The Board of Directors of the Metro Wastewater Reclamation District, in the Counties of Adams, Arapahoe, Douglas, Jefferson, and Weld, and the City and County of Denver, State of Colorado, met in regular session in the Boardroom, 6450 York Street, Denver, Colorado, Tuesday, February 20, 2018, at 5:30 p.m.

Chairman Pro Tem Baertlein called the meeting to order.

1. **ROLL CALL**

Treasurer Twombly called the roll.

**Officers Present:**

- Peter Baertlein, Denver (Chairman Pro Tem)
- Thomas Bellinger, Bancroft-Clover (Secretary)
- Scott Twombly, Thornton (Treasurer)

**Directors Present:**

- Curt Aldstadt, Westminster
- Charlie Brown, Denver
- Phil Burgi, Wheat Ridge
- Nadine Caldwell, Aurora
- Philip Cipri, Berkeley
- Cheryl Cohen-Vader, Denver
- David Councilman, Pleasant View
- John Dingess, Aurora
- George Dumas, Aurora
- Robert Duncanson, Denver
- John Ennis, South Adams County
- Mark Hunter, Lakewood
- Joan Iler, Westridge

**Directors Absent:**

- Thomas Colchin, Applewood
- Kathryn Jensen, North Table Mountain
- Andrew Johnston, Denver
- Craig Kocian, Arvada
- Dan Mikesell, Aurora
- Christopher Pacheco, Denver
- Bill Ray, Arvada
- Amerigo Svaldi, North Washington Street

**Others Present:**

- Mickey Conway (District Manager)
- Robert Thomas (Deputy Manager/Director of Environmental Services)
- Emily Jackson (Interim General Counsel)
- Jim McQuarrie (Director of Strategy and Innovation)
- Brittany Peshek (Office of the Manager Assistant)
- Kendra Simpson (Executive Assistant)
2. **PUBLIC COMMENT**

There was no comment.

3. **APPROVAL OF MINUTES**

Chairman Pro Tem Baertlein asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held January 16, 2018.

Director Younger moved and Director Iler seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held January 16, 2018.

The motion carried unanimously.

4. **PROGRESS AND PROJECTION REPORTS**

4.a **Report by District Manager**

District Manager Conway reviewed his written report, highlighting the review of the General Colorado Assembly bills, meetings with small groups of Metro District staff, and the discharge permit. He answered questions about the contract lobbyist and whether reclaimed domestic wastewater is considered gray water.

4.b **Report by Interim General Counsel**

There were no questions.

5. **REPORTS OF OFFICERS AND COMMITTEES**

5.a **Report by the General Counsel Search Committee**

Director Dingess, Chairman of the General Counsel Search Committee, (1) reported the Committee held its first meeting, EFL Associates will support this search [the same executive search firm used for the District Manager], and a profile is being prepared for the General Counsel position; (2) reviewed the timeline for the interview process; and (3) requested any Directors who want to provide input to the profile to let him know following the Board meeting.

5.b **There were no additions to the following meeting minutes:**

<table>
<thead>
<tr>
<th>Committee</th>
<th>Date</th>
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<tbody>
<tr>
<td>Operations Committee</td>
<td>February 6, 2018</td>
</tr>
<tr>
<td>Finance Committee</td>
<td>February 8, 2018</td>
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<tr>
<td>Executive Committee</td>
<td>February 13, 2018</td>
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</tbody>
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6. **NEW BUSINESS**

**Consent Agenda**

6.a **Consideration of In-Stream Temperature Habitat Improvements Project (PAR 1323) Engineering Agreement Funding Appropriation**

Director Lindemann moved and Director Hunter seconded the motion to adopt the following resolution:

WHEREAS, it is necessary that the Metro Wastewater Reclamation District, hereinafter referred to as the “Metro District,” appropriate funds for an Agreement for Professional Services with a consultant to provide preliminary design, final design, and bidding phase engineering services for the In-Stream Temperature Habitat Improvements Project (Project); and

WHEREAS, the Colorado Department of Public Health and Environment’s Water Quality Control Commission has established water quality standards for temperature for South Platte River Segment 15, and portions of South Platte River Segment 15 do not attain these temperature standards; and

WHEREAS, in 2013, the Metro District conducted an Evaluation of Physical Changes to Segment 15 to Dissipate In-Stream Temperature Study to evaluate alternative approaches to decrease the water temperature of the South Platte River downstream of the Robert W. Hite Treatment Facility; and

WHEREAS, the Study concluded adding mixing features to the South Platte River would effectively lower the ambient water temperature in South Platte River Segment 15; and

WHEREAS, the Project would add mixing features to improve the thermal mixing of the Metro District’s effluent with Sand Creek and Clear Creek, which will lower the ambient water temperature in South Platte River Segment 15; and

WHEREAS, in December 2017, Metro District staff selected CDM Smith, Inc. through a competitive selection process to provide preliminary design, final design, and bidding phase engineering services for the Project; and

WHEREAS, Metro District staff recommends appropriating funds for the preliminary design, final design, and bidding phase engineering services for the Project; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend appropriating $237,000 for the preliminary design, final design, and bidding phase engineering services associated with the Project; and

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

NOW, THEREFORE, BE IT RESOLVED that the sum of $237,000 be and hereby is appropriated from the General Fund Capital Project Account for the preliminary
design, final design, and bidding phase engineering services associated with the In-
Stream Temperature Habitat Improvements Project.

The motion carried unanimously.

6.b **Consideration of Second Creek Interceptor Segment 1E Project (PAR 1313) Intergovernmental Agreement with the City of Aurora**

Director Lindemann moved and Director Hunter seconded the motion to adopt the following resolution:

WHEREAS, the Metro Wastewater Reclamation District, hereinafter referred to as the “Metro District,” built the Northern Treatment Plant (NTP) to provide additional treatment capacity to the Metro District’s Member Municipalities and Special Connectors; and

WHEREAS, in June 2017, the Board of Directors of the Metro District adopted the Sand Creek and Second Creek Basins Regional Master Plan (Regional Master Plan), which evaluated options for connecting the Sand Creek and Second Creek Basins to the NTP; and

WHEREAS, the Regional Master Plan identified a regional solution for management of wastewater flows in the Sand Creek and Second Creek Basins and concluded a new interceptor constructed proximate to Second Creek, the Second Creek Interceptor (SDI), would provide a regional benefit to all Member Municipalities and Special Connectors; and

WHEREAS, the Regional Master Plan also concluded the City of Aurora (Aurora) should initially fund, construct, own and maintain SDI segments 1A through 1E; and

WHEREAS, SDI Segment 1E will be constructed in a manner to be able to convey flows from both Aurora and the City and County of Denver (Denver), and both entities plan to send flows through SDI segment 1E to the NTP; and

WHEREAS, once SDI Segment 1E conveys flows from both Aurora and Denver, Aurora plans to request transfer of ownership, operation, and maintenance of SDI Segment 1E to the Metro District; and

WHEREAS, Aurora and the Metro District have negotiated an Intergovernmental Agreement (IGA) that establishes the terms of the Metro District’s involvement in the design and construction of SDI Segment 1E, as well as the terms and conditions associated with transferring SDI Segment 1E from Aurora to the Metro District; and

WHEREAS, Metro District staff recommends the Metro District enter into an IGA with Aurora related to SDI Segment 1E; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend entering into an IGA with Aurora that establishes the terms of the Metro District’s involvement in the design and construction of SDI Segment 1E, as well as the terms and conditions associated with transferring SDI Segment 1E from Aurora to the Metro District; and
WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other Committees;

NOW, THEREFORE BE IT RESOLVED, the District Manager be and hereby is authorized and instructed to enter into an Intergovernmental Agreement between the City of Aurora and the Metro District, substantially in the form attached hereto as Exhibit A.

The motion carried unanimously.

**Roll Call Agenda**

6.c **Consideration of Land Acquisition Adjacent to the Robert W. Hite Treatment Facility**

Director Sapp moved and Director Dingess seconded the motion to adopt the following resolution:

WHEREAS, it is in the best interest of the Metro Wastewater Reclamation District, hereinafter referred to as the “Metro District,” to obtain certain interests in real property to carry out the purpose of the Metro District to promote public health, safety, and general welfare; and

WHEREAS, in May 2008, the Metro District retained Black & Veatch/Brown and Caldwell (BV/BC) to evaluate options for conveying and treating flows from its service area in the Lower South Platte Basin, including identifying parcels of land adjacent to or near the Robert W. Hite Treatment Facility for potential future uses by the Metro District; and

WHEREAS, BV/BC identified several parcels of land that could be used for multiple purposes, including a potential biosolids distribution outlet, construction staging, storage or parking, and support facilities; and

WHEREAS, staff of the Metro District was contacted by the owners of a parcel of land at 6610 York Street, which was identified as having a potential future use; and

WHEREAS, staff of the Metro District recommend purchasing the parcel through a negotiated sale price and providing the current owners with a lease-back option not to exceed one year; and

WHEREAS, the Operations and Finance Committees, after having reviewed the matter, recommend acquiring a parcel of land at 6610 York Street and providing the current owners with a lease-back option not to exceed one year; and

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

NOW, THEREFORE, BE IT RESOLVED that the District Manager be and hereby is authorized to acquire through a negotiated purchase price the parcel of land at 6610 York Street and provide the current owners a lease-back option not to exceed one year; and
BE IT FURTHER RESOLVED that the sum of $506,500 be and hereby is appropriated from the General Fund for this purpose.

District Manager Conway answered a question about the contingency plan.

Chairman Pro Tem Baertlein called for a roll call vote which carried with 29 Directors voting Yes:

Curt Aldstadt  George Dumas  Barbara Puls
Peter Baertlein  Robert Duncanson  Ronald Sanchez
Thomas Bellinger  John Ennis  Michael Sapp
Charlie Brown  Mark Hunter  Kim Schoen
Phil Burgi  Joan Iler  Gerry Schulte
Nadine Caldwell  Ingrid Lindemann  Peter Spanberger
Phil Cipri  Charles Long  Dennis Towndrow
Cheryl Cohen-Vader  Martin Majors  Scott Twombly
David Councilman  Jim McClung  Ronald Younger
John Dingess  Claude Off

7.  INDIVIDUAL DIRECTOR COMMENTS

Director Sanchez raised a concern about a change to the Rules and Regulations relating to the damages associated with Sewer Connection Charges. Director Dingess and Ms. Jackson clarified the language refers to interest, not damages. The Rules and Regulations Review Committee recommended that in the event of an overpayment the Metro District be responsible for interest only if the District is solely responsible for the error that resulted in overpayment. In the past, overpayments resulted from incorrect information provided to the District from a Member or Connector.

8.  OTHER INFORMATION

8.a  Corrosion Control

Ms. Jackson gave a presentation on corrosion control for drinking water systems and how the Clean Water Act and the Safe Drinking Water Act are potentially in conflict. Following the presentation, a discussion was held about the potential impacts to the Metro District and the watershed.

9.  ADJOURNMENT

The meeting adjourned at 6:20 p.m.
Board of Directors Meeting Minutes
February 20, 2018

(Seal)

___________________________
Chairman

ATTEST:

___________________________
Secretary