

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

MEETING PROCEEDINGS

August 17, 2021

A public meeting of the Central Wyoming Regional Water System Joint Powers Board (Board) was held Tuesday, August 17, 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, Secretary Waters, Treasurer Bertoglio and Board Members Cathey, Freel, and Powell. Board Member Knell was absent.

City of Casper – Cathey, Freel, Powell, Andrew Beamer, Alex Sveda, Tom Edwards, Clint Conner, Andrew Colling, Janette Brown

Natrona County – Bertoglio

Salt Creek Joint Powers Board – King

Wardwell Water & Sewer District – Keffer

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.

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

1. In Announcements, Mr. Beamer stated that Mr. Martin is not in attendance today, and he will be filling in for him. Mr. Beamer introduced Mr. Tom Edwards, new WTP Manager, and Mr. Alex Sveda, who was recently promoted to City Engineer. Mr. Beamer stated that Ms. Jill Johnson, City Finance Director, may be in attendance later to discuss the

Financial Report.

2. Chairman King asked for a motion to approve the minutes from the July 20, 2021 Regular and Executive meetings. Ms. Brown asked Chairman King to delay the approval of the Executive meeting as the minutes had not been reviewed by the Board. A motion was made by Board Member Cathey and seconded by Board Member Freel to approve the minutes from the July 20, 2021 Regular meeting. Motion put and carried with Board Member Powell abstaining from the vote.
3. Mr. Beamer informed the Board that four additional vouchers were added to the voucher listing that was sent out in the agenda packet: Voucher 8321 for HDR Engineering, Inc. in the amount of \$1,871.25 for the Wardwell Tank Repairs Project No 16-035; Voucher 8322 for HDR Engineering, Inc. in the amount of \$1,774.90 for the Wardwell Tank Repairs Project No 16-035; Voucher 8323 for Pipestone Equipment LLC in the amount of \$8,771.35 for the Raw Water Pump Actuators; and Voucher 8324 for Williams, Porter, Day & Neville, P.C. in the amount of \$995.25 for Legal Expenses. Mr. Beamer 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 August 2021 vouchers. A motion was made by Secretary Waters and seconded by Vice-Chairman Keffer to approve the August 2021 voucher listing to include voucher numbers 8312 through 8324 in the amount of \$840,571.17. Motion put and carried.

4. Mr. Beamer asked the Board to reference the Gallons Produced table in the agenda packet. Mr. Beamer stated that production for July 2021 was 614 MG, which is 70 MG less than the five-year average of 684 MG. Mr. Beamer stated that this decrease was due to rain the first part of July, and water conservation efforts/restrictions. Mr. Beamer stated that the water restrictions were lifted this morning.

Mr. Beamer asked the Board to reference the Financial Report. Mr. Beamer stated that Unrestricted Net Position is \$7.6M, \$5M of which is required for Reserves. Mr. Beamer stated that adjusting entries for FY2021 have not yet been completed, but will be reflected in the audit which will be presented in November or December.

Mr. Beamer stated that Water Utility Charges is \$1,308,425, which is \$187,000 less than last year.

Chairman King stated that is a good sign that people abided by the water restrictions. Mr. Beamer stated that it is. Mr. Beamer stated that there is currently just shy of eight feet of Ferric in the tank. Mr. Beamer stated that there are shipments due today, tomorrow, Monday and Tuesday, with another railcar due in Billings next week with another four loads. Mr. Beamer stated that between the shipments this week and next week, the WTP should be in good shape.

Secretary Waters asked if the railcar shipments are going to continue. Mr. Beamer stated that there is a fourth railcar that has been ordered, but there is not a delivery date for it yet.

Mr. Beamer stated that the City of Casper issued a press release this morning thanking the public for their efforts in conserving water. Mr. Beamer stated that before the restrictions, the WTP was producing 23 – 25MGD, and it dropped to 15 – 18MGD. Mr. Beamer stated that Ferric usage dropped from .75 foot to .2 foot a day.

Board Member Powell stated that was close. Mr. Beamer stated that at one point the ferric tank level was just below four feet. Mr. Beamer stated that staff was very concerned.

Chairman King asked for a motion to approve the July 2021 Financial Report as presented. A motion was made by Treasurer Bertoglio and seconded by Vice-Chairman Keffer to approve the July 2021 Financial Report as presented. Motion put and carried.

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

Mr. Edwards stated that the contractor is currently sandblasting and priming the 2.6 MG Tank. Mr. Edwards stated that the exterior of the tank is almost completed, and it has been zinc coated.

Mr. Edwards stated that the Ferric levels are back up. Mr. Edwards stated that each railcar is approximately 3.5 truckloads. Mr. Edwards stated that a truckload of Ferric is expected for each of the next couple of days, and then another railcar is expected to be in Billings next week.

Mr. Edwards stated that Groundwater High Service Pump No. 1 had the impeller replaced, and is now back in service.

Mr. Edwards stated that it is planned to replace some piping in a vault near the Backwash Supply Tank.

Mr. Edwards stated that the sump pump in the South Chemical Building failed and was replaced.

Mr. Edwards stated that grating was replaced at the Ferric fill station.

Mr. Edwards stated that staff is in contact with a welding company to repair some of the pipe joints throughout the building that have come loose and are leaking.

Mr. Edwards stated that the overload relays were replaced in the Decant Pump Station.

Mr. Edwards stated that the exhaust fan in Morad #6 Well was replaced.

Mr. Edwards stated that the turbidimeter in Morad #2 Well was replaced.

Mr. Edwards stated that staff is moving forward with the repairs to the walls and flooring in the lobby area that was caused by the water damage earlier this year.

Mr. Edwards stated that the Administrative Assistant position has been advertised and

closes next week. Mr. Edwards stated that so far there have been a lot of applications, and he hopes to start conducting interviews next week.

Secretary Waters asked if there has been any news as to when the Ferric plant in Utah will be back in service. Mr. Edwards stated that the last he heard was six weeks, which will be the end of summer. Mr. Edwards stated that he does not anticipate getting any shipments from the Utah plant for the rest of the summer season.

Mr. Beamer stated that staff will be using the Utah plant as a backup now since there is railcar availability to Billings from Chicago. Mr. Beamer stated that the Chicago plant will be the primary supplier for Ferric, and the Utah plant will be the backup supplier.

Chairman King asked if the transportation costs for using the railcar to Billings have increased. Mr. Beamer stated that it was the trucking costs from Chicago that were an additional \$1,500 - \$2,000 per truckload.

Board Member Powell asked if there is an additional cost for the supply of Ferric. Mr. Beamer stated that Ferric is at a higher cost right now, as there is a high demand, and the trucking industry is in arrears getting qualified truck drivers. Mr. Beamer stated that this is a nationwide issue.

Chairman King stated that everyone should understand that when the supply is limited, the prices go up.

Board Member Powell asked if the budget is covering the costs. Mr. Beamer stated that the budget is covering the costs so far.

Secretary Waters stated that one of his Board Members asked him why the railcars are not being brought into Casper. Mr. Beamer stated that there are a couple of reasons why the railcars are not being brought to Casper. Mr. Beamer stated that 1) the rail facility must be NSF certified, which is non-existent in Casper. Mr. Beamer stated that the rail facility in Billings recently got NSF certified. Mr. Beamer stated that 2) getting the ferric transferred from the railcar to trucks is a whole other process. Chairman King stated that Casper just doesn't have that capability.

Chairman King turned the time over to Mr. Conner for the Transmission System Update.

Mr. Conner stated that staff hauled the Actiflo sludge to the Landfill. Mr. Conner stated that the east lagoon is cleaned out and the west lagoon has been switched over to the east lagoon. Mr. Conner stated that this will let the west lagoon dry out so it can be cleaned out early this fall.

Mr. Conner stated that staff has been working on servicing pumps and motors, cleaning boosters, spraying weeds and mowing.

Mr. Conner stated that staff has been short-handed with two of his staff moving to the WTP, and others moving to different City Departments. Mr. Conner stated that this has slowed the rest of his staff down some.

Mr. Conner stated that staff has been doing some valve maintenance, and completed the drain and overflow project at Pioneer tank, which has been entered into GIS.

Mr. Conner stated that a couple of weeks ago there was a non-EPA positive bacteria test at Wardwell Tank. Mr. Conner stated that tank was drained and refilled, and everything is good with the tank now.

Mr. Conner stated that the chloramine residuals in the system did drop a little bit because usage has gone down. Mr. Conner stated that residuals were bumped up to 3 ppm. Mr. Conner stated that residuals will drop in the fall, so staff is just trying to get ahead of it by increasing residuals now.

Chairman King thanked Mr. Conner and his staff for assisting with the electrical issue at the Salt Creek Booster. Chairman King stated that the issue was that fuses could not be found in town, so Distribution staff put in a jumper until the fuses arrived. Mr. Conner stated that it has become very difficult to get in routine supplies.

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. Beamer stated that last month the Board discussed in detail this change order with Maguire Iron for the 2.6MG Tank Roof Replacement. Mr. Beamer stated that before the Board today is the formal change order. Mr. Beamer stated that Maguire Iron is not in agreement with the change order and did not sign it, but did send a rebuttal for the assessment of \$30,000 in liquidated damages. Mr. Beamer stated that he has no doubt there will be ongoing discussions with Maguire Iron when the \$30,000 in liquidated damages is withheld from the next payment. Mr. Beamer turned the time over to Mr. Andrew Colling with City Engineering.

Mr. Colling stated that Maguire Iron is not in agreement with the assessment of \$30,000 in liquidated damages and is not willing to sign this change order. Mr. Colling asked Mr. Chapin if Mr. Martin had forwarded the correspondence to him. Mr. Chapin stated that he has not received the correspondence yet. Mr. Colling stated that he will forward the correspondence to Mr. Chapin.

Mr. Colling stated that Maguire Iron says that the Project Engineer, HDR Engineering, the Owner, and the Owner's representative failed to communicate the terms of the contract.

Mr. Colling stated that his understanding is that the Board can approve the change order and tell Maguire Iron that the Board is forcing their hand, and they can choose to accept the change order and relinquish the \$30,000 in liquidated damages, or the Board can decide if that is a fight they want to have with Maguire

Iron.

A motion was made by Treasurer Bertoglio and seconded by Board Member Powell to authorize Change Order No. 2 with Maguire Iron, Inc. for the 2.6M Gallon Tank Roof Replacement Project for the deduct of Bid Alternate 1, Roof Plate Interior Lap Joints, in the amount of \$10,000 and grant a time extension of four additional days to the contract time.

Board Member Powell stated that once you release a contractor from liquidated damages, you always get someone else saying that “you did it for them, do it for me”. Board Member Powell stated that liquidated damages shouldn’t be in the contract if it isn’t going to be enforced.

Motion put and carried.

- b. Mr. Beamer asked the Board to reference Change Order No. 3 with Riley Industrial Services for the 2.6MG Tank Recoating Project in the amount of \$10,461.

Mr. Colling stated that he can address this change order as well. Mr. Colling stated that Riley Industrial was under contract two years ago for the 2.6MG Tank Recoating, which is when it was discovered that structural repairs to the tank were necessary. Mr. Colling stated that was when Maguire Iron was contracted to replace the roof.

Mr. Colling stated that included in the Maguire Iron contract were quantity items to repair the floor, but Maguire ran out of quantity. Mr. Colling stated that Maguire Iron was pressing to replace the entire floor. Mr. Colling stated that the decision was made for them to make the repairs that they could under the contract.

Mr. Colling stated that after Maguire Iron left, Riley remobilized and came in and did a brush blast of the floor. Mr. Colling stated that they inspected some more welds and pits and it was decided that more welding repairs were needed. Mr. Colling stated that minimal welding repairs, and pit repairs by filling the pits with an epoxy filler are needed.

Mr. Colling stated that Riley gave a price for the welding and repairs, and for the brush blasting that was performed. Mr. Colling stated that Riley asked for more money, and he requested that they reduce the price. Mr. Colling stated that Riley reduced the cost by approximately \$2,000. Mr. Colling stated that his point to Riley was that the floor blasting had to be done anyway in order to do the coating job. Mr. Colling stated that Riley stated that if they had of gone in and done the commercial blast on the floor as required in the specifications, the blast would have been lost during the repairs, and would have had to be done again, so are asking to be compensated for that blasting.

Mr. Colling stated that the welding repairs, and the epoxy filler repairs are

estimates based on square footage, but will be billed at actual cost. Mr. Colling stated that a local welder will be doing the welding for Riley. Mr. Colling stated that it is not anticipated that Riley will exceed the cost of the welding repairs or epoxy filling repairs.

A motion was made by Secretary Waters and seconded by Vice-Chairman Keffer to approve Change Order No. 3 with Riley Industrial Services, Inc. for a contract increase of \$10,461 as part of the 2.6M Gallon Tank Recoating, Project 18-093. Motion put and carried.

- c. Mr. Beamer stated that staff was contacted by WWC Engineering to see if the Board would be in favor of granting an easement through the Board's tank site located off Poison Spider Road. Mr. Beamer stated that WWC is doing preliminary design work for pathway construction for the City of Mills. Mr. Beamer stated that this is along an existing gas pipeline easement.

Mr. Beamer showed the Board the preliminary route design for the pathway.

Board Member Powell asked if the tank site is currently fenced. Mr. Beamer stated that it is not fenced, so fencing would need to be installed to secure the tank site.

Treasurer Bertoglio stated that the Board's waterline runs south from the tank. Mr. Beamer stated that he believes that is correct. Board Member Cathey asked who owns the waterline there in the preliminary pathway route. Mr. Beamer stated that the waterline belongs to the Board. Treasurer Bertoglio stated that he didn't think the Board had a line there, that it comes out of the tank and goes south. Mr. Conner stated that the horizontal line on the preliminary plans must be a gas pipeline as the RWS waterline comes up from the south to the booster, then exits the booster to Poison Spider Road. Mr. Conner stated that the RWS waterline there does run north south. Mr. Conner stated that the tank site is currently fenced off and the adjacent property owners have a barb wire fence.

Board Member Cathey stated that he believes that if the Board grants an easement, the City of Mills would then have an ownership interest in the property, but if the Board grants a right of way, it is just leasing the use of the surface. Board Member Cathey stated that if the Board decides to grant usage of the tank property, it should be as a right of way. Mr. Chapin stated that Board Member Cathey is correct.

Vice-Chairman Keffer asked if the tank site only has a barb wire fence at this time. Mr. Conner stated that there is a six-foot chain link fence around the tank and booster site as well.

Mr. Beamer stated that another alternative is to grant a license agreement instead of a full easement or right of way. Mr. Chapin stated that a license agreement is another option. Chairman King asked how a license agreement is different from a right of way or easement. Mr. Beamer stated that it would allow the City of Mills

to use the land, but it could be revoked at any time by the Board.

Treasurer Bertoglio stated that he believes the City of Mills is trying to connect a new subdivision to the river trails.

Chairman King stated that he likes the ideas of the license agreement.

Board Member Cathey asked what the difference is between a right of way and a license agreement. Mr. Chapin stated that a license agreement can be revoked at any time, and a right of way tends to be more in line of an easement, it is less than an easement, but gives them a stronger position to be in than a license agreement. Mr. Chapin stated that whatever the Board decides to do with either a license agreement or a right of way, the City of Mills would want it to be perpetual in order to ensure that the whole pathway alignment is secured.

Board Member Cathey asked if this is a walking path that is going to be installed, or a pipeline. Treasurer Bertoglio stated that it is his understanding that it is a walking path.

Board Member Powell asked Mr. Beamer if he could envision a Board in the future asking why they were put in this position in regards to the pathway going through the tank site. Board Member Powell stated that the City of Mills wouldn't want to build the pathway there if a future Board could cancel the use of the tank site on a whim. Mr. Beamer stated that at this time he could not envision a future Board revoking usage. Mr. Beamer stated that there are pathways with utilities underneath them throughout the City of Casper.

Chairman King asked what the Board would be in favor of doing with this request. Board Member Powell stated that he would be in favor of granting a right of way, as it seems to be the middle ground.

Chairman Kings asked if there are ownership rights associated with a right of way. Mr. Chapin stated that there are not ownership rights associated with a right of way, and a right of way can be narrowed down to specific type of use.

Mr. Beamer reiterated that this is a preliminary design for the pathway, and this route might not be chosen. Mr. Beamer stated that the engineer is just doing their due diligence to see if this pathway route is feasible.

Secretary Waters stated that this is not the prettiest route for a pathway as it goes through an industrial area. Board Member Powell stated that they are trying to make a pathway to the river.

Secretary Waters stated that he is in agreement with issuing a right of way. Board Member Cathey stated that the Board should go with either a right of way, or a license agreement.

Mr. Beamer stated that no formal action needs to be taken at this time as this is

just a preliminary design. Mr. Beamer stated that he will get in touch with the engineer and let them know the Board discussed either a right of way or a license agreement for the use of a portion of the tank site for a pathway.

d. There was no Other New Business.

9. Chairman King asked for a motion to move into Executive Session to discuss property acquisition. A motion was made by Board Member Cathey and seconded by Board Member Freel to adjourn into Executive Session at 12:07 p.m. to discuss property acquisition. Motion put and carried.

A motion was made by Secretary Waters and seconded by Board Member Powell to adjourn from Executive Session at 12:24 p.m. Motion put and carried.

Chairman King called the Regular Session to order at 12:24 p.m.

A motion was made by Board Member Cathey and seconded by Secretary Waters for Mr. Chapin to remove the paragraph in the contract as 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 September 21, 2021. Treasurer Bertoglio, Board Member Cathey, and Board Member Powell stated that they will not be in attendance at the September meeting.

A motion was made by Board Member Cathey and seconded by Vice-Chairman Keffer to adjourn the meeting at 12:26 p.m. Motion put and carried.

78.11.14
Chairman

[Signature]
Secretary