

**MINUTES OF CALLED MEETING OF THE BOARD OF WATER WORKS TRUSTEES  
PURSUANT TO NOTICE  
Tuesday, April 27, 2021**

The Meeting was conducted by video conference.

Present (by Video or Audio Conference Link):

Board Members: Chairperson Mr. Graham Gillette, presiding; Mr. Joel Aschbrenner, Ms. Andrea Boulton, Ms. Susan Huppert and Ms. Diane Munns, who joined the meeting in progress as noted below.

Staff members: Pat Bruner, Wally Burgin, Nathan Casey, Ted Corrigan, Kyle Danley, Doug Garnett, Amy Kahler, Mike McCurnin, Jenny Puffer, Laura Sarcone, Jennifer Terry, and Michelle Watson.

Also in attendance: John Lande (legal counsel), Rick Malm (legal counsel), Melissa Walker (MW Media Consultants, LLC).

Mr. Gillette called the meeting to order at 3:30 p.m.

Consent Agenda

A motion was made by Ms. Huppert, seconded by Mr. Aschbrenner, to approve Consent Items A, B, C, D, and E (Approval of Minutes, March 23, 2021, Board of Water Works Trustees Meeting; Minutes, March 30, 2021, Board of Water Works Trustees Meeting; Minutes, April 6, 2021, Planning Committee Meeting; Minutes, April 13, 2021, Finance and Audit Committee Meeting; Receipt and filing of the financial statements for audit purposes; Approval of Payments for March 2021; Approval of Summary of CEO-Approved Expenditures in Excess of \$20,000; and Approval of May 25, 2021, as the next meeting of the Board of Water Works Trustees). Upon roll-call vote, the motion was adopted with Mr. Joel Aschbrenner, Ms. Andrea Boulton, Mr. Graham Gillette, and Ms. Susan Huppert voting in favor of the motion.

Public Comment Period

No comments were received from the public.

Receive and File 2022-2026 Five-Year Capital Improvement Plan

The 2022-2026 Five-Year Capital Improvement Plan (CIP) was received. This information will be used to develop capital budgets that will be present to the Board for action in future years.

A motion was made by Mr. Aschbrenner, and seconded by Ms. Huppert, to receive and file the 2022-2026 Five-Year Capital Improvement Plan as presented. Upon roll-call vote, the motion was adopted with Mr. Joel Aschbrenner, Ms. Andrea Boulton, Mr. Graham Gillette, and Ms. Susan Huppert voting in favor of the motion.

Ms. Munns joined the meeting in progress at 3:36 p.m.

Acceptance of Polk County Pumping Station – Storage Tank Fill Line Contract

Mr. Corrigan reported that all work associated with the Polk County Pumping Station – Storage Tank Fill Line contract has been satisfactorily completed.

A motion was made by Ms. Huppert, seconded by Mr. Aschbrenner, to accept the Polk County Pumping Station – Storage Tank Fill Line Contract completed by Rognes Corp, in the amount of \$508,782.63. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request Authorization to Execute the Memorandum of Understanding between West Des Moines Water Works, Board of Water Works Trustees of the City of Des Moines, Iowa and the City of West Des Moines on the Addition of Two Data Centers in West Des Moines

Staff of the West Des Moines Water Works (WDMWW) approached DMWW staff in the latter half of 2020 about water service for two additional data centers in West Des Moines. WDMWW and DMWW staff have worked closely to understand and define additional critical facilities needed within their respective systems and other agreements needed to deliver water for the data centers in question. A Memorandum of Understanding has been negotiated among DMWW, WDMWW, and the City of West Des Moines to define their respective plans and obligations required to enable the water service needed by these new data centers. Approval of the form of MOU as presented was requested.

A motion was made by Ms. Munns, seconded by Ms. Huppert, to approve and authorize the Chairperson to execute the Memorandum of Understanding between West Des Moines Water Works, Board of Water Works Trustees of the City of Des Moines, Iowa, and the City of West Des Moines on the Addition of Two Data Centers in West Des Moines. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request Authorization to Execute the Fifth Amendment to Water Service Enhancement Agreement Clarifying Ownership of the Waukee Booster Station

Des Moines Water Works (DMWW) owns and operates a facility known as the Louise P. Moon Pumping Station (LPMS) that was constructed pursuant to a Water Service Enhancement Agreement dated May 26, 1992, which Waukee joined by addendum dated August 24, 1992, and which has been amended on four previous occasions.

A Fifth Amendment is now proposed to effect the following:

Waukee is confirmed to be the legal owner of the building, and all improvements, piping and equipment that comprise the Waukee Booster Station.

DMWW will execute an assignment of a permanent easement previously obtained for the benefit of Waukee to Waukee.

DMWW will continue to operate and maintain the facility for the benefit of Waukee and continue to invoice Waukee quarterly for such operation and maintenance.

A motion was made by Ms. Boulton, seconded by Mr. Aschbrenner, to approve and authorize the Chairperson to execute the Fifth Amendment to Water Service Enhancement Agreement and related documents as presented in order to clarify ownership of the Waukee Booster Station. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request Permission to Issue Purchase Order for Rehabilitation of Lime Sludge Dewatering Press Equipment

The Lime Sludge Dewatering Facility includes four plate and frame filter presses designed and manufactured by Evoqua Water Technologies LLC (Evoqua). This filter press equipment is nearing the end of its operational life and needs significant rehabilitation. The rehabilitation work includes replacement of plate hangers and hanger brackets, replacement of feed and liner pipes, installation of new drip trays and replacement of the filter plates. The cost estimate for only the replacement equipment and parts is \$342,388.

A motion was made by Mr. Aschbrenner, seconded by Ms. Boulton, to authorize staff to issue a Purchase Order to Evoqua Water Technologies LLC, in the amount of \$342,388, for the necessary parts and equipment and services for the rehabilitation of the existing lime sludge dewatering press equipment in the Lime Sludge Dewatering Facility. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request Authorization to Execute 28E Agreement by and Between the Board of Water Works Trustees of the City of Des Moines, Iowa, and West Des Moines Water Works regarding Withdrawal of Water for Treatment from the Raccoon River Alluvial Sources

West Des Moines Water Works (WDMWW) sought a water withdrawal permit from the Iowa Department of Natural Resources (IDNR) to withdraw water from Raccoon River alluvial sources for a possible future water treatment plant near Van Meter, Iowa. IDNR has recommended issuance of permit 10318 to WDMWW. The permit contained certain flow trigger conditions.

DMWW appealed IDNR's recommendation to grant permit 10318 because DMWW does not feel the permit conditions are sufficient to protect existing allocation of water. The appeal process has been held in abeyance to allow , DMWW and WDMWW staff to discuss the possibility of negotiating a resolution to DMWW concerns. The outcome of recent discussions and negotiations is a 28E agreement which affords additional protections to DMWW's interests, subject to various terms and conditions. The proposed form of agreement was presented and discussed.

A motion was made by Ms. Munns, seconded by Ms. Huppert, to approve and authorize the Chairperson to execute 28E Agreement by and Between the Board of Water Works Trustees of the City of Des Moines, Iowa, and West Des Moines Water Works regarding withdrawal of water for treatment from the Raccoon River alluvial sources. Upon roll-call vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request Authorization to Reimburse the City of Des Moines for Water Main Relocations within City of Des Moines Projects

Des Moines Water Works will install new water main and complete multiple water main alterations and hydrant relocations at locations where conflicts exist with proposed storm sewer or sidewalk in several City of Des Moines projects.

The Closes Creek Storm Sewer Improvements Phase 2A & 2B project includes installation of approximately 375 feet of 8-inch ductile iron water main along 34<sup>th</sup> St., 33<sup>rd</sup> St., and Northwest Dr. at an estimated cost of \$105,158.

East Douglas Avenue Reconstruction – E. 42<sup>nd</sup> St. to E. 56<sup>th</sup> St. project work includes eight water main alterations and two hydrant relocations with an estimated cost of \$107,136.

Multiple water main alterations and hydrant relocations with a total estimated cost of \$516,755 will take place along Ingersoll Avenue from 35<sup>th</sup> St. to 41<sup>st</sup> St. and along multiple residential streets north of Ingersoll as a part of the Western Ingersoll Run Sewer Separation Phase 1 project.

Based on the unit prices for the estimated quantities for these contracts, the total cost for the water main and hydrant relocation portions of these City of Des Moines projects is \$729,049. Authorization for reimbursement of the cost of these projects to the City was requested.

A motion was made by Ms. Boulton, and seconded by Ms. Huppert, to authorize staff to reimburse the City of Des Moines for Water Main Relocations within the City of Des Moines projects as stated above. Upon roll-call vote, the motion was adopted with each member of the Board voting in favor of the motion.

#### 2021 Des Moines Water Main Replacement – Contract 2 – Feeder Main at SE 15<sup>th</sup> Street and Martin Luther King Jr. Parkway

A Public Hearing was opened by Chairperson Gillette for comments from the public regarding the form of contract, plans and specifications, and estimated cost for the 2021 Des Moines Water Main Replacement – Contract 2 – Feeder Main at SE 15<sup>th</sup> Street and Martin Luther King Jr. Parkway project. Receiving no oral or written comments, the Public Hearing was closed.

A motion was made by Ms. Huppert for adoption of the form of contract, plans and specifications, and estimated cost for the Project. The motion was seconded by Ms. Munns. Upon roll-call vote, the motion was adopted with each member of the Board identified as present voting in favor of the motion.

An analysis of the bids received was presented and considered.

A motion was made by Ms. Huppert, seconded by Mr. Aschbrenner, to award the 2021 Des Moines Water Main Replacement – Contract 2 – Feeder Main at SE 15<sup>th</sup> Street and Martin Luther King Jr. Parkway contract to Raccoon Valley Contractors, LLC, in the amount of \$1,619,134, and to authorize the Chairperson and the CEO and General Manager to execute the contract. Upon roll-call vote, the motion was adopted with each member of the Board voting in favor of the motion.

#### Nitrate Removal Facility Crawlspace Renovation

A Public Hearing was opened by Chairperson Gillette for comments from the public regarding the form of contract, plans and specifications, and estimated cost for the Nitrate Removal Facility Crawlspace Renovation project. Receiving no oral or written comments, the Public Hearing was closed.

A motion was made by Ms. Munns for adoption of the form of contract, plans and specifications, and estimated cost for the Project. The motion was seconded by Ms. Boulton. Upon roll-call vote, the motion was adopted with each member of the Board identified as present voting in favor of the motion.

An analysis of the bids received was presented and considered.

A motion was made by Ms. Huppert, seconded by Ms. Boulton, to award the Nitrate Removal Facility Crawlspace Renovation contract to Henkel Construction Company in the amount of \$1,312,000, and to authorize the Chairperson and the CEO and General Manager to execute the contract. Upon roll-call vote, the motion was adopted with each member of the Board voting in favor of the motion.

### Board Committee Reports

The following reports were provided:

- Planning Committee – A meeting was held on April 6, 2021 as reflected in the minutes thereof. Ms. Boulton gave a brief summary of the meeting.
- Finance and Audit Committee – A meeting was held on April 13, 2021 as reflected in the minutes thereof. Mr. Aschbrenner gave a brief summary of the meeting.
- Customer Relations Committee – No meeting held in April.
- Bill Stowe Memorial – Mr. Gillette reported that the committee continues to meet to keep moving forward with the project.
- Greater Des Moines Botanical Garden – Mr. Gillette advised that the new GDMBC CEO, Kim Perez, assumed her role this week.
- Des Moines Water Works Park Foundation Board – Ms. Boulton reported that the Extraordinary Egg event, held in conjunction with the Earth Day Trash Bash, was successful. Fundraising continues to secure remaining dollars needed to close out the Phase 1 Park Improvements contract and to improve the amphitheater’s capability for events held during unfavorable weather conditions.

### Staff Updates

External Affairs - Ms. Terry provided a legislative update and public affairs highlights.

### CEO and General Manager’s Comments

- 2021 Utility Goals Update – Mr. Corrigan provided an update on the 2021 Utility Goals that include: Treatment Expansion Evaluation, Response Plan to Lead & Copper Rule Revisions, Completion of Five-Year Organizational Strategic Plan, and Safety.
- COVID-19 Update – Mr. Corrigan shared that staff is fully back in their offices. The General Office is still closed to walk-in customers but will likely re-open in May or June.
- The US EPA has its mobile lab in the General Office parking lot to address contaminant concerns from the TCE South Plume.

### Regionalization Discussion – Possible Closed Session

A closed session was proposed to consider regionalization strategy with respect to the following:

1. Methods of analysis of proposed transaction economics and alternative deal terms; and
2. Asset Transfer Valuation
3. Possible Negotiation Strategies

A motion was made by Ms. Boulton, seconded by Mr. Aschbrenner, to go into closed session under Section 388.9(1), Code of Iowa, to discuss marketing and pricing strategies and proprietary information that may impact its competitive position by public disclosure not required of potential or actual competitors related to ongoing negotiations over creating an integrated regional water authority with respect to the above-described matters to avoid disclosure likely to prejudice or disadvantage the position of the Des Moines Water Works.

Upon roll-call vote, the motion was adopted, with Mr. Aschbrenner, Ms. Boulton, Mr. Gillette, Ms. Huppert, and Ms. Munns voting in favor of the motion.

The meeting then went into closed session.

The Board subsequently returned to open session.

No action was taken as a result of the closed session discussion.

Adjournment – Meeting adjourned by unanimous consent.

5:58 p.m. adjourned