

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

MEETING PROCEEDINGS

December 12, 2023

A public meeting of the Central Wyoming Regional Water System Joint Powers Board (Board) was held Tuesday, December 12, 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, Pacheco, Pollock, and Sabrosky.

City of Casper – Bertoglio, Cathey, Pacheco, Pollock, Tom Brauer, Bruce Martin, Mark Anderson, 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 and Alia Scott – Williams, Porter, Day & Neville, P.C.; Phil Stump – HDR Engineering; Peter Boyer and Pat Holscher – Town of Bar Nunn

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

1. In Announcements, Mr. Martin stated that Ms. Alia Scott, with Williams, Porter, Day & Neville, P.C., and Mr. Phil Stump, with HDR Engineering, are joining the meeting

online.

2. Chairman Bertoglio asked for a motion to approve the minutes from the November 14, 2023, Regular meeting. A motion was made by Vice-Chairman North and seconded by Board Member Aars to approve the minutes from the November 14, 2023, Regular meeting. Motion put and carried.
3. Mr. Martin stated that there were three additional vouchers, vouchers 8638 – 8640, 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 8630 for Sheet Metal Specialties in the amount of \$121,885.00 is for the Chiller Replacement Project.

Mr. Martin stated that voucher 8631 for Hach Company in the amount of \$24,365.95 is for Turbidimeter Replacements.

Mr. Martin stated that voucher 8632 for Ferguson Waterworks in the amount of \$24,196.00 is for the High Service Pump Valve Replacements.

Mr. Martin stated that voucher 8633 for the Wyoming Office of State Lands and Investments in the amount of \$8,182.83 is a loan payment for DWSRF129.

Mr. Martin stated that voucher 8634 for CNA Surety in the amount of \$100.00 is for the Vice-Chairman Officer Bond.

Mr. Martin stated that voucher 8636 for Layne Christensen Co. in the amount of \$19,000.00 is for the Caisson Rehabilitation Project No. 21-040 that is just getting started.

Mr. Martin stated that voucher 8637 for Purvis Industries in the amount of \$35,189.66 is for the Morad 6 Well Pump, which is part of the FY23 Well Rehabilitation Project. Mr. Martin stated that this pump will not be installed until the well is rehabilitated.

Mr. Martin stated that voucher 8638 for Engineering Associates in the amount of \$669.92 is for the Caisson Rehabilitation Project.

Mr. Martin stated that voucher 8640 for Ketel Thorstenson, LLP in the amount of \$7,500.00 is for the FY23 Audit Services.

Mr. Martin stated that the vouchers are in good order and recommended approval of vouchers 8630 through 8640 in the amount of \$388,369.97.

Board Member Pacheco arrived at 11:34 a.m.

A motion was made by Secretary Waters and seconded by Treasurer Cathey to approve the December 2023 voucher listing to include voucher numbers 8630 through 8640 in the amount of \$388,369.97.

Treasurer Cathey asked if the invoice for Ketel Thorstenson, LLP was the final invoice for the FY23 Audit. Mr. Martin stated that this invoice is the final payment for the FY23 Audit.

Secretary Waters asked how many turbidimeters are replaced each year. Mr. Martin stated that staff try to replace 8 to 10 turbidimeters each year. Mr. Martin stated that there are 40 to 50 turbidimeters throughout the well fields and WTP. Mr. Martin stated that this is an ongoing project each year. Secretary Waters stated that he asked because the Board sees this expenditure every two to three months.

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 164 MG of water produced in November, which is 2 MG above the five-year average of 162 MG.

Mr. Martin stated that the year-to-date water production was 2.01 BG, which is 130 MG below the five-year average of 2.14 BG.

Mr. Martin stated that Water Utility Charges year-to-date are currently \$4,637,096, compared to \$5,004,190 last year, which correlates with the decrease in water sales earlier this Fiscal Year.

Mr. Martin stated that System Development Charges (SDC) year-to-date are \$138,325 compared to \$71,776 last year. Mr. Martin stated that there has been a bit of an increase in SDC revenues this year.

Mr. Martin stated that Reimbursable Contract Expense is \$1,775,289, which includes November expenses. Mr. Martin stated that this line item is approximately \$69,000 more than last year, but it is where it was expected to be at this time of the Fiscal Year.

Chairman Bertoglio asked for a motion to approve the November 2023 Financial Report as presented. A motion was made by Board Member Pollock and seconded by Board Member Pacheco to approve the November 2023 Financial Report as presented. Motion put and carried.

5. Mr. Martin stated that the WTP Manager position has not been filled yet so he will give the WTP Operations Update.

Mr. Martin stated that production is approximately 5.5 MGD, which is right about the five-year average.

Mr. Martin stated that staff has mainly been working on the Surface Water Plant cleanup and maintenance now that it is off for the season. Mr. Martin stated that staff is working to get the system ready for the next water season.

Mr. Martin stated that staff is working on training the new operators to get them prepared to work on their own. Mr. Martin stated that additional training will need to be done for

the new operators in the summer to train them to run the Surface Water Plant.

Mr. Martin stated that interviews were conducted for the Plant Maintenance Supervisor position. Mr. Martin stated that staff is working on making an offer for the position and expect to have it filled soon. Mr. Martin stated that he expects to introduce the new Plant Maintenance Supervisor to the Board at the January meeting.

Mr. Martin stated that the WTP Manager position is still being advertised.

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 starting to come up. Mr. Anderson stated that nitrification normally lasts until Christmas.

Mr. Anderson stated that staff checked all the non-draining fire hydrants for the month.

Mr. Anderson stated that at the last meeting he informed the Board that staff was cleaning and inspecting the Pioneer Tank at that time. Mr. Anderson stated that the tank looked really good, other than a few minor paint repairs to be done on the floor. Mr. Anderson stated that staff completed the paint repairs and got the tank back in service.

Mr. Anderson stated that staff checked all the security lights. Mr. Anderson stated that this is done every six months. Mr. Anderson stated that there were a few security lights out and staff is currently making repairs to them.

Mr. Anderson stated that staff assisted the Sewer Crew in making repairs to the sewer line out front in the WTP parking lot. Mr. Anderson stated that this was an old repair that had settled.

Mr. Anderson stated that he heard that the Airport Pump is in town and should be delivered any day.

Secretary Waters inquired about the minor repairs that were done to Pioneer Tank. Mr. Anderson stated that it was minor paint repairs on the tank floor. Mr. Anderson stated that paint repairs are normal. Secretary Waters asked if there was any structural damage to the tank. Mr. Anderson stated that there was no structural damage to the tank.

6. There was no Public Comment.

7. In Old Business:

a. Mr. Martin stated that at the meeting last month there was a water rights discussion regarding the Wardwell water rights. Mr. Martin stated that the Board approved the Chairman signing a letter to the State Engineer's Office to go with the ground water petition. Mr. Martin stated that there was much discussion on

the surface water rights and what that was going to entail. Mr. Martin stated that there were questions that came up on the service area map as well as adding the legal description to the surface water petitions. Mr. Martin stated that those have been added. Mr. Martin stated that the updated petitions were included in the agenda packet.

Mr. Martin turned the discussion over to Ms. Scott to discuss what more is needed for the petition submittal for Wardwell.

Ms. Scott stated that she does not have any additional updates. Ms. Scott stated that revisions made to the final versions of the petitions were quality control of the legal description and some minor editing for grammatical errors. Ms. Scott stated that she will turn the time over to Mr. Stump for any specific questions about the legal description or the area that it encompasses for the services.

Mr. Stump stated that following the last RWS meeting, he had Mr. Jim Jones do a quality control review of all the legal descriptions. Mr. Stump stated that Mr. Jones was the one that prepared the 2015 service area map that is the record map for the RWS service area. Mr. Stump stated that the map is very comprehensive. Mr. Stump stated that when the service area maps are prepared, it is looked at what areas could be served in the next 10 to 15 years. Mr. Stump stated that Mr. Jones reviewed the legal description and confirmed that it aligned with the 2015 service area map that is the map of record at the State Engineer's Office. Mr. Stump stated that the legal description has been inserted in the petitions and they are ready for review, final approval, and signature to move forward.

Chairman Bertoglio stated that he had a discussion with Mr. Martin about this, and this is about the RWS service area because even though this is talking about the Wardwell water right to Regional, because it is servicing the entire Regional system, it's not the same as individual growth boundaries. Chairman Bertoglio stated that is a separate map that will have to be included when the JPB Agreement/Operating Agreement is amended to reflect Bar Nunn instead of Wardwell.

Secretary Waters asked if this map is the map that is already on file, and all they did was go in and reverify all the legal boundaries on it. Chairman Bertoglio stated that it is, and if you notice, it goes through Mills too. Chairman Bertoglio stated that any area that RWS can service, if it is being serviced, to change out a water right for one, it has to be done for all of them. Chairman Bertoglio stated that this is just staying consistent.

i) Chairman Bertoglio asked for a motion to approve Resolution No. 23-04.

Board Member Sabrosky recused himself from the vote.

A motion was made by Vice-Chairman North and seconded by Treasurer Cathey to approve Resolution No. 23-04 Authorizing the Signing and Submittal of Joint Petitions with Wardwell Water & Sewer District

Requesting Amended Certificate of Appropriations to Correct Owner of Record for Surface Water Right Appropriations Permit No. 6101 and Permit No. 30386 from Wardwell Water & Sewer District to Town of Bar Nunn. Motion put and carried with Board Member Sabrosky abstaining from the vote.

b. There was no Other Old Business.

8. In New Business:

a. Mr. Martin stated that he received a letter from Attorney Randy Rea with Crowley Fleck Attorneys which is a request to enlarge the boundaries of the Thirty-Three Mile Road Improvement and Service District to include a customer that looking to receive water from Thirty-Three Mile. Mr. Martin stated that through the RWS Agreement, as well as the Wholesale Water Agreement with Thirty-Three Mile, any enlargement to any district must be approved by the Board as well as the County Commissioners.

Mr. Martin asked the Board to reference the map that shows the property that is requested to be included in the Thirty-Three Mile District service area.

Mr. Martin stated that there are a couple of things that he would like to bring to the Board's attention. Mr. Martin stated that the Board has seen several requests for different district enlargements over the years. Mr. Martin stated that what stood out to him on this request is that he requested Mr. Rea provide something from Thirty-Three Mile District which states that they approve the enlargement of their service district. Mr. Martin stated that the minutes from the Thirty-Three Mile District meeting were provided, which show in the first paragraph that they approved the tap.

Mr. Martin stated that he spoke to Mr. Rea as this is a little unclear to him as they approved the tap but did not necessarily approve the enlargement of their District. Mr. Martin stated that Mr. Rea indicated that he didn't feel that a resolution or anything needed to be passed, that it could be approved through the minutes, which is probably true, but he will leave that for the Board to discuss. Mr. Martin stated that Mr. Rea felt that approving the tap is the same thing as approving the enlargement of the service area. Mr. Martin stated that he would leave that for the Board to discuss as well.

Mr. Martin stated that one other item goes back to the service area boundaries. Mr. Martin stated that this property is right outside the Thirty-Three Mile service area but is also outside the RWS service area boundary per the 2015 map. Mr. Martin reviewed the service area maps with the Board.

Chairman Bertoglio asked what that means. Chairman Bertoglio asked if the Board can legally provide them water. Mr. Martin stated that he believes the Board could provide water if the service area map is updated to include that property. Mr. Chapin agreed.

Chairman Bertoglio asked if that means the Board has to update all the water rights. Mr. Martin stated that he had a previous discussion with Mr. Stump regarding if the service area map is updated, if it affects all the water rights permits. Mr. Martin stated that it could take some time to do this. Mr. Martin stated that he is not saying it couldn't be done.

Chairman Bertoglio stated that it isn't just a simple vote by the Board to approve the enlargement, it is going to cause a lot of work on our end. Mr. Martin stated that was correct.

Mr. Chapin stated that he thinks that is the problem of having done enlargements by just authorizing a tap. Mr. Chapin stated that all this other stuff is a big deal.

Secretary Waters stated that his train of thought on this is if these people really want to bring their property into the Thirty-Three Mile District, if they need a tap to put a house out there, the Board could give them a tap, but the Board could also inform them that any cost that is bourn by the Board, they would have to bare to bring that into the RWS service area.

Mr. Chapin stated that he would prefer to go the other way. Mr. Chapin stated that if the Board is going to talk about bringing them into the service area, let's just tell them straight up front that is a requirement for getting water off Thirty-Three Mile District.

Treasurer Cathey stated that if the Board is going to look at bringing that property into the RWS service area, maybe the Board should look at expanding Thirty-Three Mile District to take in all the area down to the highway based on where the growth boundaries are. Treasurer Cathey stated that there is that big area there that is gapped, where they either have to wind up having their own water well, or the Board will have to go through this every time someone wants to develop that area. Vice-Chairman North agreed with Treasurer Cathey. Vice-Chairman North stated that it makes sense to incorporate that whole area into the RWS service area.

Board Member Sabrosky asked if any of the property owners would have to give up their well. Vice-Chairman North stated that they would not have to give up their well. Vice-Chairman North stated that just because they are brought into the RWS service area, doesn't mean they have to get a tap or anything else. Board Member Sabrosky asked if it means that water service is just available. Vice-Chairman North stated that it does.

Chairman Bertoglio stated that if someone on the back side of this property wants to get a tap, they would still have to come to the Board and ask to expand Thirty-Three Mile District again. Chairman Bertoglio stated that it's just a matter of if the Board updated the service area map to include that area in the RWS service area.

Treasurer Cathey stated that his hope for this is for the Board to take in a larger

area based on growth boundaries, and only update the RWS service area the one time.

Chairman Bertoglio asked what would be the best way to approach this request. Chairman Bertoglio asked if the Board should inform them that they cannot provide service until the service area is updated. Mr. Martin stated that would be his recommendation, to send a letter stating that the Board considered it, and it is currently outside of the RWS service area and until that service area can be updated, RWS cannot service it.

Mr. Martin asked Mr. Chapin if that is along his line of thinking. Mr. Chapin stated that he thinks that is exactly what needs to be done. Mr. Chapin stated that he guesses that they are probably trying to build something out there right now. Mr. Martin stated that they are building a house.

Mr. Chapin asked if the Board decides to expand the RWS service area in this spot, are they going to have to get into discussions with other governmental entities about taking up that area. Mr. Martin stated that he thinks that is a good point. Mr. Chapin stated that this is something that will take a while to accomplish, and if they are trying to build a house, is it possible to get this done by the time they are ready to start building. Mr. Martin stated that this will take some discussion with Mr. Stump and the Board of Control, as it will have to go to a Board of Control meeting, and they only meet quarterly. Mr. Martin stated that they will miss the February meeting of the Board of Control.

Chairman Bertoglio asked if the Board would have to go through the huge process that they just did for the Wardwell water rights, or could the Board just send an amendment to all existing water rights. Mr. Martin stated that he does not know the full answer to that question. Mr. Martin stated that it was done in 2015 so there should be some relatively recent data on what it took to do that.

Chairman Bertoglio stated that at this point, either a letter could be sent, or a phone call could be made. Mr. Martin stated that he believes in their request that they asked for a written response, but he thinks they were anticipating approval. Mr. Martin stated that if the Board would authorize the Chairman to sign the letter, staff will work on drafting the letter for signature. Treasurer Cathey stated that the response needs to be in writing.

Board Member Sabrosky stated that an explanation of the complexities that are involved with this is what they need to understand.

Chairman Bertoglio asked Mr. Brauer if he had ever worked on the Thirty-Three Mile District in his prior life. Mr. Brauer stated that he was very involved with the formation of that District by working on the funding for the system. Mr. Brauer stated that this District is very large, but only serves about 30 taps.

Chairman Bertoglio stated that years ago they were having pressure issues because the system wasn't designed to handle that many. Secretary Waters stated

that they only have a six-inch main for the system.

Mr. Brauer stated that this system was designed as a Rural Water System, and it was never designed to be a fire protection water system because it is basically about as many square miles as the City of Casper, but with only 30 taps. Mr. Brauer stated that building a system that had full fire protection was never going to be done. Mr. Brauer stated that they even considered building a system with cisterns, but those are very challenging. Mr. Brauer stated that they have one area, where the Chairman of the Board lived at the end of this area, where the pressure was very low. Mr. Brauer stated that the pressure was monitored, and it was very close to 35 psi. Mr. Brauer stated that Pioneer has a series of pressure reducing valves that were checked as part of that. Mr. Brauer stated that there is also a pressure reducing valve on the six-inch line that is being discussed. Mr. Brauer stated that the valves were adjusted, and the pressure increased, but they were still not happy with it. Mr. Brauer stated that a fairly simple pump station was built to serve that one leg of the subdivision. Mr. Brauer stated that recently there was a phone call complaining about pump failure, but the pump station was installed about ten years ago and it has run fairly reliably as there weren't many complaints. Mr. Brauer stated that this is a very low water usage area as they all have access to irrigation water. Mr. Brauer stated that the water usage is mainly for domestic use.

Mr. Brauer stated that he thinks that if the Board is talking about expanding their service area, it may warrant some discussion with Mr. Martin, Planning and Zoning, and Planning staff in multiple communities, and ask where the areas are where we think we are going to grow. Mr. Brauer stated that it isn't an easy process to expand the service area. Mr. Brauer stated that it could be done by amendment to just include that one property, but the more holistic and right way to do it is the way the Board is doing it as part of the Wardwell issue. Mr. Brauer stated that he thinks that looking at all the areas is the right way to go, as it has been many years since the service area maps were done where it was using a crystal ball to determine where growth was expected, and a lot has changed since then. Mr. Brauer stated that he thinks this is worthy of an investigation to fill in some of these gaps.

Mr. Brauer stated that he is not a water rights guy, but he thinks the Board has to be aware of what the downside is of including another two Sections in the service area. Mr. Brauer stated that he does not think that it is a commitment to serve, but he thinks that the Board needs to be aware that if it is included in the service area that there isn't any liability or responsibility that goes along with that. Mr. Brauer stated that the Chairman and Mr. Martin are correct when they asked where the growth areas are. Mr. Brauer stated that we definitely don't want to cross over any growth boundaries.

Chairman Bertoglio stated that he was thinking that if they are going to update the service area, they need to look at all areas. Chairman Bertoglio stated that he is not sure of where the growth boundaries are at this point.

Chairman Bertoglio stated that he drove out to the Hat Six area recently and there is a lot of development and large houses close together. Chairman Bertoglio stated that it's not going to be very long before they start having water issues. Chairman Bertoglio stated that he isn't sure how far out we go. Mr. Brauer stated that the Hat Six area was one of the considerations for the Claude Creek Tank, which is one of those projects he regrets because that tank has been dormant for many years. Mr. Brauer stated that the purpose of the Claude Creek Tank was that it could ultimately serve the Hat Six area because they don't have abundant ground water out there.

Chairman Bertoglio stated that this will be tabled for discussion at a future meeting and asked Board Member Pacheco to bring it up at the Mayor Meeting next week to see where they would like to go with it.

Chairman Bertoglio asked if a motion was needed for the letter to Thirty-Three Mile District. Mr. Chapin stated that it would be best to have a motion.

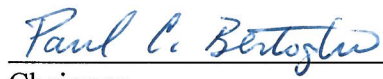
Chairman Bertoglio asked for a motion to authorize the Chair to send a response letter regarding the enlargement of Thirty-Three Mile Improvement & Service District stating that at this point the RWS cannot service the property until the RWS service area is expanded.

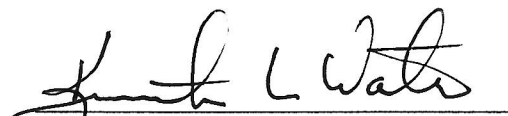
A motion was made by Board Member Aars and seconded by Treasurer Cathey to authorize the Chair to send a response letter regarding the enlargement of Thirty-Three Mile Improvement & Service District stating that at this point the RWS cannot service the property until the RWS service area is expanded. Motion put and carried.

b. There was no Other New Business.

9. In the Chairman's Report, Chairman Bertoglio stated that the next Regular Meeting is scheduled for January 16, 2024, and wished everyone a Merry Christmas and a Happy New Year.

A motion was made by Secretary Waters and seconded by Vice-Chairman North to adjourn the meeting at 12:04 p.m. Motion put and carried.


Chairman


Secretary