

**MINUTES OF CALLED MEETING OF THE BOARD OF WATER WORKS TRUSTEES  
PURSUANT TO NOTICE  
Tuesday, June 28, 2022**

Present (or Participating by Video or Audio Conference Link):

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

Staff members: Rachel Brown, Pat Bruner, Nathan Casey, Ted Corrigan, Kyle Danley, Erika Hale, Amy Kahler, Mike McCurnin, Jenny Puffer, Laura Sarcone, Jennifer Terry, and Michelle Watson

Also in attendance: John Lande (legal counsel), Debbie Neustadt (Sierra Club), Ed Rose (Betty, Neuman & McMahon, PLC), and Melissa Walker (MW Media Consultants, LLC)

Mr. Gillette called the meeting to order at 3:31 p.m.

Consent Agenda

A motion was made by Mr. Aschbrenner, seconded by Ms. Huppert, to approve Consent Items A, B, C, D, and E, (Approval of Minutes, May 24, 2022, Board of Water Works Trustees Meeting; Minutes, June 7, 2022, Planning Committee Meeting; Minutes, June 14, 2022, Finance and Audit Committee Meeting; Receipt and filing of the financial statements for audit purposes; Approval of Payments for May 2022; Approval of Summary of CEO-Approved Expenditures in Excess of \$20,000; and Approval of July 26, 2022, as the next meeting of the Board of Water Works Trustees). Upon vote, the motion was adopted, with Mr. Aschbrenner, Mr. Gillette, Ms. Huppert, and Ms. Munns voting in favor of the motion.

Public Comment Period

No comments were received from the public.

Mr. Corrigan provided an update on regionalization.

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

Closed Session

A closed session was proposed to discuss litigation strategy with counsel concerning *Michael Auch v. Des Moines Water Works*, File No. 21700001.01.

A motion was made by Ms. Munns, seconded by Ms. Huppert, to go into closed session pursuant to Iowa Code § 21.5(1)(c) to discuss litigation strategy with counsel concerning *Michael Auch v. Des Moines Water Works*, File No. 21700001.01, to avoid disclosure likely to prejudice or disadvantage the position of the Des Moines Water Works and pursuant to Iowa Code § 21.5(1)(a) and § 22.7(4) to review confidential records which represent and constitute the work product of an attorney, which are related to litigation or claims made by or against a public body.

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.

#### Receive and File 2021 Audit Reports

DMWW's audit firm, RSM US LLP, has completed its audits of our financial statements for the year ended December 31, 2021. In addition to audit of DMWW's financial statements, the audits also included reports on collection of charges on behalf the City of Des Moines for sewer, solid waste and storm water that are billed and collected by DMWW and remitted to the City. RSM has issued an unqualified or "clean opinion" on all financial statements.

A motion was made by Mr. Aschbrenner, and seconded by Ms. Boulton, to receive and file the 2021 Financial Audit Reports and distribute reports to the appropriate agencies. Upon vote, the motion was adopted, with each member of the Board voting in favor of the motion.

#### Receive and File 2023-2027 Five-Year Capital Improvement Plan

The 2023-2027 Five-Year Capital Improvement Plan (CIP) was received. This information will be used to develop capital budgets that will be presented to the Board for action in future years.

A motion was made by Mr. Munns, and seconded by Ms. Aschbrenner, to receive and file the 2023-2027 Five-Year Capital Improvement Plan as presented. Upon vote, the motion was adopted, with each member of the Board voting in favor of the motion.

#### Acceptance of LP Moon Pumping Station Sodium Hypochlorite Feed Modifications

Mr. Corrigan reported that all work associated with the LP Moon Pumping Station Sodium Hypochlorite Feed Modifications project has been satisfactorily completed.

A motion was made by Ms. Huppert seconded by Ms. Boulton, to accept the LP Moon Pumping Station Sodium Hypochlorite Feed Modifications contract, completed by The Waldinger Corporation, in the amount of \$72,918. Upon vote, the motion was adopted, with each member of the Board voting in favor of the motion.

#### Award 2021 Des Moines Water Main Replacement – Contract 1

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 2022 Des Moines Water Main Replacement – Contract 1 project. Receiving no oral or written comments, the Public Hearing was closed.

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

An analysis of the bids received was presented and considered.

A motion was made by Mr. Aschbrenner, seconded by Ms. Munns, to award the 2022 Des Moines Water Main Replacement - Contract 1 to Synergy Contracting, LLC, in the amount of \$1,486,413, and authorize the Chairperson and CEO and General Manager to execute the contract. Upon 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 for Western Ingersoll Run Sewer Separation Phase 3

As part of the City of Des Moines' Western Ingersoll Run Sewer Separation Phase 3 project, Des Moines Water Works will complete several water main alterations and install approximately 440 feet of new 12-inch ductile iron water main to replace existing 12-inch 1909 cast iron water main in conflict with proposed sewer. Construction for this project is anticipated to begin in Summer 2022, with water main work being completed in the 2022-2023 construction seasons. Based upon the unit price bid for the estimated quantities for this contract, the cost for the water main bid items for this City of Des Moines project is \$466,193. Synergy Contracting, LLC, from Altoona, Iowa, will be the contractor on the project.

A motion was made by Mr. Aschbrenner, seconded by Ms. Huppert, to authorize staff to reimburse the City of Des Moines for water main relocations included in the Western Ingersoll Run Sewer Separation Phase 3 project. Upon vote, the motion was adopted, with each member of the Board voting in favor of the motion.

Request Authorization for CEO and General Manager to Execute Professional Services Agreement with SVPA Architects Inc., for Architectural and Engineering Services for Grounds Maintenance Facility

Des Moines Water Works staff released a Request for Proposals (RFP) in May 2021 to provide full-service design and construction administration services for the Grounds Maintenance Facility (Grounds Shop) including development of the site and building construction. Three proposals were properly submitted prior to the deadline on June 7, 2021. All proposing architectural firms, OPN Architects, SVPA Architects, and Accord Architecture proved to be highly qualified. The prevailing firm, OPN Architects, topped the rating matrix by presenting a deep portfolio of successful projects similar in nature and offering very competitive cost of service. SVPA Architects was second on the matrix and scored very close to OPN in the selection process.

The project was started by OPN Architects with schematic design followed up with cost estimating in accordance with the terms of the RFP. Through this process we learned the original budget for the Grounds Shop was insufficient for pursuing the project described in the RFP. There was a pause for 2 months while DMWW worked on reducing the project scope and identifying resources to expand the project budget. As budgets were being re-established, OPN experienced staffing changes, including the loss of the project architect for the Grounds Shop. OPN currently does not have capacity to start design of the Grounds Shop until August and has failed to provide a revised schedule to complete the project design. Additionally, OPN has requested a larger fee as a result of the expanding cost of the project, even though the scope of OPN's work remains unchanged.

Staff approached SVPA, the architectural firm that ranked second, to determine if they could expedite the project if awarded to them. In response to this inquiry, SVPA Architects produced a proposal wherein the original project architect proposed will lead the design and is available to start design upon signing a contract. The fee SVPA proposed for the Grounds Shop project is \$118,280. This sum keeps their originally quoted price in the RFP with the labor rates escalated to reflect

2022 values. This results in a very competitive fee of 4.7% for the Grounds Shop project with a budget of \$2.5 million.

OPN has been paid for work to date, and after consultation with legal counsel DMWW has determined it may terminate its engagement with OPN.

Staff recommends the Board authorize staff to execute a Professional Services Agreement with SVPA Architects Inc., in the amount of \$118,280.

A motion was made by Ms. Huppert, seconded by Ms. Boulton, to authorize staff to execute a Professional Services Agreement with SVPA Architects Inc., in the amount of \$118,280, for Architectural and Engineering Services for Grounds Maintenance Facility. Upon vote, the motion was adopted, with each member of the Board voting in favor of the motion.

#### Request Authorization for CEO and General Manager to Execute Change Order No. 3 for 2021 Des Moines Water Main Replacement Contract 4 – Indianola Avenue

As part of the approved budget for the 2021 Des Moines Water Main Replacement Budget, the Board has previously awarded the 2021 Des Moines Water Main Replacement Contract 4 – Indianola Avenue to J&K Contracting, LLC. Additional work has since been determined to be required on Indianola Avenue, from Pine Avenue to Meadow Chase Lane, to avoid conflicts with a City road-widening project. Portions of this work are required to be completed outside of normal working hours due to limited isolation of the distribution system within this area. Staff requests that J&K Contracting, LLC, complete the additional work under such existing contract pursuant to a change order to avoid delays with the City's active road-widening project. This change order will provide compensation to J&K Contracting, LLC, in the amount of \$178,783, for the time and material required to complete water main alterations in conflict with the City's road-widening project on Indianola Avenue.

A motion was made by Ms. Boulton, seconded by Mr. Aschbrenner, to authorize the CEO and General Manager to execute Change Order No. 3 to the 2021 Des Moines Water Main Replacement Contract 4 – Indianola Avenue project in the amount of \$178,783. Upon 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 June 7, 2022, as reflected in the minutes thereof. Ms. Munns gave a brief summary of the meeting.
- Finance and Audit Committee – A meeting was held on June 14, 2022, as reflected in the minutes thereof. Mr. Aschbrenner gave a brief summary of the meeting.
- Bill Stowe Memorial – Mr. Gillette shared that Lakeside Labs interns (funded by the Stowe Memorial Foundation) are researching cooperative projects that could happen in the park.
- Greater Des Moines Botanical Garden – Mr. Corrigan highlighted the Greater Des Moines Botanical Garden Update included in the Board meeting materials.
- Des Moines Water Works Park Foundation Board – Mr. Aschbrenner shared that the Park Foundation Board has hired Teri TeBrockhorst as a paid consultant for the Foundation and negotiations continue with the City of Des Moines on the Foundation's outstanding debt.

Mr. Aschbrenner left the meeting at 5:11 p.m.

#### CEO and General Manager's Comments

Mr. Corrigan advised that demand is increasing, the nitrate removal facility continues to run, and a media event featuring the cover crop seeder will be held on July 6<sup>th</sup>. Preliminary chemical pricing indicates DMWW can expect to experience an increase of 50%, on average, for 2023 water treatment chemicals.

#### Closed Session

A closed session was proposed to discuss litigation strategy with counsel concerning PFAS pollution.

A motion was made by Ms. Boulton, seconded by Ms. Huppert, to go into closed session pursuant to Iowa Code § 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation, and pursuant to Iowa Code § 21.5(1)(a) and § 22.7(4) to review confidential records which represent and constitute the work product of an attorney, which are related to litigation or claims made by or against a public body.

Upon roll-call vote, the motion was adopted, with 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.

5:42 p.m. adjourned