

BOARD OF PUBLIC UTILITIES
CITY OF CHEYENNE, WYOMING
****BOARD MEETING MINUTES****
TUESDAY, February 21, 2023
PAGE 1

The Board of Public Utilities of the City of Cheyenne, Wyoming assembled this day at 3:00 p.m. in the 1st Floor Conference Room of the Timothy E. Wilson Board of Public Utilities' Administration/Engineering Building, 2416 Snyder Avenue, Cheyenne, Wyoming.

Present via In-Person/Electronic Conference were:

Mary Guthrie, President	Vicki Dowdy, Compliance Supervisor
Keith Zabka, Member	Nathaniel Kaufold, IPP Coordinator
Allan Cunningham, Member	Jacob Ward, IPP Specialist
John Edwards, Member	Cody Crecelius, Plant O&M Supervisor
Brad Brooks, Director	Casey Palma, PLP/Ironhorse
Brad Bowen, Administration Manager	Matt Kaufman, Ironhorse
Matt Buelow, Water Reclamation Manager	Deborah Herron, Walmart/Sam's Club
Clint Bassett, Water Treatment Manager	Scott Turner, Walmart/Sam's Club
Doug Calhoun, Operations & Maintenance Manager	Eilyn Hadley, Walmart/Sam's Club
Kathy Kellner, Human Resources Manager	Brandon Noble, HDR
Frank Strong, Eng. and Water Resources Manager	Dale Steenbergen, Chamber of Commerce
Elizabeth Lance, Board Attorney	Amber Leyba, Chamber of Commerce
Bryce Dorr, Capital Projects Supervisor	Loren Eldridge-Looker, TriHydro
David Cole, Capital Projects Engineer II	Al Garcia, EPA Region 8
Sarah Bargsten, Water Conservation Specialist	Jennifer Betz, Public Attendee
Erin Lamb, Administrative/Public Affairs	James Sbanotto, Public Attendee

The regular board meeting for the Board of Public Utilities was called to order by Mary Guthrie, President, at approximately 3:00 p.m. Tuesday, February 21, 2023.

Ms. Guthrie noted a quorum with four board members present. Ms. Guthrie noted the first item on the agenda was the consent agenda (CA) and asked if anyone request that a consent agenda item be removed. Ms. Guthrie called for a motion to approve the items on CA. Keith Zabka moved and Allan Cunningham seconded approval of the items on the CA as presented, including:

- The minutes of the Regular Board Meeting held January 17, 2023.
- The Director to sign the Agreement with Asay Consulting, P.C., to provide consulting services as a hearing officer.
- Agreement with McGee, Hearne & Paiz LLP to continue to provide financial and compliance auditing for the fiscal year ending June 30, 2023, and 2024, and the Director to sign the Professional Services Agreement. Subject to Attorney and Governing Body Approval.
- The final balancing change order to decrease the contract amount as presented and release of retainage to Aztec Construction Co. Inc. as presented for the 2021 Water Projects, subject to the successful completion of W.S. 16-6-116 advertisement period.
- Amending the chemical supplier agreement with Harcros for soda ash for an additional nine (9) months.

The Motion carried.

Director Brooks announced upcoming Meetings scheduled for the following dates:

- Regular Board Meeting: Monday, March 20, 2023 at 3:00 p.m.
- FY24 Budget Work Session: Monday, April 3, 2023 at 3:00 p.m.
- Regular Board Meeting: Monday, April 17, 2023 at 3:00 p.m.
- Employee Meeting: Thursday, April 20, 2023 at 7:30 a.m.
- Work Session (Council): Friday, April 21, 2023 at 12:00 p.m. (noon)
- Special Board Meeting: Monday, April 24, 2023 at 3:00 p.m.

Director Brooks introduced attendees and provided an update from City Council.

PRELIMINARY – UNDER IN-HOUSE REVIEW

BOARD OF PUBLIC UTILITIES
CITY OF CHEYENNE, WYOMING
****BOARD MEETING MINUTES****
TUESDAY, February 21, 2023
PAGE 2

Administration Manager, Brad Bowen, reported on and answered questions regarding the financial statements for the month ending January 31, 2023. A motion was made by John Edwards and seconded by Keith Zabka approving the financial statements for month-end January 31, 2023, as presented and the vouchers for payment. There were no Investment of Cash for month-end January 31, 2023. The motion carried. Warrants of the Board of Public Utilities are signed by Mayor Patrick Collins, Board President Mary Guthrie and Administration Manager Brad Bowen, and authority is given to ANB Bank of Cheyenne, Wyoming to charge these warrants to the proper Board of Public Utilities accounts at this bank.

Mr. Bowen reported on and answered questions regarding request to approve an agreement with Paymentus and authorize the Director to sign the corresponding agreement, contingent on BOPU Attorney approval. A motion was made by Keith Zabka and seconded by John Edwards to approve an agreement with Paymentus and authorize the Director to sign the corresponding agreement, contingent on BOPU Attorney approval. The motion carried.

Engineering and Water Resources Manager, Frank Strong, reported and answered questions regarding request to approve and award the North City Zone Tank Project to CB&I in the amount of \$6,995,999.99 along with the WWDC and DWSRF resolutions included, requesting additional funding required for the construction of the transmission main phase of the project. A motion was made by Allan Cunningham and seconded by Keith Zabka to approve and award the North City Zone Tank Project to CB&I in the amount of \$6,995,999.99 along with the WWDC and DWSRF resolutions included, requesting additional funding required for the construction of the transmission main phase of the project. The motion carried.

Mr. Strong reported on and answered questions regarding request to deny the outside user agreement for Ironhorse, LP as stated due to State Statue §41-10-104(c)(vii) and potential water quality concern. A motion was made by Allan Cunningham and seconded by Keith Zabka, the motion failed with one (1) "yes" and two (2) "no" votes.

Following comments from Ironhorse, LP representatives and further discussion, a motion to approve BOPU staff and Attorney to draft a notice regarding water availability for Cheyenne City Council consideration of an outside water user agreement with Ironhorse LP was made by John Edwards and seconded by Keith Zabka. The motion carried.

Water Reclamation Manager, Matt Buelow, reported on and answered questions regarding request to approve restructuring the Water Reclamation Division Operations and Maintenance area by creating two lead positions. A motion was made by Keith Zabka and seconded by John Edwards to approve restructuring the Water Reclamation Division Operations and Maintenance area by creating two lead positions. The motion carried.

Director Brooks reported on release of retainage and contracts, easements, change orders and amendments that were approved in the amount of \$25,000 or less.

Director Brooks reported on and answered questions regarding the Director's report.

Mr. Bowen reported on and answered questions related to the Administration Division.

Water Conservation Specialist, Sarah Bargsten, reported on and answered questions related to water conservation initiatives.

Mr. Strong, reported on and answered questions related to the Engineering and Water Resources Division.

BOARD OF PUBLIC UTILITIES
CITY OF CHEYENNE, WYOMING
****BOARD MEETING MINUTES****
TUESDAY, February 21, 2023
PAGE 3

Human Resources Manager, Kathy Kellner, reported on and answered questions related to the Human Resources Division.

Operations and Maintenance Manager, Doug Calhoun, reported on and answered questions related to the Operations and Maintenance Division.

Water Treatment Manager, Clint Bassett, reported on and answered questions related to the Water Treatment Division.

Mr. Buelow reported on and answered questions related to the Water Reclamation Division, including the Industrial Pretreatment Program (IPP).

Ms. Guthrie called for a five (5) minutes recess.

Ms. Guthrie called the board meeting back into session.

A motion was made by John Edwards and seconded by Keith Zabka to approve BOPU Staff and Attorney to develop and negotiate fines and penalties appropriate for Walmart/Sam's Club violation of City Code per Industrial Pretreatment Program requirements. The motion carried with two (2) "yes" votes and one (1) "no" vote.

The Board meeting adjourned into Executive Session at approximately 5:45 p.m. to discuss possible litigation matters under Wyoming State Statutes W.S. 16-4-405(a)(iii) (Matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party.)

The Board meeting Executive Session adjourned at approximately 6:00 p.m.

A motion was made by Allan Cunningham and seconded by Keith Zabka to approve BOPU Attorney to compose and issue letter of intent to a water and sewer user. The motion carried.

The Board meeting adjourned at approximately 6:00 p.m.

Mary B. Guthrie, President

Matthew Pope, Secretary