

***CENTRAL WYOMING REGIONAL WATER SYSTEM
JOINT POWERS BOARD***

MEETING PROCEEDINGS

January 19, 2021

A public meeting of the Central Wyoming Regional Water System Joint Powers Board (Board) was held Tuesday, January 19, 2021 at 11:30 a.m., in the Joint Powers Board Conference Room, Regional Water Treatment Plant, 1500 SW Wyoming Boulevard, Casper, WY.

Board Members Present - Chairman King, Vice-Chairman Keffer, Treasurer Bertoglio, and Board Members Cathey, Freel, Knell and Powell. Secretary Waters was absent.

City of Casper – Cathey, Freel, Knell, Powell, Andrew Beamer, Bruce Martin, Brian Schroeder, Janette Brown

Natrona County – Bertoglio

Salt Creek Joint Powers Board – King

Wardwell Water & Sewer District – Keffer

Pioneer Water & Sewer District – Linda Tasler

Poison Spider Improvement & Service District –

Wyoming Water Development Office -

Sandy Lakes Estates -

Lakeview Improvement & Service District -

33 Mile Road Improvement & Service District –

Mile-Hi Improvement and Service District –

Central Wyoming Groundwater Guardian Team (CWGG) –

Others — Charlie Chapin, P.C. – Williams, Porter, Day & Neville, P.C. by Phone; Lisa Burridge – Lisa Burridge & Associates Real Estate

The Board meeting was called to order at 11:30 a.m.

1. In Announcements., Mr. Martin stated that Secretary Waters is not in attendance today, but Ms. Linda Tasler from the Pioneer Board is in attendance and has his proxy.

Mr. Martin introduced Mr. Bruce Knell as the new member of the Board representing the City of Casper.

Mr. Martin stated that the Casper City Council asked Board Member Powell to finish out his term on the Board.

Board Members Cathey and Freel arrived at 11:31 a.m.

2. Chairman King asked for a motion to approve the minutes from the December 15, 2020 meeting. A motion was made by Treasurer Bertoglio and seconded by Vice-Chairman Keffer to approve the minutes from the December 15, 2020 meeting. Motion put and carried.
3. Mr. Martin informed the Board that no additional vouchers were added to the voucher listing that was sent out in the agenda packet. Mr. Martin recommended approval of the vouchers and offered to answer any questions the Board may have on the voucher listing.

Chairman King asked for a motion to approve the January 2021 vouchers. A motion was made by Vice-Chairman Keffer and seconded by Treasurer Bertoglio to approve the January 2021 voucher list to include voucher numbers 8238 through 8243 in the amount of \$614,259.22. Motion put and carried.

4. Mr. Martin asked the Board to reference the Gallons Produced table in the agenda packet. Mr. Martin stated that production for December 2020 was 164 MG, which is right at the five-year average. Mr. Martin stated that year to date production is 2.38 BG, which is 106 MG more than the five-year average. Mr. Martin stated that even with the decreased production in December, production for the year is still above average.

Mr. Martin asked the Board to reference the Income Statement in the monthly compilation.

Mr. Martin stated that Water Utility Charges for FY2021 is \$4.848 M, which is an increase of approximately \$323,000 more than FY2020 due to the water rate increase and higher than average water sales this year.

Mr. Martin stated that Reimbursable Contract Expense is \$2,004,652 which is approximately \$48,000 more than last year. Mr. Martin stated that this increase was expected due to the increased production and needed chemical purchases.

Mr. Martin stated that the Balance Sheet is included in the Financial Report this month as Mr. Pitlick has the audited figures. Mr. Martin stated that the Balance Sheet is broken out into Assets, Liabilities, and Fund Balance. Mr. Martin stated that Fund Balance is broken out to Net Assets, Designated Net Assets, and Unassigned Fund Balance. Mr.

Martin stated that the Total Liabilities + Fund Balance is \$53 M.

Chairman King asked for a motion to approve the December 2020 Financial Report as presented. A motion was made by Treasurer Bertoglio and seconded by Board Member Powell to approve the December 2020 Financial Report as presented.

Treasurer Bertoglio stated that there is a new comparable fund being started with no introductory fees and pays 17% interest. Mr. Martin asked Treasurer Bertoglio to get the information to Mr. Pitlick. Mr. Martin stated that Mr. Pitlick will be bringing information to the Board about switching some of the accounts up to get a better interest rate.

Motion put and carried.

5. Chairman King turned the time over to Mr. Schroeder for the Operations Update.

Mr. Schroeder stated that as mentioned at the last meeting, the Lead Operator retired on December 31st. Mr. Schroeder stated that the hiring process has begun and the first round of interviews were completed. Mr. Schroeder stated that additional interviews will take place with the remaining four candidates. Chairman King asked if any of the candidates were from in-house. Mr. Schroeder stated that there is one candidate from in-house, two from the City of Casper, and two from out of town.

Mr. Schroeder stated that cleanup continues around the WTP. Mr. Schroeder stated that staff is getting into the settled water chambers, and other places to clean up the ferric chloride, sand, and mud from the summer season.

Mr. Schroeder stated that new magnetic flow meters were installed on the ammonia system this week. Mr. Schroeder stated that they will be connected to the new SCADA system and the Operators will be able to create the chloramine ratio from the SCADA.

Mr. Schroeder stated that staff is working on the Capital Budget for FY22.

Mr. Schroeder stated that the contractor for the Raw Water MCC Project will be on site next week to start the work. Mr. Schroeder stated that the new VFDs and motor control center for the Raw Water will be replacing the old, which are original to the WTP and were installed in 1973.

Mr. Schroeder stated that he would also be giving the Transmission System Update for Mr. Conner.

Mr. Schroeder stated that Water Distribution crews hauled the Actiflo sludge from the drying bed and one lagoon has been cleaned.

Mr. Schroeder stated that Water Distribution staff has also been repairing fencing around boosters and testing wholesale water meters.

Mr. Schroeder stated that Water Distribution staff installed and tested the new magnetic flow meter at Salt Creek Booster.

Mr. Schroeder stated that Water Distribution staff has also been working on hydrants.

Mr. Schroeder stated that Water Distribution staff made sump repairs at the WTP. Mr. Schroeder stated that there were issues with the sump in the High Service area.

Mr. Schroeder stated that Water Distribution staff has been completing weekly sampling on booster checks, and checking the chlorine levels. Mr. Schroeder stated that the nitrification in the system is going away and residuals are increasing. Mr. Schroeder stated that nitrification happens every year.

Board Member Powell asked based on a scale of 1 to 10, how Mr. Schroeder would rate the new SCADA system. Mr. Schroeder stated that he would give it an 8 or 9. Mr. Schroeder stated that he hasn't had a lot of time using the new SCADA system, however the Operators love it, but they were using an antique system. Mr. Schroeder stated that the new SCADA system is very efficient and great for reporting, but for him it is still a learning process to use it.

6. There was no Public Comment.
7. There was no Old Business.
 - a. There was no Other Old Business.
8. In New Business:
 - a. Mr. Martin stated that the Board has received a request from Ms. Lisa Burrridge regarding relocating a portion of the Airport waterline. Mr. Martin stated this is a similar request to the one that was received from the Town of Mills. Mr. Martin stated that Ms. Burrridge is in attendance today to speak to the Board about this request. Mr. Martin pointed out on the map the portion of the Airport waterline that is mentioned in the relocation request. Mr. Martin stated that Ms. Burrridge is in the process of developing the land. Mr. Martin turned the time over to Ms. Burrridge to speak to the Board.

Ms. Burrridge handed out a map to the Board. Ms. Burrridge stated that there is no easement, and nothing in public record for the waterline to be located where it is. Ms. Burrridge stated that she relied on a Title Commitment, and it didn't have a recorded waterline. Ms. Burrridge stated that she is proposing the relocation of the waterline.

Ms. Burrridge stated that the waterline runs at a funny angle through this property, and runs under a lot of homes as well. Ms. Burrridge stated that the waterline can be relocated to under the street.

Ms. Burrige stated that there are a few issues with the relocation. Ms. Burrige stated that first, it is going to cost approximately \$160,000 to relocate the waterline. Ms. Burrige stated that the second issue is that she understands that the City would like to see this portion of the waterline upsized to 16-inch, from a 12-inch waterline.

Ms. Burrige stated that from the easement perspective, she has been told that the Board has adverse possession and she respects that. Ms. Burrige stated that to prove up the adverse possession, you can't just say you have adverse possession, it takes a court action to prove it up, and she doesn't want to go through any legal action when it comes to proving up adverse possession. Ms. Burrige stated that she was hoping that something simple could be figured out, like maybe splitting the cost of the relocation. Ms. Burrige stated that in the past the City has always covered the cost of upsizing, and assumes that would be the same for the Board. Ms. Burrige stated that she would like to know if everyone is thinking different than that.

Board Member Knell stated that he has two questions; 1) how long has this line been in its existing home? Ms. Burrige stated that she thinks it has been there since the 1950's. Mr. Martin stated that the Airport waterline was installed in 1963.

Board Member Knell stated that his second question is if it is currently under houses, they built over it in the past, and asked what the issue is with where it is right now. Ms. Burrige stated that the houses that are over the waterline are trailer houses, so they were just set over the top of the waterline with no basements. Ms. Burrige stated that the configuration of the waterline as it is now, is right through the center of the property so it doesn't allow for a logical development for this project.

Board Member Knell asked how deep the waterline is currently. Mr. Martin stated that it has to be a minimum of six feet deep. Chairman King stated that the waterline is six to eight feet deep.

Chairman King asked that when Ms. Burrige acquired the property, was she aware the waterline was there. Ms. Burrige stated that she relied on the Title Commitment, but she had heard there was a waterline on the property, and she acknowledges there is a waterline there and has been for a long time. Ms. Burrige stated that without having any kind of an easement, she relied on the Title Commitment to show what was on the property.

Ms. Burrige stated that from the adverse possession perspective, which she thinks is the argument that the Board wants to make, you can't just say that because it has been there, you can have it there. Ms. Burrige stated that there are several elements that go into proving adverse possession, and it actually takes a court of law to do so. Ms. Burrige stated that she isn't here to be ugly, or to say

that she wants to get in a court battle. Ms. Burrridge stated that she thought that as the Board has an issue, that perhaps they could work together to solve the issue.

Mr. Martin stated that just for clarification, the portion of waterline being requested to be relocated, does not include the portion of the waterline under the trailers farther along the waterline. Ms. Burrridge stated that was correct.

Board Member Knell asked how big a can of worms would be opened, as from the map it looks like the waterline runs under many lots. Ms. Burrridge stated that the map she provided is showing proposed lots, there is not anything on the property at this time. Mr. Martin showed on the map on the screen where the proposed waterline relocation is located. Ms. Burrridge stated that she has spoken to Mr. Art Boatright, with Mobile Concrete, about an easement and then showed the Board the proposed route for the waterline relocation. Ms. Burrridge stated that the waterline would be under a future street. Board Member Knell stated that it seems to him that there is a lot of work to be done. Ms. Burrridge stated that she has already spoken to Mr. Boatright and he does not have an issue granting the easement.

Board Member Cathey asked why staff wants to increase the size of the waterline. Mr. Martin stated that during internal discussions, it was discussed that part of the waterline is 12-inch and part of it is 16-inch and if the waterline was going to be relocated, it is the perfect time to upsize it to 16-inch. Board Member Cathey asked how much 12-inch waterline is on both sides of the portion to be relocated. Mr. Martin stated that the waterline is 16-inch on both sides of the portion to be relocated.

Board Member Knell stated that the bid isn't going to be right to upsize the waterline. Ms. Burrridge stated that the bid is only for the 12-inch.

Board Member Cathey stated that he was just trying to determine where the 16-inch waterline started. Board Member Cathey asked if the waterline was 16-inch clear to the WTP. Mr. Martin showed on the map the areas of 16-inch waterline.

Chairman King asked in the future, if the Westwinds Road waterline is installed, if that would eliminate the need for the Airport waterline. Mr. Martin stated that there are some possibilities of changes in the far future, but it is so far down the road at this point to even discuss.

Treasurer Bertoglio asked for clarification if this relocation of the waterline takes it through the trailer houses, or up to them. Ms. Burrridge stated that this relocation goes just up to the trailer houses.

Board Member Knell asked at what point the City's liability ends, as he assumes the line would be abandoned, capped and left in place. Board Member Cathey stated that the bid lists removal. Ms. Burrridge stated that the waterline will be

removed from the property, and relocated in the street.

Board Member Cathey clarified that it would be the Joint Powers Board liability and not the City of Casper.

Board Member Powell asked if when the Town of Mills brought this to the Board, if they included the waterline under the trailer houses as well. Mr. Martin stated that was correct.

Ms. Burrridge stated that part of this project has other lines that are being worked on with funds from the US Department of Agriculture (USDA), and if the Board is interested, she would talk to the lady in charge of the project and see if she would be able to provide a grant to move the waterline since it is under houses. Board Member Cathey asked if they would cover the whole waterline. Ms. Burrridge stated that they would not cover the whole waterline. Board Member Cathey asked why not. Ms. Burrridge stated because they are government and will only do what they want to do.

Board Member Knell asked if the City of Casper and the Town of Mills have any financial responsibility in this. Ms. Burrridge stated that she was told this is a Regional Water waterline and that is why she is at the meeting today. Board Member Cathey stated that basically the Town of Mills said no, and the Board said if they had to, they would get a prescribed easement. Board Member Powell asked if there were any easements for this waterline at all in the Town of Mills. Mr. Beamer stated that there is an easement across Boatright's property, and it follows road right-of-ways.

Board Member Knell informed Ms. Burrridge that he is not for or against anything, he is just asking questions. Ms. Burrridge stated that she appreciated that. Ms. Burrridge stated that she is happy to answer any questions and she would contact the USDA if the Board wants her to.

Board Member Knell asked if the waterline is relocated in this area, what happens with the rest of the waterline that is under houses. Ms. Burrridge stated that there are no houses over the portion of the waterline that she is talking about, but the waterline under the houses could be abandoned in place. Ms. Burrridge stated that the reason it can't be abandoned in her development is because it is too shallow and she is building houses with basements.

Board Member Powell asked for Mr. Chapin's input. Mr. Chapin stated that his opinion at this point in time, is that the Board's position of adverse possession is stronger than what Ms. Burrridge assesses it to be, as he believes all the elements are there. Mr. Chapin suggested that the Board discuss this item in more detail. Mr. Chapin stated that this isn't anything more than what the Town of Mills presented. Mr. Chapin stated that the cost is less than what was presented by the Town of Mills.

Chairman King stated that the Board would go into executive session to discuss and when a decision is made, a letter will be sent to Ms. Burrige.

Treasurer Bertoglio stated that every time government touches something, it's more expensive. Treasurer Bertoglio stated that the estimate is based on if Ms. Burrige does the work, but he is sure that would not be allowed, and asked Mr. Beamer to answer. Mr. Beamer stated that staff would review the construction plans, specifications, and assurances that there are inspection services going on. Mr. Beamer stated that he isn't saying it could not be done under her contract, but additional oversight would be needed. Treasurer Bertoglio asked if Ms. Burrige was saying she would be paying half of what the costs would be. Ms. Burrige stated she would absolutely.

Board Member Powell asked what the cost would be for upsizing to 16-inch. Mr. Beamer stated that the labor cost would not change much, but the cost of materials would increase. Board Member Powell asked Ms. Burrige if she would be willing to split the cost of the upsizing as well. Ms. Burrige stated that she would.

Mr. Martin stated that for clarification, this property belonged to the Town of Mills, and asked Ms. Burrige if she now owns it. Ms. Burrige stated that this is her property.

Board Member Cathey asked if Ms. Burrige purchased the property from the Town of Mills. Ms. Burrige stated that she did. Board Member Cathey asked if they told her about the waterline being on the property before she purchased it. Ms. Burrige stated that she relied on a title commitment. Board Member Cathey stated that the Town of Mills knew that waterline was there.

Chairman King asked if there was a motion to move into Executive Session. Mr. Chapin stated that there is an Executive Session later in the meeting. Board Member Cathey stated that the Executive Session listed is for Potential Property Acquisition. Mr. Chapin stated that if there is to be an Executive Session on this issue, it should be set up and notified as a separate item to be discussed, particularly due to prior discussions on this with the Town of Mills.

Chairman King stated that this item could be tabled until the next meeting. Treasurer Bertoglio asked that staff come up with costs for a larger project to move the waterline. Mr. Chapin stated that all these questions and concerns are better off to be discussed in Executive Session.

A motion was made by Board Member Cathey and seconded by Board Member Knell to table this item for an Executive Session for the next meeting. Motion put and carried.

- b. Mr. Martin stated that the WTP HVAC Chiller needs to be replaced. Mr. Martin

stated that this was in the budget last year, but there were unexpected costs for the 2.6 MG Tank Project, so the funds were reallocated. Mr. Martin stated that \$180,000 for this project was rebudgeted in the FY2021 budget. Mr. Martin stated that the contract before the Board today is just for design and construction administration services. Mr. Martin stated that a couple of proposals were received for the project. Mr. Martin stated that staff recommends West Plains Engineering for the design and construction administration services in an amount not to exceed \$10,950.

Chairman King asked for a motion to approve the contract with West Plains Engineering in the amount of \$10,950. A motion was made by Vice-Chairman Keffer and seconded by Treasurer Bertoglio to approve the contract for design and construction administration services with West Plains Engineering for the WTP HVAC Chiller Replacement, Project 20-030 in the amount of \$10,950.

Board Member Cathey stated that the other bids were not listed in the memo and asked what they were. Mr. Martin stated that the other proposal received was from EDA in the amount just under \$14,000. Mr. Beamer stated that these were proposals and not bids. Board Member Cathey stated that he understands that these were proposals, but it would still be nice to have the information in the memo.

Treasurer Bertoglio asked if this is just a replacement, or redoing the entire HVAC. Mr. Martin stated that this is to replace the chiller unit, the refrigerant condenser, system pumps, controls, and minor piping changes.

Motion put and carried.

- c. Chairman King asked how they wished to proceed with Election of Officers. A motion was made by Board Member Powell and seconded by Treasurer Bertoglio to retain the current Board officers for 2021; H. H. King, Jr. – Chairman, Larry E. Keffer – Vice-Chairman, Kenneth L. Waters – Secretary, and Paul C. Bertoglio – Treasurer. Motion put and carried.

Mr. Martin stated that Secretary Waters did indicate that he would be willing to continue being Secretary.

- i. Mr. Martin stated that with the Board Officers staying the same, the current Board Officer bonds need to be renewed.

A motion was made by Board Member Cathey and seconded by Board Member Freel to approve voucher 8244 in the amount of \$400 for Board Officer Bonds. Motion put and carried.

- d. In Other New Business, Treasurer Bertoglio asked if there had been any news from EPA regarding the response letter. Mr. Schroeder stated that he was

informed that EPA did receive the response letter.

9. Chairman King asked for a motion to move into Executive Session to discuss potential property acquisition. A motion was made by Treasurer Bertoglio and seconded by Board Member Tasler to adjourn into Executive Session at 12:15 p.m. to discuss potential property acquisition. Motion put and carried.

A motion was made by Board Member Freel and seconded by Board Member Cathey to adjourn from Executive Session at 12:34 p.m. Motion put and carried.

A motion was made by Board Member Tasler and seconded by Vice-Chairman Keffer to open the Regular Session at 12:35 p.m. Motion put and carried.

Chairman King stated that the Board discussed getting a Title Commitment report first, then getting a Fair Market Assessment on the property discussed in Executive Session.

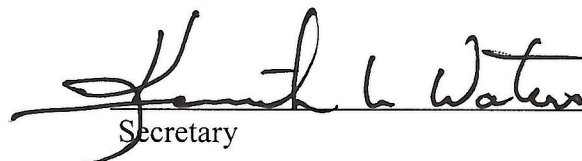
Board Member Knell asked staff to let the property owner know that the Board is doing their due diligence.

A motion was made by Board Member Knell and seconded by Vice-Chairman Keffer to move forward with getting a Title Commitment report and Fair Market Assessment for the property discussed in Executive Session. Motion put and carried.

10. In the Chairman's Report, Chairman King stated that the next regular meeting would be held on February 16, 2021. Board Member Knell stated that he will be out of town and will not be in attendance at the February meeting.

A motion was made by Board Member Cathey and seconded by Treasurer Bertoglio to adjourn the meeting at 12:36 p.m. Motion put and carried.


Chairman


Secretary