

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

MEETING PROCEEDINGS

October 17, 2023

A public meeting of the Central Wyoming Regional Water System Joint Powers Board (Board) was held Tuesday, October 17, 2023, 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 Bertoglio, Vice-Chairman North, Secretary Waters, Treasurer Cathey, and Board Members, Aars, and Sabrosky. Board Members Pacheco and Pollock were absent.

City of Casper – Bertoglio, Cathey, Tom Brauer, Bruce Martin, Mark Anderson, Scott Baxter, Janette Brown

Natrona County – North

Salt Creek Joint Powers Board – Aars

Wardwell Water & Sewer District – Sabrosky

Pioneer Water & Sewer District – Waters

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 – Williams, Porter, Day & Neville, P.C.; John Naquin

The Board meeting was called to order at 11:33 a.m.

1. In Announcements:

a. Mr. Martin introduced Mr. Tom Brauer as the new City of Casper Chief

Operating Officer, replacing Mr. Beamer.

Mr. Martin stated that with the resignation of Chairman King, Salt Creek Joint Powers Board has appointed Ms. Ashley Aars as their representative and introduced her to the Board.

Mr. Martin stated that with the resignation of Board Member Knell, the City of Casper has appointed Mr. Ray Pacheco as their representative for the rest of the year.

- b. Vice-Chairman Bertoglio asked if the Board only needed to elect a new Chairman. Ms. Brown stated that at this point only the Chairman needed to be elected, but it depends on who the Board elects as Chairman.

Vice-Chairman Bertoglio asked for a motion to elect the Chairman. A motion was made by Board Member Sabrosky and seconded by Board Member North to nominate Paul Bertoglio as Chairman. Motion put and carried.

Chairman Bertoglio asked for a motion to elect the Vice-Chairman. A motion was made by Board Member Sabrosky to nominate David North as Vice-Chairman. There was no second to the motion.

Treasurer Cathey stated that he has a question and asked Board Member Sabrosky who he is representing on the Board. Board Member Sabrosky stated that he is representing the former district of Wardwell Water. Board Member Sabrosky stated that he asked the Board at the last meeting what they wanted to do as he is still technically a Board Member.

Chairman Bertoglio asked Mr. Chapin that until such time that the Joint Powers Agreement has been amended, does Wardwell still technically exist for the Board. Mr. Chapin stated that part of the problem is that Wardwell has been dissolved by vote of the public.

Secretary Waters stated that is the question he has raised every meeting so far, that with that resolution being passed by the people that they represent, Wardwell is gone. Secretary Waters stated that in that resolution, that he did not bring a copy of today, everything in Wardwell transfers to the County. Board Member Sabrosky stated that he brought a copy of the resolution today, and that is not the case. Board Member Sabrosky stated that he can see where there are a couple of points that would make you come to that conclusion, but that is not what it says.

Secretary Waters asked how the transfer of assets is taken care of. Board Member Sabrosky stated that since the Wardwell Board dissolved and became Trustees of the assets, it is now their job to transfer those assets to Bar Nunn. Board Member Sabrosky stated that there is a provision in the resolution to transfer the system that is in the unincorporated area to the County, but he doubts they want that system.

Treasurer Cathey stated that according to the County and State statute, that can't happen.

Board Member Sabrosky stated that as far as all the hard assets and the cash, it clearly spells out that it goes to Bar Nunn.

Treasurer Cathey stated that what he is trying to figure out is Board Member Sabrosky's status on the Board. Treasurer Cathey stated that he has no problem with either Chairman Bertoglio or Board Member North, but he doesn't like a potential non-member of this Board making and seconding nominations for Officers. Board Member Sabrosky stated that is understandable, as he brought this up at the last meeting because he doesn't have the desire or need to be on the Board. Board Member Sabrosky stated that he is fine with whatever decision is made. Treasurer Cathey stated that technically if Board Member Sabrosky is not supposed to be on the Board, then these nominations and things technically never happened. Treasurer Cathey stated that is his concern, that if something came down the road later such as how did Chairman Bertoglio or Board Member North become these things.

Chairman Bertoglio asked the Board to start over and asked for a nomination for the position of Chairman. A motion was made by Board Member North and seconded by Board Member Aars to nominate Paul Bertoglio as Chairman. Motion put and carried.

Chairman Bertoglio asked for a nomination for Vice-Chairman. A motion was made by Treasurer Cathey and seconded by Board Member Aars to nominate David North as Vice-Chairman. Motion put and carried.

Board Officers are listed as follows:

Paul Bertoglio – Chairman
David North – Vice-Chairman
Kenneth Waters – Secretary
Stephen Cathey – Treasurer

Chairman Bertoglio stated that a discussion about the Wardwell dissolution will be held at the end of the meeting. Board Member Sabrosky asked if he should abstain from motions and voting until the Board determines what is going to happen. Mr. Chapin stated that would be best. Mr. Chapin stated that Board Member Sabrosky has been asking about this and he thinks that ultimately, what everyone is thinking is that someone from Bar Nunn is going to get a seat on the Board. Board Member Sabrosky stated that someone from Bar Nunn has been recommended to take over the seat on the Board, and they are on board with that, but they were concerned that if this seat vacates, does the City of Casper have to give up a seat, but if they aren't going to make a smooth transition, they need to get that taken care of first. Mr. Chapin stated that would be the best move.

2. Chairman Bertoglio asked for a motion to approve the minutes from the September 19,

2023, Regular meeting. A motion was made by Vice-Chairman North and seconded by Treasurer Cathey to approve the minutes from the September 19, 2023, Regular meeting. Motion put and carried.

3. Mr. Martin stated that there was one additional voucher added to the voucher listing that was sent out in the agenda packet and asked the Board to reference the voucher listing on the screen.

Mr. Martin stated that voucher 8623 for HUB International in the amount of \$119,656.00 is for the annual renewal of the property insurance and was added to the listing.

Mr. Martin stated that voucher 8615 in the amount of \$2,948.36, and voucher 8619 in the amount of \$601.10 are both for Engineering Associates for the Caisson No. 2 Rehab Project.

Mr. Martin stated that voucher 8616 for DXP Enterprises, Inc. in the amount of \$62,288.00 is for the approved capital replacement of the Morad Recharge Pump.

Mr. Martin stated that voucher 8617 for Ferguson Waterworks #1116 in the amount of \$14,975.33 is for Casper Well #8 plumbing parts as part of the Well Rehabilitation Project.

Mr. Martin stated that voucher 8620 for Sheet Metal Specialties in the amount of \$144,512.10 is for the HVAC Chiller Replacement Project.

Mr. Martin stated that voucher 8622 for Ketel Thorstenson, LLP in the amount of \$20,000.00 is for FY2023 Audit Services. Mr. Martin stated that the audit is not completed, but the auditors are in the process of wrapping it up and will present it to the Board at the November meeting.

Mr. Martin stated that the vouchers are in good order and recommended approval of vouchers 8615 through 8623 in the amount of \$924,545.63.

Chairman Bertoglio asked if the invoice for Ketel Thorstenson, LLP was the total amount of the audit charges. Ms. Brown stated that it is not, this invoice is just a partial payment for work completed to this point. Chairman Bertoglio asked if the auditors are going to present the audit to the Board through a Zoom meeting. Ms. Brown stated that was correct.

Chairman Bertoglio asked for a motion to approve the October 2023 vouchers. A motion was made by Treasurer Cathey and seconded by Vice-Chairman North to approve the October 2023 voucher listing to include voucher numbers 8615 through 8623 in the amount of \$924,545.63. Motion put and carried.

4. Mr. Martin asked the Board to reference the Water Production chart on the screen. Mr. Martin stated that there were 459 MG of water produced in September, which is 7 MG below the five-year average of 466 MG.

Mr. Martin stated that the year-to-date water production was 1.61 BG, which is 155 MG below the five-year average of 1.76 BG. Mr. Martin stated that this decrease is due to lower water sales in July and August.

Mr. Martin stated that Water Utility Charges year-to-date are currently \$3,711,466, compared to \$4,122,151 last year, which correlates with the decrease in production.

Mr. Martin stated that Interest Earned is \$68,054 compared to \$16,799 last year. Mr. Martin stated that at the last meeting the Board approved the purchase of CDs from WGIF. Mr. Martin stated that Ms. Brown is working with WGIF to get this set up and get signature cards in place.

Mr. Martin stated that Reimbursable Contract Expense is \$1,217,474, which includes September expenses. Mr. Martin stated that this line item is where it was expected to be at this time of the Fiscal Year.

Chairman Bertoglio asked for a motion to approve the September 2023 Financial Report as presented. A motion was made by Vice-Chairman North and seconded by Board Member Aars to approve the September 2023 Financial Report as presented. Motion put and carried.

5. Mr. Martin stated that Mr. Edwards is out sick today so he will give the WTP Operations Update.

Mr. Martin stated that Logan Wood, who was the Maintenance Supervisor, has been selected to fill the Lead Operator position. Mr. Martin stated that the Maintenance Supervisor position will be advertised soon for a couple of weeks before the interview process.

Mr. Martin stated that one of the Operators left at the end of September. Mr. Martin stated that the position was advertised, and there was a total of 16 applicants. Mr. Martin stated that six applicants will be interviewed this week.

Mr. Martin stated that the Surface Water Plant has been off since the cold, wet weather last week. Mr. Martin stated that staff is waiting to see how the weather goes this week as to whether the Surface Water Plant will be needed or not. Mr. Martin stated that it most likely will not be needed again this month, and staff will begin the cleaning process for the Plant, and the winterization of the well houses and Raw Water system.

The time was turned over to Mr. Anderson for the Transmission System Update.

Mr. Anderson stated that the weekly security checks and tank sampling continue to be completed each week.

Mr. Anderson stated that the system chloramine residuals are going down as the system is in nitrification season.

Mr. Anderson stated that the Mile-Hi wholesale water meter was replaced as it tested

very low.

Mr. Anderson stated that a new hot tap was done at 2600 Salt Creek Highway for a new service and a fire hydrant tap.

Mr. Anderson stated that the sludge in the drying beds was hauled off to the Landfill. Mr. Anderson stated that the sludge in the east Actiflo lagoon was transferred to the drying bed.

Mr. Anderson stated that staff went through and winterized all the booster stations.

Mr. Anderson stated that staff hauled all the rock for the Wardwell Tank fence project from 71 Construction to the tank site.

Mr. Anderson stated that staff pumped and drained all the non-draining fire hydrants.

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 WTP 42" Steel Waterline Replacement, Project No. 21-045 was included in the FY23 budget. Mr. Martin stated that this project includes replacing a 20-foot section of 42" steel pipe right outside the Degas Tower and goes through a chemical injection vault, and then to the Backwash Tanks. Mr. Martin stated that this project was put out to bid twice prior, but both times contractors came back saying they were unable to get pricing for the steel pipe.

Mr. Martin stated that Mr. Scott Baxter, with City Engineering, put in a lot of work into chasing down a pipe manufacturer that would be interested in producing that pipe. Mr. Martin stated that Mr. Baxter gave the manufacturer all the specifications for the pipe, and they were able to provide a quote.

Mr. Martin stated that the project was put out to bid for the third time, and the pipe quote was provided to the prospective contractors. Mr. Martin stated that two bids were received on the project: one from Crown Construction in the amount of \$180,900, and one from 71 Construction in the amount of \$345,000. Mr. Martin stated that the City Engineering estimate was \$175,000.

Mr. Martin stated that in the FY23 Budget there was \$125,000 budgeted for this project. Mr. Martin stated that there are funds available in the FY23 Roof Replacement Project that could be transferred to the Pipe Project and will be discussed later in the meeting.

Mr. Martin turned the time over to Mr. Baxter to answer any questions the Board

may have on this project.

There being no questions, a motion was made by Vice-Chairman North and seconded by Treasurer Cathey to approve the agreement with Crown Construction for the Casper Water Treatment Plant 42" Steel Waterline Replacement, Project No. 21-045 in the amount of \$180,900 with a construction contingency amount of \$19,100, for a total project amount of \$200,000. Motion put and carried.

- b. Mr. Martin stated that the WWDC Wellfield Management Plan, that is currently in progress, identified six wells to use different techniques for rehabilitation. Mr. Martin stated that prior to identifying which techniques they want to use, they pulled pumps to video inspect the wells to identify which of the different technologies would work best. Mr. Martin stated that they pulled Morad 2 pump and were able to inspect the pump and discovered that it is in such bad condition that staff does not want to reinstall the pump.

Mr. Martin stated that before the Board today is a Procurement of Goods Agreement with Cahoy Pump Service to purchase a new pump for Morad 2. Mr. Martin stated that staff received three quotes: Cahoy Pump Service the low quote of \$14,720, Purvis Industries quoted \$18,502.35, and P & A Pump Install and Repair, LLC quoted \$34,474.

Mr. Martin stated that funds are budgeted in the FY24 Well Rehabilitation Project for this pump purchase.

Vice-Chairman North asked if any reasoning was given for the big variation in the cost of the quotes. Mr. Martin stated that staff have been seeing this on a lot of the purchase quotes. Mr. Martin stated that it was a comfort that Cahoy and Purvis quotes were fairly close, but it seems there is always an outlier that is quite a bit higher than the rest of the quotes.

A motion was made by Vice-Chairman North and seconded by Board Member Aars to approve the contract with Cahoy Pump Service for the Morad 2 well pump replacement in the amount of \$14,720.00. Motion put and carried.

- c. Mr. Martin stated that the Sodium Hypochlorite chemical lines in the WTP were replaced last year. Mr. Martin stated that funds were included in the FY24 Budget for the Ammonia chemical line replacement. Mr. Martin stated that the chemical lines are at the end of their useful life, are in poor condition, and need to be replaced.

Mr. Martin stated that two quotes were received for this project: Titan Plumbing in the amount of \$14,711.68, and Haid's Plumbing in the amount of \$20,047.95.

Mr. Martin stated that staff had reached out to other plumbing companies, but they responded that they were too busy at this time.

Mr. Martin stated that funds for the Ammonia chemical line replacement were

included in the FY24 Capital Budget. Mr. Martin recommended approval of the contract with Titan Plumbing for this project and offered to answer any questions the Board may have on this project.

A motion was made by Vice-Chairman North and seconded by Board Member Aars to approve the Contract for Professional Services with Titan Plumbing, LLC for the WTP Ammonia Chemical Line Replacement Project in the amount of \$14,711.68. Motion put and carried.

- d. Mr. Martin stated that the Procurement of Goods Agreement with Russell Industries, Inc. before the Board is for the purchase of one four stage booster pump for use at the Airport Booster Station. Mr. Martin stated that one of the booster pumps had failed and was replaced about a year ago. Mr. Martin stated that the other pump at the booster station is in poor condition, and it is very difficult to get parts for it. Mr. Martin stated that funds for the replacement of this pump were included in the FY24 Capital Budget.

Mr. Martin stated that quotes were requested for the booster pump, and two quotes were received: Russell Industries in the amount of \$34,835.56, and DXP in the amount of \$36,380.00.

Mr. Martin stated that the pump will be installed by Water Distribution staff. Mr. Martin recommended approval of the pump purchase from Russell Industries.

A motion was made by Treasurer Cathey and seconded by Vice-Chairman North to approve the Procurement of Goods Agreement with Russell Industries, Inc. for the purchase of one four stage booster pump for use at the Airport Booster Station in the amount of \$34,835.56. Motion put and carried.

- e. Mr. Martin stated that there are approximately 40 to 50 turbidimeters that are used in the wellfields and throughout the Water Treatment Plant. Mr. Martin stated that every year some of these turbidimeters are replaced, due to age and inaccurate readings. Mr. Martin stated that these turbidimeter readings are critical to the treatment process and for EPA reporting.

Mr. Martin stated that there is \$40,000 included in the FY24 Capital Budget for the replacement of turbidimeters. Mr. Martin stated that this purchase request is for eight turbidimeters. Mr. Martin stated that staff may look at requesting another purchase of turbidimeters towards the end of the fiscal year as well.

Mr. Martin recommended approval of purchasing eight turbidimeters from Hach Company in the amount of \$24,124.70.

A motion was made by Board Member Aars and seconded by Treasurer Cathey to approve the purchase of eight turbidimeters from Hach Company in the amount of \$24,124.70. Motion put and carried.

- f. Mr. Martin stated that FY2024 Budget Amendment No. 1 is required for the

carryover of projects and encumbrances from FY2023. Mr. Martin stated that there are materials that are on order that have not been received yet, and projects that were started and not completed in FY23. Mr. Martin stated that the Board gave authorization for those expenditures in FY23, and this is carrying over those expenditures to FY24. Mr. Martin stated that the Board would be reauthorizing those expenditures to be spent FY24. Mr. Martin stated that the amount of FY24 Budget Amendment No. 1 is \$1,871,298.12.

Mr. Martin reviewed a few of the projects:

FY23 Roof Replacement Project – Mr. Martin stated that \$300,000 was budgeted for this project in FY23. Mr. Martin stated that these funds were not used for roof replacements as there were other projects that came up that were higher priority and needed to be taken care of. Mr. Martin stated that \$113,000 was transferred to the WTP Chiller Replacement Project, and now it is requested to carryover \$90,000 to the 42” Steel Waterline Replacement Project that was just awarded to Crown Construction.

Mr. Martin stated that the Chiller Replacement Project is under construction now. Mr. Martin stated that the components came in a little bit earlier than expected. Mr. Martin stated that the chiller is being installed now when it wasn’t expected to be on site until Thanksgiving. Mr. Martin stated that it is anticipated that the project will be done by the end of the calendar year or the first part of next calendar year.

Mr. Martin stated that the FY22 Well Rehabilitation Project started out as the Caisson Rehabilitation, it was put out to bid and it came in way over budget. Mr. Martin stated that the Caisson Rehabilitation Project was budgeted in FY23, and in the meantime the Board received a \$1.5 Million ARPA Grant. Mr. Martin stated that the project was expanded to cover all three of the Caissons and was awarded at the last meeting. Mr. Martin stated that the FY22 Well Rehabilitation Project will be rolled into the Caisson Well Rehabilitation Project.

Mr. Martin stated that the GW Vault & Yard Piping Replacement Project is the 42” Steel Waterline Replacement Project. Mr. Martin stated that this is to carryover \$112,361.92. Mr. Martin stated that the \$90,000 from the Roof Project will be combined with this project.

Mr. Martin stated that the Equipment Replacement Project is for critical equipment that fails unexpectedly throughout the year. Mr. Martin stated that there is \$40,000 that is earmarked for pump and valve replacement. Mr. Martin stated that this equipment is on order but has not arrived yet.

Mr. Martin stated that the High Service Pump Valve Replacement Project amount of \$43,849.67 is for materials on order that have not arrived yet.

Mr. Martin stated that the Filter Media Replacement Project in the amount of \$100,000 is for the replacement of the media in one of the six filters and it is

planned to do one filter in each of the next six years. Mr. Martin stated that the filter for FY23 was not done, and it is asked to carryover these funds to combine with the FY24 funding and look at doing two filters. Mr. Martin stated that the reason for the delay on this project is that staff was looking into the PFAS lawsuit which could potentially result in some funding to be available to update the filters to activated carbon to be able to handle PFAS. Mr. Martin stated that because there was no PFAS found in the source water, he is uncertain if the WTP is eligible for the potential funding.

Mr. Martin stated that the remaining items are encumbrances for equipment that has not arrived yet.

Mr. Martin stated that the HDR Engineering contract is what is left from the UV Disinfection and Ozone Upgrade Preliminary Design Report. Mr. Martin stated that staff will be submitting for an SRF Loan and want to carryover this encumbrance just in case information is needed from HDR for the loan application.

Mr. Martin stated that the encumbrances for Greiner Motor and Able Equipment are for the Service Truck that was ordered a year ago and is still not in.

Mr. Martin stated that the budget amendment does not include any new expenditures, it is only reauthorizing expenditures from FY23.

Mr. Martin stated that another item included in this budget amendment is the \$1.5 Million ARPA Grant funding for the Caisson Rehabilitation Project that shows up under Revenue in the budget amendment. Mr. Martin stated that this grant was not approved until after the budget was in place, so we now need to account for this revenue in the budget amendment.

A motion was made by Treasurer Cathey and seconded by Vice-Chairman North to approve FY2024 Budget Amendment No. 1 in the amount of \$1,871,298.12. Motion put and carried.

- g. Mr. Martin stated that Budget Reallocation No. 2024-01 is to move the \$90,000 from the FY23 Roof Replacement Project into the 42" Steel Waterline Replacement Project to cover the gap in funding.

A motion was made by Treasurer Cathey and seconded by Vice-Chairman North to approve Budget Reallocation No. 2024-01 in the amount of \$90,000. Motion put and carried.

- h. Mr. Martin turned the time over to Mr. Brauer to discuss the ownership of the North Park Water Storage Tank.

Mr. Brauer stated that just to give the Board a little background, in 1992 he was fresh out of school and working for CEPI on the Natrona County Regional Water System Master Plan, and then was part of the planning, design, and construction

of the Regional Water System. Mr. Brauer stated that he worked for CEPI until 2017, and then started his company Technical Mediation Solutions, and then the opportunity came to work for the City of Casper as the Chief Operating Officer. Mr. Brauer stated that he took that job on so he could give back to the community and help the City in some different areas with his experience and expertise.

Mr. Brauer stated that the City has been focusing on the area by the Events Center because of the Wyo Sports Ranch facility. Mr. Brauer stated that there is the potential development effect that is likely to occur in that North Platte Park development.

Mr. Brauer stated that the City engaged WLC Engineering to do a utility infrastructure analysis report on the North Platte Park development. Mr. Brauer stated that WLC did a great job and ultimately came out, in round numbers, that the City will need \$5 Million for the storm and sanitary sewer improvements to serve that area. Mr. Brauer stated that a sanitary sewer will need to be run down Poplar Street, and the lift station behind the old Holiday Inn will need to be improved.

Mr. Brauer stated that \$10 Million for water system improvements will be needed. Mr. Brauer stated that the vast majority of the water system improvements are for the construction of a new water storage tank next to the North Park Tank.

Mr. Brauer asked the Board to reference the figure on the screen. Mr. Brauer stated that the green shaded area is the Zone IIB portion of the system.

Mr. Brauer stated that the issue came up about the need to replace the North Park Tank and this caused him to think back about why the North Park Tank was not a Regional Water facility. Mr. Brauer stated that he was remembering back to some of the original meetings when the Regional Water System (RWS) was structured.

Mr. Brauer stated that when Mike Purcell from the WWDC structured the RWS, Mills and Evansville were included, and Mr. Purcell told everyone that if they all came together and formed the RWS the WWDC would help fund the project, and if they didn't, then they would not get any funding from the WWDC. Mr. Brauer stated that as far as he knows, Mills and Evansville have not gotten any funding from the WWDC.

Mr. Brauer stated that it was interesting to see the enticements to join the RWS. Mr. Brauer stated that Wardwell had a lot of debt for the waterlines going up Salt Creek Highway, and the WWDC told them that RWS will take over all that debt. Mr. Brauer stated that at the end of the lines on Salt Creek Highway was the Bar Nunn Tank, a million gallon tank owned by Wardwell. Mr. Brauer stated that the tank and lines became property of RWS.

Mr. Brauer stated that the enticement for Pioneer, was that they had a lot of debt on the waterline that ran out Poison Spider Road, and the booster station and tank.

Mr. Brauer stated that the WWDC took over the debt, paid off some with grants, and turned the rest over to RWS.

Mr. Brauer stated that the enticement for Casper was the Crosstown Pipeline. Mr. Brauer stated that Casper didn't have a bunch of debt on their facilities, and so a waterline was built from the WTP to 15th Street and Wyoming Blvd. where the Pratt Tanks are located.

Mr. Brauer stated that the enticement for Salt Creek was that RWS would take over the booster station and build the chlorination and pumping system that feeds all the water to Midwest/Edgerton.

Mr. Brauer stated that it became apparent while he was looking at the map on the wall, which is from the RWS Study from 1993, which shows all the RWS facilities. Mr. Brauer stated that the reason the Bar Nunn Tank was an RWS facility is because it is at the end of an RWS transmission line.

Mr. Brauer stated that the Bar Nunn Tank has been out of service for approximately 14 years because of the nitrification issues. Mr. Brauer stated that there is too much storage in that area. Mr. Brauer asked the Board to keep in mind that these tanks are what is called "Standpipe Tanks". Mr. Brauer stated that only the top 20% of the water in these tanks is used, so it is a real problem when it comes to water quality. Mr. Brauer stated that when he first started, they didn't think about water quality when building a tank, they only thought about the storage capacity that was needed. Mr. Brauer stated that the City of Casper has a lot of these types of tanks.

Mr. Brauer stated that the old Water Master Plan dated 2008, called for 700,000 gallons of storage that is needed for Zone IIB. Mr. Brauer stated that today, approximately 800,000 gallons of storage is needed for Zone IIB. Mr. Brauer stated that the North Park Tank is 700,000 gallons, but arguably half of that capacity is ballast. Mr. Brauer stated that it is holding up the rest of the water so it will go where we need it to go.

Mr. Brauer stated that he looked at the 2020 Master Plan and identified the three entities this tank serves and the average flow per day. Mr. Brauer reviewed the following table with the Board.

CWRWS Customer	Current Average Day Demand	Percentage of Storage	Future Percentage of Storage
Casper	38 gpm	8%	11%
Midwest Edgerton	70 gpm	14%	13%
Bar Nunn/Wardwell	391 gpm	78%	76%
Total	499 gpm	100%	100%

Mr. Brauer stated that the 2020 Casper Master Plan identified the North Park Tank as needing to be replaced. Mr. Brauer stated that for the last 15 years or so, he has thought that the standpipe tanks need to be replaced with elevated tanks for water quality issues, he knows that previous Water Distribution Managers would agree, as there wouldn't be as many challenges with water nitrification. Mr. Brauer stated that the Master Plan also called for the demolition of the Bar Nunn Tank.

Mr. Brauer stated that the North Park Tank is the de facto Regional tank in this area because a majority of the water serves other Regional entities and not the City of Casper. Mr. Brauer stated that the question at hand is should the City of Casper be responsible for replacing the North Park Tank. Mr. Brauer stated that he is not here to seek Board action or resolution, he is here to present this to the Board.

Mr. Brauer stated that the City of Casper is currently seeking Wyoming Business Council funding for the development of this subdivision. Mr. Brauer stated that as part of that, it was apparent that there was no way the City was going to get \$15 Million for this. Mr. Brauer stated that from a pure engineering perspective, the numbers lean toward it making sense that this tank should be a Regional tank, but that is an engineering and political issue that should be addressed between the City and Regional.

Mr. Brauer stated that the funding option for this tank, which could be a year or two from now, are as follows: The Wyoming Water Development Commission (WWDC) – already identified in the City Water Master Plan, which makes it eligible for Level III Funding from the WWDC for 67% grant funding and 33% match; or after the City is able to get grant funding for the sewer and storm sewer, they could go back to the Wyoming Business Council and get some additional funding for the replacement of this tank. Mr. Brauer stated that replacing the standpipe tank with an elevated tank is a good thing for the RWS and it's a good thing for the City of Casper, for water quality, for having the available storage for emergencies and fire flow, and that tank was built around 1985, so it is getting old. Mr. Brauer stated that again, he is just here to present the information on the tank to the Board and to solicit input and questions, and to hopefully address any questions that do come up.

Treasurer Cathey asked where the new tank would be built and if it would be located in the same place. Mr. Brauer stated that the tank sits up on a knob right now, and if it needed to be moved it would need to be moved quite a ways north in order to get that same elevation. Mr. Brauer stated that it makes sense to use the same location. Mr. Brauer stated that the old tank would not be demolished as it could be used for redundancy, while maintenance and repairs are made to the elevated tank. Mr. Brauer stated that there are costs associated with keeping the tank, but realistically, in the City and RWS systems, we try to have redundancy with the tanks, because if you don't, you end up running a pump station 24 hours a day, seven days a week while the tank is being worked on.

Treasurer Cathey asked what the cost is to maintain that tank, since it would have to be drained so there aren't nitrification issues, and then wind up with corrosion issues. Treasurer Cathey asked what the cost is compared to running the pump station 24 hours a day for a week while the tank is painted. Mr. Brauer stated that it would be more like six months of the pump station running 24 hours a day while the tank is being painted. Mr. Brauer stated that he doesn't know the exact costs. Mr. Brauer stated that typically when tanks are out of operation, they are not stored empty as they are much more at risk of blowing over empty while empty. Mr. Brauer stated that keeping the tank full keeps it from caving in or tipping over. Mr. Brauer stated that if the inside coating is in good shape, you would leave it half-full of water and then when it is needed, it would be drained, disinfected, and then used. Mr. Brauer stated that it isn't a black and white issue with engineers whether or not a tank is kept around or destroyed. Mr. Brauer stated that is why the old Bar Nunn tank, and the tank before it are still sitting up on the hill in Bar Nunn. Mr. Brauer stated that it was discussed demolishing these two tanks years ago.

Treasurer Cathey asked that if the North Park Tank is kept, that would be two redundant tanks, including the Bar Nunn Tank, and asked if one of those tanks would be demolished. Mr. Brauer stated that in his opinion, the Bar Nunn Tank would be demolished, as it is the older tank and in worse condition. Mr. Brauer stated that the Bar Nunn Tank is also not as well hydrologically connected. Mr. Brauer stated that the reason the Bar Nunn Tank has been out of service for over ten years is because hydrologically it is not as well connected as the North Park Tank. Mr. Brauer stated that the pipeline goes in and out of the North Park Tank and the way it fits in the system, it just works better for the whole Zone IIB.

Treasurer Cathey asked if the Bar Nunn Tank and the old Bar Nunn Tank would both be demolished. Mr. Brauer stated that he isn't sure who owns the old Bar Nunn Tank. Mr. Martin stated that both those tanks are in the Capital Plan to be demolished and removed, but they have been kicked down the road for higher priority capital projects.

Mr. Brauer stated that if he remembers right, the exterior of the Bar Nunn Tank has lead paint. Mr. Brauer stated that the old Airport Tank had lead paint inside and out and when it was done, the lead on the outside was encapsulated, and on the inside where it is contained, it was removed. Mr. Brauer stated that lead-based paint on the outside of a tank is not fun but is not as bad as lead service lines.

Chairman Bertoglio asked what the current capacity is in this area. Chairman Bertoglio stated that a million gallon tank is a problem because of nitrification, but it doesn't look like there will be that much more demand. Mr. Brauer stated that it increases an additional 35 gpm, which is not much. Mr. Brauer stated that right now the North Park Tank has 700,000 gallons storage and the system is functioning well. Mr. Brauer stated that one of the reasons it is functioning well is because there is an abundance of pump stations in that area, Metro Road and North Park, which are in different areas of the electric grid so they are pretty

reliable to pump all the time. Mr. Brauer stated that the tank is kept full at 40-feet, so no one complains about the pressure. Mr. Brauer stated that ultimately from a design standpoint, more storage is needed in Zone IIB.

Treasurer Cathey stated that with an elevated million gallon tank, it is almost tripling the usable amount of water. Chairman Bertoglio stated that is what he was getting at, that it triples the amount of usable water, but is it needed. Mr. Brauer stated that in the CEPI Master Plan and WLC Plan, both say that a million gallons is needed. Mr. Brauer stated that the tank needs to be sized appropriately. Chairman Bertoglio stated that if there is excess capacity it causes more problems. Treasurer Cathey stated that he was wondering if a million gallon tank is needed, or if it could be smaller. Mr. Brauer stated that he is presenting the recommendation of the million gallon tank, but his gut tells him it should be a smaller amount, but that is a decision for the consulting engineer, staff, and either the City or Regional Water, depending on who's tank it is, to size that tank appropriately.

Chairman Bertoglio asked what a tank like these costs. Mr. Brauer stated that it costs approximately \$9 - \$10 Million. Mr. Brauer stated that he thinks the cost estimate by WLC is high, but he would rather it be high than low.

Treasurer Cathey stated that cutting the size down to 700,000 wouldn't be saving much.

Chairman Bertoglio asked what the realistic capacity is of the tank right now. Mr. Brauer stated that it is 350,000 to 400,000 gallons. Chairman Bertoglio stated that timing wise, the Board has some real expensive things they are looking at. Mr. Brauer stated that it is going to take a while to get the subdivision built, easily three to four years before it would be needed.

Chairman Bertoglio asked if the City is going to have any of the entities coming in pay for a portion. Mr. Brauer stated that was one of the first things that came to his mind. Mr. Brauer stated that the City doesn't necessarily want to be a developer, but there is the potential for recapture charges for this area. Mr. Brauer stated that the Wyo Sports Ranch area could be a gamechanger for the community.

- i. There was no Other New Business.
9. Chairman Bertoglio asked Mr. Chapin if the discussion regarding Wardwell and Bar Nunn needs to be in Executive Session, or if there are parts that could be had in Regular Session. Mr. Chapin stated that it could be either way.

Chairman Bertoglio asked Board Member Sabrosky if Wardwell is now dissolved and is a Trustee Board. Board Member Sabrosky stated that is correct. Chairman Bertoglio asked if that is as far as they have gotten. Board Member Sabrosky stated that he thinks they have filed a resolution on the water rights issue to start the processes as that sounds like it could take 60 to 90 days. Board Member Sabrosky stated that there are three parts

to the water rights transfer, the two that went to Bar Nunn, and one lists Regional as the owner and Bar Nunn was somewhat listed. Board Member Sabrosky stated that he does not understand the entirety of the water rights transfer, but the resolution that was voted on at their last meeting was something that was going to be filed soon. Board Member Sabrosky stated that it sounds like the rest of the property and assets are pretty simple to transfer.

Chairman Bertoglio asked Mr. Chapin if there was anything else that can be openly discussed, or if he had any additional litigation items that needed the Board to go into Executive Session. Mr. Chapin stated that he did not.

Board Member Sabrosky stated that the procedure of ending his seat on the Board and putting it on someone else needs discussed. Board Member Sabrosky asked if he needs to resign, and then they decide who to assign to the Board. Chairman Bertoglio stated that the Joint Powers Board Agreement must be amended, because it states that Wardwell cannot leave without someone assuming their liability. Chairman Bertoglio stated that we need an amendment to the agreement that outlines the procedure for that.

Secretary Waters asked if it has been determined that Bar Nunn will get a position on the Board. Chairman Bertoglio stated that it has not. Secretary Waters stated that is what he was going to say, that it has not come before this Board, so we're talking about generalities that may not happen. Mr. Chapin stated that is true. Chairman Bertoglio stated that there are certain things that have to happen. Secretary Waters stated that he agrees with the amendment to the JPB Agreement. Chairman Bertoglio stated that will clear Regional but must be voted on. Mr. Chapin stated that it must be discussed before it is voted on.

Chairman Bertoglio asked Mr. Chapin if they need to go into Executive Session. Mr. Chapin stated that it would be a good idea. Chairman Bertoglio asked if Board Member Sabrosky can stay for the Executive Session, or if he should go. Treasurer Cathey asked if Board Member Sabrosky stayed or left at the last Executive Session. Board Member Sabrosky stated that he stayed for the last Executive Session, and he had no problem going into Executive Session if the Board has questions for him, and if the Board feels they need to discuss further, he can always leave. Board Member Sabrosky stated that everything is pretty much a forgone conclusion that the Agreement won't be an issue, but he can't anticipate that the Board won't allow a Board Member for Bar Nunn. Board Member Sabrosky stated that the pros to this Board for that is bigger than if a seat is eliminated.

Chairman Bertoglio stated that he is looking for guidance. Treasurer Cathey stated that the Board is facing the issues that were brought up two months ago before the vote was even taken, that we needed to have these agreements in place before the vote and this would have all been settled. Treasurer Cathey stated that now the Board is trying to clean up a mess. Board Member Sabrosky stated that he thought there was an agreement, but it isn't in writing and signed. Treasurer Cathey stated that is the whole point. Board Member Sabrosky stated that was the foregone conclusion. Mr. Chapin stated that there was supposed to be an agreement among the parties that catches all these issues.

Treasurer Cathey stated that if everyone is in agreement, it has been a month and there still isn't an agreement, so there are issues somewhere along the lines. Mr. Chapin agreed.

Secretary Waters stated that the lawyers are involved, but this Board has nothing back, other than the reports from Mr. Chapin, and we're sitting here voting on things we shouldn't be voting on. Secretary Waters stated that we're making plans for things that we shouldn't, until this agreement is in place. Secretary Waters stated that it is frustrating to him. Mr. Chapin stated that he understands and there are some questions and discussions that need to be conducted before the Board starts voting on things as there is a difference between a vote predicated on theory and one that is predicated on a written agreement or document. Mr. Chapin stated that he has no problem speaking to the rest of the group and telling them we need to get these things taken care of pronto.

Board Member Sabrosky stated that if the Board needs a document signed, they can call a Special Session on Wardwell's end to get it signed if a document can be hammered out, as Wardwell is out another month for a meeting. Mr. Chapin stated that he imagines that everyone will want to have a Special Session, but it needs to be figured out what needs to be in the agreement. Board Member Sabrosky stated that it seems that the biggest issue is the assumption of liabilities. Board Member Sabrosky stated that when it was mentioned at the last meeting it was basically just changing the name on the agreement that is already in place should cover it. Chairman Bertoglio stated that to him it is just stating that relevant to pursuant to whatever paragraph, Wardwell is dissolved and to meet the obligation of that paragraph, Bar Nunn is inserted, but he knows it will take more language than that.

Chairman Bertoglio asked Mr. Chapin for an update. Mr. Chapin stated that he has not had an update despite calling for it. Mr. Chapin stated that he needs to get on it and start calling. Chairman Bertoglio asked if the County is involved. Mr. Chapin stated that everybody has been involved and has been up to this point. Chairman Bertoglio asked if anyone is getting anywhere on this. Mr. Chapin stated that he cannot say what is happening. Chairman Bertoglio stated that an Executive Session is not needed then.

Board Member Sabrosky stated that some paperwork was filed with DEQ for a change of contact so that Bar Nunn contacts are now listed with DEQ.

Chairman Bertoglio asked if the State Engineer's Office has sent anything. Mr. Chapin stated that he has not received anything, and it was his understanding that they were going to go through the process of getting the water rights taken care of. Chairman Bertoglio asked if a process has been agreed upon. Board Member Sabrosky stated that he thinks there was some clarification on the water rights from the State Engineer's Office in conjunction with HDR. Board Member Sabrosky stated that he thinks that is where they came up with their resolution that was passed and signed at the last Wardwell meeting. Mr. Chapin stated that it still has to run through the State and that is what everyone was waiting on because until you have it in your hand, you don't know what the State will do. Chairman Bertoglio stated that the State Engineer still has to sign off on allowing Bar Nun to be the water purveyor, or DEQ.

Treasurer Cathey asked Mr. Chapin if he received a copy of the Wardwell letter. Mr. Chapin stated that he has not seen it. Treasurer Cathey asked Board Member Sabrosky if he would have someone send a copy of the letter that was sent to the State Engineer to Mr. Chapin. Board Member Sabrosky stated that he wasn't sure where the documents went, but he thought there were three. Board Member Sabrosky stated that he would get with Ms. Scott and have her send the three documents to Mr. Chapin. Treasurer Cathey stated that it sounds like Mr. Chapin has been left out of the loop. Mr. Chapin stated that he's sure it wasn't on purpose. Treasurer Cathey stated that he wasn't accusing that. Mr. Chapin stated that he has not seen the documents and he would like to review them. Treasurer Cathey stated that was all he was asking for.

Board Member Sabrosky stated that it was mentioned before that minus this seat, then Casper would possibly lose a seat on the Board. Chairman Bertoglio stated that in the JPB Agreement it states that there are four Casper seats, and four seats for the other entities, and if one of the other entities is removed, then one of the Casper representatives would be removed. Board Member Sabrosky stated that if the Board voted to remove him, they wouldn't want to put the Casper seat in jeopardy, so until things are finalized, if the Board needs to keep him as a place holder, he is fine with that.

Chairman Bertoglio stated that it seems that things have not moved forward from the last meeting. Mr. Chapin stated that his sense is it has not. Chairman Bertoglio asked what it will take to move it forward. Mr. Chapin stated that we need to know where the State is in the process. Chairman Bertoglio stated that even if we come up with the agreement, the State Engineer still has to sign off on it. Mr. Chapin stated that was correct. Chairman Bertoglio stated that if the agreement is in front of them, at least they have something to look at. Mr. Chapin stated that was true.

Secretary Waters stated that from the sounds of it, it is going to take quite a while to get a resolution on the water rights issue, and asked if it wasn't asked in one of these meetings where the water rights are going to be retained and who they are going to be retained by. Board Member Sabrosky stated that the clarification that was received from the State Engineer's Office is the ownership of those water rights. Treasurer Cathey stated that part of the clarification from the State Engineer's Office was to be if there was going to be a loss of water rights with the transfers. Board Member Sabrosky stated that they confirmed there would not be a loss of water rights with the transfers. Treasurer Cathey asked that a copy of that information be forwarded to Mr. Chapin as that information never made it back to this Board. Treasurer Cathey stated that was a concern of the Board, that some of the water rights would be lost. Chairman Bertoglio stated that he didn't think there would ever be a loss of municipal water rights as long as you could show that they were exercised and documented. Treasurer Cathey stated that nonetheless, it is listed in the State Engineer's rules and we didn't want to start losing water rights, and that is part of what is supposed to go in the ultimate agreement is how the water rights would be handled if there was going to be a loss of water rights.

Board Member Sabrosky stated that he would call Ms. Scott and remind her to forward information to Mr. Chapin. Board Member Sabrosky stated that he thought Mr. Chapin had been looped in on everything. Mr. Chapin stated that he has not been looped in, but he hasn't been in the office to press it either. Board Member Sabrosky stated that he

dropped off some documents at Mr. Chapin's office last week, so they may be in his inbox. Mr. Chapin stated that he had not seen them in his inbox, but they may have gone to one of the other attorneys.

Secretary Waters asked if Bar Nunn retains all the water rights that were in question. Board Member Sabrosky stated that if he remembers correctly, he thinks there was a 60/40 split on two of the water rights, the third was Regional's but with Bar Nunn's name on it. Secretary Waters asked who the 60/40 split is with. Board Member Sabrosky stated that he thinks Wardwell has 60% and Regional has 40%, but he is not sure. Mr. Martin stated that the 60/40 split Board Member Sabrosky is talking about is from the Wardwell Mills Joint Powers Board, where the water rights were split 60/40 between Wardwell and Mills. Mr. Martin stated that the water rights in question here are in Wardwell's name, but the point of diversion is Regional Water at the WTP. Mr. Martin stated that what he heard is the name will be changed to Bar Nunn, but the point of use/point of diversion will remain with Regional Water at the WTP. Mr. Martin stated that we need to make sure that is listed in the amended agreement, so the agreement may be predicated on the timing of how long it will take the State Engineer's Office to come back with signed water rights. Mr. Chapin agreed.

Treasurer Cathey stated that the City of Casper has some of the same water rights with Regional Water, where the City kept the water rights, and the diversion is with Regional Water. Chairman Bertoglio stated that was correct as everyone kept their water rights and Regional Water is exercising them. Chairman Bertoglio stated that Regional Water has some water rights, but they are 1999 rights so are not very senior. Secretary Cathey asked about the Upper Rock Creek Reservoir water rights. Chairman Bertoglio stated that the Upper Rock Creek Reservoir water rights are pre-territorial and are not subject to anything other than the water loss in getting the water to the WTP.

10. In the Chairman's Report, Chairman Bertoglio stated that the next Regular Meeting is scheduled for November 21st, which is the week of Thanksgiving, and asked if the Board had any conflicts if the meeting was moved to November 14th. It was the consensus of the Board to move the next meeting to November 14, 2023, at 11:30 a.m.

A motion was made by Treasurer Cathey and seconded by Vice-Chairman North to adjourn the meeting at 12:56 p.m. Motion put and carried.


Chairman


Secretary