Nitrogen	=	0.0910

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, Metro Water Recovery, hereinafter referred to as "Metro," has established a Reactivation Charge to reactivate an inactive connection to the Metro System; and

WHEREAS, Section 7.6.3 of the *Metro Water Recovery Rules and Regulations Governing Operation, Use, and Services of the System (Rules and Regulations)* provides the Reactivation Charge shall be set by the Board of Directors and may be adjusted from time to time by resolution of the Board in accordance with the approved methodology; and

WHEREAS, it is necessary the Reactivation Charge be established for 2024; and

WHEREAS, the methodology approved by the Board for calculating the Reactivation Charge and the historic practice of rounding to the nearest \$5 results in a Reactivation Charge for the year 2024 of \$140 per Single Family Residential Equivalent (SFRE) for each year, beyond ten years, a connection has been inactive as defined by Metro's *Rules and Regulations*; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend adopting a Reactivation Charge for 2024 of \$140 per SFRE; and

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

NOW, THEREFORE, BE IT RESOLVED the Reactivation Charge for 2024 as set forth in Section 7.6.3 of the *Metro Water Recovery Rules and Regulations Governing Operation, Use, and Services of the System (Rules and Regulations)* be and hereby is established at \$140 per Single Family Residential Equivalent for each year beyond ten a connection has been inactive as defined by the *Rules and Regulations*.

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as "Metro," to amend the Agreement for Professional Services to provide design phase services for the Heating, Ventilation, and Air-Conditioning (HVAC) High Priority Improvements Project (PAR 1392) (Project); and

WHEREAS, Metro initiated the Project study in 2020 to evaluate aging HVAC equipment at the Robert W. Hite Treatment Facility (RWHTF) and concerns at the Northern Treatment Plant (NTP) which have emerged since startup of the plant in 2016; and

WHEREAS, based on the recommendation of the study, Metro is now ready to design the improvements needed; and

WHEREAS, RMH Group, Inc. (RMH) and Metro staff have negotiated an amendment to its standard Professional Services Agreement in the amount of \$1,750,000 to provide design phase services; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to amend the Professional Services Agreement with RMH in the amount of \$1,750,000 to provide design phase services for this Project and appropriate \$2,145,000 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 amend the Professional Services Agreement with RMH Group, Inc. in the amount of \$1,750,000, to provide design phase services for the Heating, Ventilation, and Air-Conditioning High Priority Improvements Project (PAR 1392) (Project); and

BE IT FURTHER RESOLVED the sum of \$2,145,000 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this Project.

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, it is in the best interest of the Metro Water Recovery, hereinafter referred to as "Metro," to enter into five-year, on-call services agreements to provide miscellaneous electrical services; 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, Metro has identified a need for on-call electrical services for miscellaneous projects or responding to emergency situations quickly and efficiently; and

WHEREAS, on May 25, 2023, a Request for Statements of Qualifications (SOQ) to perform on-call electrical services was advertised on *BidNet* with five contractors submitting applications on June 15, 2023; and

WHEREAS, pursuant to Metro *Purchasing and Contracting Policies*, after Metro staff review of the Statements of Qualifications, Guarantee Electric Contracting, Intermountain Electric, Inc., McDade-Woodcock, Inc., and Sturgeon Electronic Company, Inc. were determined to be best qualified; and

WHEREAS, Metro staff recommends contracting with four companies to allow Metro to solicit bids and award task orders from each to provide the best value to Metro; 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 electrical services agreements with Guarantee Electric Contracting, Intermountain Electric, Inc., McDade-Woodcock, Inc., and Sturgeon Electronic Company, Inc. to provide on-call electrical 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 Chief Executive Officer be and hereby is authorized to enter into five-year, on-call electrical services agreements with Guarantee Electric Contracting, Intermountain Electric, Inc., McDade-Woodcock, Inc., and Sturgeon Electronic Company, Inc. to provide on-call electrical services.

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as "Metro," to appropriate funds for ongoing litigation; and

WHEREAS, on March 15, 2021, the Farmers Reservoir and Irrigation Company, Burlington Ditch Reservoir and Land Company, and Henrylyn Irrigation District (collectively, Ditch Companies) filed a civil action in Adams County District Court against Metro; and

WHEREAS, on August 26, 2022, MWH Contractors (MWHC) filed a civil action in Denver County District Court against Metro concerning the Solids Processing Building Improvements Project (PAR 1244); and

WHEREAS, the litigations have nearly used all funds previously appropriated for these efforts; and

WHEREAS, the Chief Executive Officer and Chair of the Board have approved the defenses of the actions under the Board's Guidelines for Litigation Procedures which require funding to support the defense; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend appropriating \$750,000 from the General Fund for the ongoing litigations with the Ditch Companies and MWHC; and

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

NOW, THEREFORE, BE IT RESOLVED the sum of \$750,000 (100 percent) be and hereby is appropriated from the General Fund for the ongoing litigations.

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, the terms of two members of the Defined Benefit Plan Retirement Board (DB Retirement Board) of Metro Water Recovery, hereinafter referred to as "Metro," expire on July 31, 2023; and

WHEREAS, the terms of two members of the DB Retirement Board of Metro expire on July 31, 2024 and both members have retired; and

WHEREAS, members of the DB Retirement Board continue to serve until they are reappointed or replaced, and it is necessary appointments be made to fill these positions; and

WHEREAS, the Chair of the Board, Andrew Johnston recommends reappointing Director Kocian and Director Smith for two-year terms expiring on July 31, 2025 and appointing Metro Director Davenport and Director Spanberger to the DB Retirement Board to complete two-year terms expiring on July 31, 2024; and

WHEREAS, the Chair of the Board also recommends reappointing Metro Director Papke and Director West to the DB Retirement Board for two-year terms expiring on July 31, 2025;

NOW, THEREFORE, BE IT RESOLVED Metro Director Kocian and Director Smith be and hereby are appointed to the Defined Benefit Plan Retirement Board (DB Retirement Board) for the term of August 1, 2023 through July 31, 2025;

BE IT FURTHER RESOLVED Director Davenport and Director Spanberger be and hereby are appointed to the DB Retirement Board for the term of August 1, 2023 through July 31, 2024;

BE IT FURTHER RESOLVED Metro Director Papke and Director West be and hereby are reappointed to the Defined Benefit Plan Retirement Board for the term of August 1, 2023 through July 31, 2025.

METRO WATER RECOVERY

MEMORANDUM

TO: Board of Directors **DATE:** July 1, 2023
FROM: Andrew Johnston, Board Chair
RE: Appointments to the Defined Benefit Plan Retirement Board

BOARD CHAIR'S RECOMMENDATION

I recommend appointing Directors Clark Davenport and Peter Spanberger to Metro Water Recovery's Defined Benefit Plan Retirement Board (DB Retirement Board) to fill vacancies with terms ending July 31, 2024, and reappointing Directors Craig Kocian and Del Smith to Metro's DB Retirement Board for two-year terms ending July 31, 2025.

Additionally, I concur with Chief Executive Officer Conway's reappointment of Metro Water Recovery Staff Members Sherman Papke and Orren West to Metro's DB Retirement Board for two-year terms ending July 31, 2025.

APPOINTMENTS AND TERMS OF OFFICE

According to the DB Bylaws and Metro Water Recovery's Amended and Restated Defined Benefit Retirement Plan (DB Plan), members of the DB Retirement Board shall be appointed by the Board of Directors. The terms of office run for two years, expiring on July 31. Directors continue to serve beyond their term expiration until either being reappointed or replaced.

The DB Bylaws (Article V, Section 1) require one member of the DB Retirement Board be a member of Metro Water Recovery's Board of Directors and one member be an employee of Metro actively participating in the DB Plan.

With the above appointments and reappointments, the DB Retirement Board will be as follows:

<u>Member</u>	<u>Representing</u>	<u>Term Expiration</u>
Clark Davenport	Northwest Lakewood Sanitation District	July 31, 2024
Craig Kocian	City of Arvada	July 31, 2025
Sherman Papke	DB Plan Staff Member Participant	July 31, 2025
Del Smith	Bancroft-Clover Water and Sanitation District	July 31, 2025
Peter Spanberger	City and County of Denver	July 31, 2024
Scott Twombly	City of Thornton	July 31, 2024
Orren West	DB Plan Staff Member Participant	July 31, 2025

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, the term of one member of the Defined Contribution Plan Retirement Board (DC Retirement Board) of Metro Water Recovery, hereinafter referred to as "Metro," expires on July 31, 2023; and

WHEREAS, members of the DC Retirement Board continue to serve until they are reappointed or replaced, and it is necessary appointments be made to fill these positions; and

WHEREAS, the Chair of the Board, Andrew Johnston recommends reappointing Metro Director Kieler to the DC Retirement Board for a two-year term expiring on July 31, 2025;

NOW, THEREFORE, BE IT RESOLVED Metro Director Kieler be and hereby is reappointed to the Defined Contribution Plan Retirement Board for the term August 1, 2023 through July 31, 2025.

METRO WATER RECOVERY

MEMORANDUM

TO: Board of Directors **DATE:** July 1, 2023
FROM: Andrew Johnston, Board Chair
RE: Appointments to the Defined Contribution Plan Retirement Board

BOARD CHAIR'S RECOMMENDATION

I recommend reappointing Director Janet Kieler to Metro Water Recovery's Defined Contribution Plan Retirement Board (DC Retirement Board) to complete a two-year term ending July 31, 2025

Additionally, I concur with Chief Executive Officer (CEO) Conway's reappointment of Metro Water Recovery Staff Member Colleen Dempsey to Metro's DC Retirement Board for a two-year term ending July 31, 2025.

APPOINTMENTS AND TERMS OF OFFICE

The DC Bylaws provide for the Board of Directors to appoint the Board members to the DC Retirement Board and for the employee members to be selected through a process managed by CEO independent of the Board. The terms of office run for two years, expiring on July 31. Directors continue to serve beyond their term expiration until either being reappointed or replaced.

The DC Bylaws (Article V, Section 1) require two members of the DC Retirement Board be members of Metro Water Recovery's Board of Directors and three members be employees of Metro actively participating in the DC Plan.

With the above reappointment, members of the Board of Directors serving on the DC Retirement Board will be as follows:

<u>Member</u>	<u>Representing</u>	<u>Term Expiration</u>
Greg Sekera	City of Lakewood	July 31, 2024
Janet Kieler	City and County of Denver	July 31, 2025

METRO WATER RECOVERY

MEMORANDUM

TO: Board of Directors **DATE:** July 1, 2023
FROM: Mickey Conway, Chief Executive Officer
RE: Employee Appointments to the Defined Contribution Plan Retirement Board

CHIEF EXECUTIVE OFFICER'S APPOINTMENT

I am reappointing Metro Water Recovery employee Colleen Dempsey to the Defined Contribution Plan Retirement Board (DC Retirement Board) for a two-year term ending July 31, 2025.

APPOINTMENTS AND TERMS OF OFFICE

The DC Bylaws provide for the Board of Directors to appoint the Board members to the DC Retirement Board and for the employee members to be selected through a process managed by the Chief Executive Officer independent of the Board. The terms of office run for two years, expiring on July 31. Directors continue to serve beyond their term expiration until either reappointed or replaced.

The DC Bylaws (Article V, Section 1) require two members of the DC Retirement Board be members of Metro Water Recovery Board of Directors and three members be employees of Metro actively participating in the DC Plan.

With the above reappointments, employee members appointed to the DC Retirement Board will be as follows:

<u>Employee Member</u>	<u>Staff Position</u>	<u>Term Expiration</u>
Dave Slaughter	Senior IT Systems Architect	July 31, 2024
Christeen Thyfault	Senior Maintenance Worker	July 31, 2024
Colleen Dempsey	Director of Human Resources	July 31, 2025

**RESOLUTION
BOARD OF DIRECTORS
METRO WATER RECOVERY
July 18, 2023**

WHEREAS, it is necessary the Board of Directors of Metro Water Recovery, hereinafter referred to as "Metro," elect a new slate of Officers as required by the *Bylaws of Metro Water Recovery* (Bylaws); and

WHEREAS, the Bylaws provide the Board of Directors elect new Officers annually during the regular meeting of the Board of Directors in the month of July; and

WHEREAS, the Board of Directors has held such election and wishes to memorialize by resolution the following Board Members have been elected as Officers for the 2023-2024 term:

----	Chair of the Board
----	Chair Pro Tem
----	Secretary
----	Treasurer;

NOW, THEREFORE, BE IT RESOLVED the slate of Officers elected by the Board of Directors of Metro Water Recovery be and hereby are memorialized by resolution.

METRO WATER RECOVERY

Joint Operations and Finance Committee Meeting Minutes

Thursday, July 6, 2023

The joint meeting of the Operations and Finance Committees of Metro Water Recovery was held Thursday, July 6, 2023 at 7:30 a.m., in the Boardroom.

Roll Call

Finance Committee Chair, Director Baker, chaired the joint meeting.

OPERATIONS COMMITTEE

Members Present

Jennifer Williams, Chair*
Vacancy, Vice Chair
Travis Bogan
Nadine Caldwell
James DeHerrera
Mary Gearhart
Joan Iler
Bob LeGare
Martin Majors*
Jamie Miller
Kim Schoen
Greg Sekera
Mary Beth Susman*
Dennis Towndrow
Scott Twombly

Members Absent

John Chavez
David Councilman
Clark Davenport
Sharon Israel
Steve Pott
Amerigo Svaldi

*Attended virtually

Public Comment

There was none.

Action Items

Chief Executive Officer (CEO) Conway reviewed the following Action Items, and he and Metro Water Recovery staff answered Directors' questions.

FINANCE COMMITTEE

Members Present

Greg Baker, Chair
Janet Kieler, Vice Chair
Michael Barrett
Phil Burgi
Deborah Crisp
Jo Ann Giddings
Andrew Johnston
Craig Kocian*
Sarah Niyork
Joshua Redman
Thomas Roode
Del Smith*
Peter Spanberger
Ronald Younger

Members Absent

Curt Aldstadt
Laura Kroeger
Doug Lazure
Marena Lertch
Charlie Miller

Others Present

Mickey Conway
Emily Jackson
Liam Cavanaugh*
Martin Alvis
Dawn Ambrosio
Kim Cowan
Colleen Dempsey
Shawn Fredrickson
Dan Freedman
Perry Holland
Ruth Kedzior
Molly Kostelecky
Andy Nelson
Jennifer Robinett
Sherman Papke
Orren West
Matt Duncan
Mark Gipe
Muzit Kiflai
Yvonne Kohlmeier
Patricia Lopez
Lydia Nkem
Brittany Peshek
John Wicke

1. Consideration of Cost Allocation Percentages for the 2024 Annual Charges for Service

Director Niyork moved and Director Caldwell seconded the motion to recommend adopting the cost allocation percentages for the 2024 Annual Charges for Service.

The motion carried unanimously.

2. Consideration of the 2024 Sewer Connection Charge

Director LeGare moved and Director DeHerrera seconded the motion to recommend adopting a Sewer Connection Charge (SCC) of \$5,520 per Single Family Residential Equivalent for the year 2024.

Ms. Kostelecky answered questions regarding the philosophy behind the SCC and responded to a request to present Metro Water Recovery's SCC compared to Connectors' connection charges.

The motion carried unanimously.

3. Consideration of 2024 Large-User Exception Capital Investment Fractions

Director Younger moved and Director Iler seconded the motion to recommend adopting the Large-User Exception Capital Investment Fractions, effective January 1, 2024.

The motion carried unanimously.

4. Consideration of the 2024 Reactivation Charge

Director Twombly moved and Director Johnston seconded the motion to recommend approving a Reactivation Charge for 2024 of \$140 per Single Family Residential Equivalent for each year a connection has been inactive.

Ms. Kostelecky answered questions concerning the costs Metro Water Recovery incurs for an inactive connection and the level of detail contained in Metro's database of connections.

The motion carried unanimously.

5. Consideration of HVAC High Priority Improvements Project (PAR 1392) Consultant Agreement Amendment and Appropriation

Director Sekera moved and Director Niyork seconded the motion to recommend:

1. Authorizing the Chief Executive Officer to amend the Professional Services Agreement with the RMH Group, Inc., in the amount of \$1,750,000, to provide design phase services for the HVAC High Priority Improvements Project (PAR 1392).
2. Appropriating \$2,145,000 from the Fixed Asset Replacement Fund Capital Project Account for this purpose.

The motion carried unanimously.

6. Consideration of On-Call Electrical Services

Director LeGare moved and Director Younger seconded the motion to recommend authorizing the Chief Executive Officer to enter into five-year on-call contracting service agreements to provide miscellaneous, electrical services with the following contractors:

- Guarantee Electric Contracting
- Intermountain Electric, Inc.
- McDade-Woodcock, Inc.
- Sturgeon Electric Company, Inc.

Mr. Nelson answered questions about how contractors are paid, how contractors are selected, how job orders are handled, and if contractors feel they are being treated fairly, and gave an example of a recent job order.

The motion carried unanimously.

7. Consideration of Litigation Funding

Director Iler moved and Director Twombly seconded the motion to recommend authorizing the Chief Executive Officer to appropriate \$750,000 from the General Fund to fund the ongoing litigation with the Farmers Reservoir and Irrigation Company, Burlington Ditch Reservoir and Land Company, and Henrylyn Irrigation District and MWH Constructors.

General Counsel Jackson gave an overview of the item and noted updates will continue to be provided in the General Counsel Report.

Ms. Jackson and CEO Conway answered a question regarding where the funding for the litigation is sourced from.

Ms. Jackson answered questions concerning how much of the legal process the appropriation would cover and if more funds would be needed if the litigations proceed to trial.

The motion carried unanimously.

Information Items

The Operations and Finance Committees reviewed the following Information Items.

1. Enterprise Asset Management Software and Services Project (PAR 1415) – Designation of Selection Committee Members

Chair Baker noted two volunteers were needed for the Selection Committee and CEO Conway stated the meeting will be on August 29.

Directors Jamie Miller and Thomas Roode volunteered to serve on the Committee.

2. 2023 Strategic Plan Implementation

CEO Conway introduced the item and Ms. Kiflai gave an overview.

Ms. Lopez presented on the new career growth initiative underway to update every job description and add a Knowledge, Skills and Abilities (KSAs) section to each. She also answered questions about how the reclassifications are being compared to market positions, how much work is being outsourced compared to in-house, how employees are reclassified when appropriate, and what data is being gained from the process.

Director Kieler expressed appreciation for the project.

Mr. Holland presented the asset management (AM) implementation, including work on an AM reference manual. He answered questions regarding the scope of the AM pilot and how the project relates to the Phase Gates process.

Director Johnston expressed appreciation for the project.

Ms. Kiflai presented the continuous improvement (CI) framework, highlighting the history of CI at Metro Water Recovery and the four pillars of CI at Metro. She answered a question concerning the use of Lean Six Sigma principles.

Director Smith expressed appreciation for this project and the previous two.

Mr. Freedman presented the Northern Treatment Plant (NTP) process modeling and advanced automation, highlighting the foundation for creating a digital twin of NTP to enable resource optimization and other benefits. He also answered questions about how the project would impact NTP operations and budget, how the digital twin would compare to a pilot plant, what the features of the digital twin will be, how it will work, why the same work is not being done at the Robert W. Hite Treatment Facility (RWHTF), and the importance of calibration.

Ms. Ambrosio presented the community engagement strategy/framework, highlighting avenues Metro Water Recovery has used to engage the community so far and next steps. She answered questions regarding what is considered community and how Metro Water Recovery could partner with the Denver Waterway Resiliency Program.

Chair Baker answered a question concerning the recording of meetings.

Mr. Wicke presented the Second Creek Interceptor project progress, noting the project is at 75 percent completion and progressing well.

Mr. Wicke answered questions about challenges the project has faced, if Denver International Airport (DEN) ice removal flows would still be sent to RWHTF, if any other piping is changing at DEN, the south end point of the interceptor, what connects to the end point, and how weather has impacted the project.

Directors Twombly and Burgi expressed appreciation for the project's progress.

Chair Baker expressed appreciation for the entire presentation, staff work on the strategic plan and projects, and the support of the Board.

3. Status of Capital Improvement Projects Report
4. Current Activities/Operational Performance Report

5. Financial Reports

Ms. Kostelecky answered a question regarding the SCC payments to date.

6. Upcoming Events

CEO Conway reminded Directors of the July 20, 2023 Farm Tour and the August 21, 2023 New Director Orientation and asked Directors to RSVP.

Mr. Conway and Ms. Kedzior answered a question concerning the timing of the National Western Tour.

Individual Director Comments

Director Johnston encouraged Directors to reach out and be a mentor to new Directors.

Other Information

Chair Baker reminded Directors to RSVP for upcoming meetings on BoardEffect, complete expense vouchers if not done, and get an updated photo following the meeting. He also wished CEO Conway a happy birthday.

Chair Baker adjourned the meeting at 9 a.m.

MC:raklmn

METRO WATER RECOVERY

Executive Committee Meeting Minutes

Tuesday, July 11, 2023

The joint meeting of the Executive Committee of Metro Water Recovery was held Tuesday, July 11, 2023 at 11:30 a.m., in the Boardroom.

Roll Call

Chair Johnston called the roll.

Members Present

Andrew Johnston, Chair
Sarah Niyork, Chair Pro Tem
Greg Baker
Bob LeGare
Scott Twombly
Jennifer Williams

Members Absent

Jo Ann Giddings, Secretary
Del Smith, Treasurer

Other Directors Present

Philip Burgi, Advisory

Others Present

Mickey Conway*
Liam Cavanagh*
Molly Kostelecky
Ruth Kedzior
Sherman Papke
Lydia Nkem
Brittany Peshek

*Attended virtually

Public Comment

There was none.

Action Items

Chief Executive Officer (CEO) Conway reviewed the following Action Items, and he and Metro Water Recovery staff answered Directors' questions.

1. Consideration of Cost Allocation Percentages for the 2024 Annual Charges for Service

Director LeGare moved and Director Williams seconded the motion to recommend adopting the cost allocation percentages for the 2024 Annual Charges for Service.

The motion carried unanimously.

2. Consideration of the 2024 Sewer Connection Charge

Director LeGare moved and Director Williams seconded the motion to recommend adopting a Sewer Connection Charge (SCC) of \$5,520 per Single Family Residential Equivalent for the year 2024.

The motion carried unanimously.

3. Consideration of 2024 Large-User Exception Capital Investment Fractions

Director LeGare moved and Director Williams seconded the motion to recommend adopting the Large-User Exception Capital Investment Fractions, effective January 1, 2024.

The motion carried unanimously.

4. Consideration of the 2024 Reactivation Charge

Director LeGare moved and Director Williams seconded the motion to recommend approving a Reactivation Charge for 2024 of \$140 per Single Family Residential Equivalent for each year a connection has been inactive.

The motion carried unanimously.

5. Consideration of HVAC High Priority Improvements Project (PAR 1392) Consultant Agreement Amendment and Appropriation

Director LeGare moved and Director Williams seconded the motion to recommend:

1. Authorizing the Chief Executive Officer to amend the Professional Services Agreement with the RMH Group, Inc., in the amount of \$1,750,000, to provide design phase services for the HVAC High Priority Improvements Project (PAR 1392).
2. Appropriating \$2,145,000 from the Fixed Asset Replacement Fund Capital Project Account for this purpose.

The motion carried unanimously.

6. Consideration of On-Call Electrical Services

Director LeGare moved and Director Williams seconded the motion to recommend authorizing the Chief Executive Officer to enter into five-year on-call contracting service agreements to provide miscellaneous, electrical services with the following contractors:

- Guarantee Electric Contracting
- Intermountain Electric, Inc.
- McDade-Woodcock, Inc.
- Sturgeon Electric Company, Inc.

The motion carried unanimously.

7. Consideration of Litigation Funding

Director LeGare moved and Director Williams seconded the motion to recommend authorizing the Chief Executive Officer to appropriate \$750,000 from the General Fund to fund the ongoing litigation with the Farmers Reservoir and Irrigation Company, Burlington Ditch Reservoir and Land Company, and Henrylyn Irrigation District and MWH Constructors.

The motion carried unanimously.

8. Consideration of Appointments to the Defined Benefit Plan Retirement Board

Chair Johnston presented his recommendation to appoint Directors Clark Davenport and Peter Spanberger and reappoint Directors Craig Kocian and Del Smith to Metro Water Recovery's Defined Benefit Plan Retirement Board (DB Retirement Board) for two-year terms ending July 31, 2025.

Director Burgi moved and Director Niyork seconded the motion to recommend approving the DB Retirement Board appointments as recommended by the Chair of the Board.

The motion carried unanimously.

9. Consideration of Appointments to the Defined Contribution Plan Retirement Board

Chair Johnston presented his recommendation to reappoint Director Janet Kieler to Metro Water Recovery's Defined Contribution Plan Retirement Board (DC Retirement Board) for a two-year term ending July 31, 2025. Additionally, Chair Johnston concurred with CEO Conway's recommendation to reappoint Metro Staff Member Colleen Dempsey to the DC Retirement Board for a two-year term ending July 31, 2025.

Director Burgi moved and Director Niyork seconded the motion to recommend approving the DC Retirement Board appointments as recommended by the Chair of the Board.

The motion carried unanimously.

Information Items Discussed/Presented at Standing Committees

The Executive Committee reviewed the following Information Items.

1. Enterprise Asset Management Software and Services Project (PAR 1415) – Designation of Selection Committee Members

Mr. Papke noted two Directors had volunteered to serve on the Selection Committee.

2. 2023 Strategic Plan Implementation

Mr. Papke expressed appreciation for the Directors' questions and comments on the presentation.

Director Williams expressed appreciation for Mr. Freedman's presentation on the Northern Treatment Plant process modeling and advanced automation and Mr. Papke noted staff would try to keep the Board updated on the project.

3. Status of Capital Improvement Projects Report

4. Current Activities/Operational Performance Report

5. Financial Reports

6. Upcoming Events

Information Items

1. I-25 and Broadway Project

CEO Conway introduced the item.

Director Williams recused herself due to her work involvement with the project.

Mr. Conway gave an overview of the item, noting an intergovernmental agreement (IGA) is needed between Metro Water Recovery and the City and County of Denver to relocate some of Metro's infrastructure to allow a Denver project to move forward. He also noted this would be an action item for the August Board meeting.

Mr. Papke and Mr. Conway answered questions regarding the percentage of costs for Metro Water Recovery and the City and County of Denver, the age of the infrastructure, and how environmental issues would be handled.

Mr. Papke answered questions concerning the source of wastewater that flows through the area, the scope of the relocation, and the risks associated with the project.

Mr. Conway answered a question about the contingency for the project and how change orders and overages would be handled.

Individual Director Comments

There was none.

Other Information

There was none.

Chair Johnston adjourned the meeting at 11:54 p.m.

MC:raklmm



METRO WATER RECOVERY

METROGRO Farm Tour Thursday, July 20, 2023

7 a.m. Leave from Metro
2:30 p.m. Return to Metro
Long pants and close-toed shoes required

This a great opportunity to observe summer farm activities and learn about the biosolids program.
Please RSVP in the BoardEffect event by early July.



[RSVP on BoardEffect here](#)

Director/CEO One-on-Ones

- Feedback on how Metro Water Recovery is doing
- Suggestions for staff to improve on
- Share what is important for you and your appointing entity in the coming years



WHAT

Director One-on-Ones
with Mickey

WHEN

Multiple time slots
available

WHERE

Via phone call

[Sign up Here](#)

New Director Orientation

Monday, August 21, 2023

7 a.m. - 10:30 a.m.

(Breakfast with Senior Management at 7 a.m.)

Administration Building

**Please bring your laptop to reference the
General Information Manual**



[PLEASE RSVP ON
BOARDEFFECT HERE](#)



What's Inside this Issue?

In this Issue:

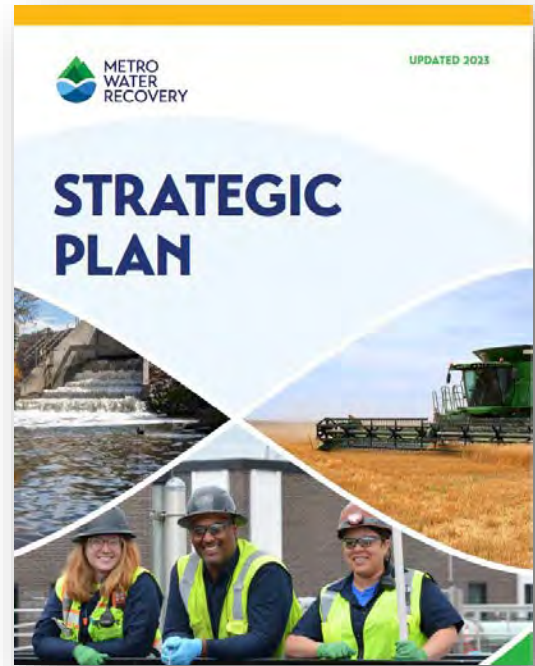
- Strategic Plan Update
- Introducing Brad Bagby
- 2022 Annual Report
- 2022 Platinum & Gold Award Recipients
- Meet the Team: Regulatory Affairs – Compliance Team

Strategic Plan Update Board of Directors Approve

Metro is thrilled to announce the completion of the updated strategic plan. It was approved by the Board of Directors during the May board cycle after extensive outreach and thoughtful deliberation of the Strategic Plan Committee, made up of Board members and staff, and facilitated by strategic planning consultants.

Our last strategic plan was created in 2016, and since that time we accomplished over 90 percent of what we set out to do. Over the last seven years, Metro has grown as an organization. We strengthened our position as leaders in the clean water industry. Through the execution of this plan, Metro is positioned for the next level of organizational growth. The Board of Directors led the way for a planning process to create an updated strategic plan that will guide us in the coming years.

Since the start of 2022, employees from all departments helped shape this update. Thank you to all who provided valuable feedback!



Metro's Updated Strategic Plan

Metro's updated strategic plan has some notable changes. We've transitioned from seven goals to three enduring pillars: Our People, Our Work, and Our Communities. These are not temporary goals, but rather the fundamental elements which define our organization.

Each pillar is underscored by specific areas of focus which we will strive to improve over the next three to five years:

Our People: Employee Engagement and Growth, Diversity, Equity, and Inclusion

Our Work: Resource Optimization, Sustainability

Our Communities: Engagement and Outreach, Water Partnerships

[Link to Metro's Updated Strategic Plan](#)

Introducing Brad Bagby Digital Communications Specialist

Born and raised just outside of Abilene, Texas, Brad followed his college girlfriend to Colorado in 2008, where they married and now have 2 young children. He is one of the newest members of the StratComm team serving as a Digital Communications Specialist having been hired in May 2023.

Prior to working at Metro, Brad served as a university newspaper editor and a local news newscast producer. In his last job, he worked for a satellite internet company for 8 years where he served a variety of roles including Social Media, Customer Care, and Email Marketing. While in a very different industry, Brad is very excited about his role at Metro.

“I think what makes this role very exciting for me is that I can bring in some of that previous experience and apply it to this brand-new world that I’m joining. I’m learning so much about something that the average person in society hardly, if ever, gives a second thought about. I think an exciting challenge for me is to bring a lot more awareness of our mission and daily operations to a wider audience.”

In the Digital Communications Specialist Role, Brad will primarily focus on Metro’s website and Social media presence. Additional responsibilities will include assisting with ADA Accessibility compliance in Metro’s digital spaces.

Outside of work, Brad enjoys listening to 80s metal, wrestling his children, container gardening, and is a competitive homebrewer (22 medals and counting!).



Brad Bagby enjoying some vacation time.

2022 Annual Report Resilient by Design

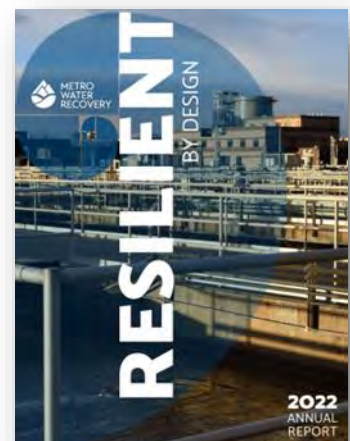
Resilient by Design refers to Metro’s facilities and to the people and teams putting those facilities in place and caring for them.

Metro Water Recovery’s 2022 annual report, released in April, highlights efforts and projects that reflect how the organization is achieving the seven 2016 Strategic Plan goals.

Details about Metro’s 2022 financials may be found in a separate document on the website, the [Annual Comprehensive Financial Report](#).

Thank you to those who contributed to the 2022 successes!

[Click here to read the 2022 annual report.](#)



2023 Platinum & Gold Award Recipients

Celebrating Pretreatment Compliance

On May 10, 2023, Metro Water Recovery recognized 14 local companies at our Gold Awards Ceremony. Representatives of the winning companies were welcomed to the Robert W. Hite Treatment Facility (RWHTF) to be honored. The companies recognized have excelled in industrial wastewater pretreatment requirements.

Metro’s [Industrial Pretreatment Program \(IPP\)](#) team members work alongside industrial businesses. The IPP team collects samples, reviews data, and reports, evaluates compliance, and takes enforcement action where necessary.

Pragati Sharma, Senior Industrial Pretreatment Manager, recognized that businesses put in a great deal of effort, “This is an exciting event as we get to celebrate hard work of Metro’s permitted industries. This is akin to not just earning an A, but 100% compliance. It is hard to maintain and takes effort every day. I appreciate that these industries put that level of effort for compliance with pretreatment requirements.”

In all, 11 gold awards were presented along with 3 platinum awards. The guest speaker this year was Al Garcia who serves as the Pretreatment Coordinator for EPA Region 8. [Learn more and check out event photos on Metro’s website.](#)



Al Garcia, Pretreatment Coordinator for EPA Region 8, delivering comments during the ceremony.

2022 Gold Award Recipients

The Ziegenfelder Company, Inc.

Lowry Landfill Superfund Site

Advanced Surface Technologies

Safeway Denver Milk Plant

Swire Coca-Cola, USA

CoorsTek Inc.

Water Remediation Technology, LLC

KBP Coil Coaters, Inc.

Industrialex Manufacturing Corp.

Denver Metal Finishing

Upsher-Smith Laboratories, LLC

2022 Platinum Award Recipients

(5 or more consecutive years of 100% compliance)

Advanced Circuits

United States Mint

Majestic Metals by Fathom



Regulatory Affairs – Compliance Team

Currents Employee Feature Regulatory Affairs – Compliance Team

Metro Water Recovery’s environmental obligations extend beyond the effluent discharge permits to air quality, biosolids application, waste management, and industrial and construction stormwater. This team provides regulatory support to all departments at Metro and supports all capital projects and activities with potential environmental impacts or requirements. [Learn more about the guardians of the guardians!](#)

Important Dates to Remember

July 15, 2023	Q2 Sewer Connection Charges Due
July 18, 2023 (5:30 pm)	Board of Directors Meeting
Aug. 15, 2023 (5:30 pm)	Board of Directors Meeting
Sept. 15, 2023	Q3 Annual Charges Due
Sept. 19, 2023 (5:30 pm)	Board of Directors Meeting
Oct. 16, 2023	Q3 Sewer Connection Charges Due

[Previous issues of *The Connector* can now be found on Metro’s website.](#)

Tour Tuesdays

Introducing Tour Tuesdays for 2023! Public tours for individuals and small groups being offered on the second Tuesday of the month, April through October, at 10:30 a.m. [See schedule via the website.](#) Reservations are required.

Follow Us on Social



<https://www.facebook.com/MetroWaterRecovery>



<https://www.linkedin.com/company/metro-water-recovery/>

2023 Coordinated Election Notification Form

ELECTION COORDINATION

YES, we plan on coordinating with Jefferson County and participating in the Coordinated Election.
We will return the IGA no later than August 29, 2023.

The Ballot Certification will be due by Friday at 3 pm, September 8, 2023.

List all counties in which the jurisdiction is wholly or partially located:

If the jurisdiction is located wholly or partially located in another county and you plan on coordinating with us, indicate below which county is the "controlling county". Under SOS Rule 4.2.2 the controlling county is the county in which the coordinating district's administrative office is located:

NOT SURE, if we will participate in the Jefferson County Coordinated Election.

NO, we will not participate in the Jefferson County Coordinated Election.

TABOR ISSUE

YES, we plan on coordinating our **TABOR ISSUE(s)** with Jefferson County.
We will return the IGA no later than August 29, 2023.

The Ballot Certification will be due by Friday at 3 pm, September 8, 2023.

How many "Referred" TABOR Issues do you anticipate you will have?

How many "Citizen-Initiated" TABOR Issues do you anticipate you will have?

NOT SURE, if we will have a **TABOR** Issue(s) to coordinate with Jefferson County.

NO, we will not have a **TABOR** Issue(s) to coordinate with Jefferson County.

BALLOT QUESTION

YES, we plan on coordinating our **Ballot Question(s)** with Jefferson County.
We will return the IGA no later than August 29, 2023.

The Ballot Certification will be due by Friday at 3 pm, September 8, 2023.

How many "Referred" Ballot Questions do you anticipate you will have?

How many "Citizen-Initiated" Ballot Questions do you anticipate you will have?

NOT SURE, if we will have a **Ballot** question(s) to coordinate with Jefferson County.

NO, we will not have a **Ballot** question(s) to coordinate with Jefferson County.

CONTACT INFORMATION

Legal Name of Jurisdiction:

Local Government ID Number *(if applicable)*:

Address:

City, State & Zip:

Phone Number:

Alternate Phone Number:

Email:

Representative Name *(printed)*:

"Return this form no later than 3:00 pm on July 28, 2023"