



**TOWN OF BAR NUNN** 4820 N. Wardwell Industrial Ave., Bar Nunn, Wyoming  
**TOWN COUNCIL**

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**MEETING MINUTES**

**Tuesday, September 5, 2023 - 7:00 P.M.**

- 1) **Roll Call:** Mayor, Peter Boyer called the meeting to order Tuesday, September 5, 2023, at 7:00 p.m. Roll was called which determined the presence of a quorum.  
**Present:** Mayor Peter Boyer. Council Members: Mary Sue Sorenson, Tyler Martin, Steven Clark, and Tim Ficken.
- 2) **Pledge of Allegiance:** The Town Council and all those present stood in service to the United States Flag and pledged allegiance to the United States of America.
- 3) **Minutes of August 15, 2023, & Special Session Minutes of August 23, 2023:** Moved by Steven Clark, seconded by Mary Sue Sorenson, and carried without dissent to approve the Minutes of August 15, 2023, & Special Session Minutes of August 23, 2023.
- 4) **Payable List for August 2023 & The 23-24 Year-to-date Budget Report:** Checks #31526-31597, Direct Deposit #2283-2321, ACH #70976172 & ACH #84486476. Mary Sue Sorenson requested the budget figures be represented in the year-to-date budget report. Moved by Mary Sue Sorenson, seconded by Tyler Martin, and carried without dissent to approve Payable List for August 2023.
- 5) **First Reading of Ordinance No. 2023-04:** “ORDINANCE ADOPTING AMENDED TITLE 4, OFFENSES AGAINST PUBLIC PROPERTY AND PUBLIC PEACE”. Moved by Steven Clark, seconded by Tyler Martin, and carried without dissent to approve the First Reading of Ordinance No. 2023-04.
- 6) **First Reading of Ordinance No. 2023-05:** “AN ORDINANCE TO REQUIRE MASSAGE BODYWORK THERAPISTS TO MAINTAIN PERMITS FROM THE TOWN OF BAR NUNN”. A review regarding the purpose and provisions was discussed. Clarification regarding the name and title of the ordinance followed with an amendment. Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve the amended motion for the First Reading of Ordinance No. 2023-05.
- 7) **Third and Final Reading of Ordinance No. 2023-03:** “AMENDMENT OF THE ANNUAL APPROPRIATION ORDINANCE (BUDGET) FOR THE FISCAL YEAR ENDING JUNE 30, 2023”. Mary Sue Sorenson stated that in the future if there is no change to the total expense budget the amendment of the annual appropriation budget can be changed through a council resolution rather than by ordinance. Moved by Tim Ficken, seconded by Steven Clark, and carried without dissent to approve the Third and Final Reading of Ordinance No. 2023-03.
- 8) **Attorney Report:** Town Attorney Patrick Holscher was present for questions or comments from the council. Attorney Holscher stated a written report was submitted to the Mayor and council. Attorney Holscher stated items noted included:
  - Wage structure for a work session
  - Ordinances 2023-04 & 2023-05
  - Addendum to the sanitation contract
  - Sheriff’s Department MOU
  - Mills and Bar Nunn MOU-Brush Truck
  - Dissolution of Wardwell Water & Sewer District

Attorney Holscher stated the Sheriff’s Department MOU addressed the enforcement of State statutes; however, it did not address the enforcement of municipal ordinances. Discussion followed. Attorney Holscher reported the Wardwell Water dissolution process is moving forward and Mr. Holscher continues to work with Regional Water and Wardwell’s Attorney.

Property and asset itemization is underway. Town Engineer Ray Catellier and Robert Hoover will be called on for information regarding infrastructure and asset itemization. Mary Sue Sorenson asked for clarification about each party's obligations including the non-exclusive term as written in the current MOU with the Sheriff's Department. Discussion followed. Mr. Holscher recommended accepting the MOU with a letter accompanying the requested changes. Mayor Boyer asked if we had reached out to the Sheriff's Department regarding the intention to enforce State laws exclusively. Discussion followed. Mr. Holscher said there are options available to Bar Nunn, including creating its police force or contracting the service with another municipality. The City of Mills has been contacted and is interested in serving Bar Nunn. The Mills Chief of Police is expected to schedule a meeting with the Bar Nunn council. Mayor Boyer stated he intends to make contact with the Dubois Police Chief regarding information on the development of a Town police force.

Mayor Boyer recommended accepting the MOU with Mills, Wyoming for the use of a Bar Nunn Brush Truck. Moved by Mary Sue Sorenson, seconded by Tyler Martin, and carried without dissent to approve the Mayor's signature on the MOU with Mills Wyoming, and the Town of Bar Nunn for the use of one brush truck.

9) **Engineer Report:** Town Engineer, Ray Catellier was present for council questions or comments. Mr. Catellier updated the council on the following items:

- **Community Center/Town Hall Project-**

- Site improvements phase II (parking lot and concrete, irrigation stubs.) The bids were opened on Thursday, August 31, 2023. Mr. Catellier stated four bids including options for asphalt and concrete applications were received. The cost comparison for asphalt versus concrete was approximately \$31,700. Discussion regarding cost-benefit analysis for asphalt vs. concrete followed. Mr. Catellier recommended awarding the bid with concrete application to Crown Construction, LLC., for \$624,175.30. Moved by Tyler Martin, seconded by Steven Clark, and carried without dissent to award the bid to Crown Construction LLC., for \$624,175.30.

- **Rocky Mountain Power-** Mr. Catellier stated he is scheduled to meet with RMP Estimator, Dave Schaffer on Wednesday, September 6, 2023, at 1:00 p.m. A review of locations for message signs at entrance points into Bar Nunn and placement of streetlights on Palomino Ave., including cost and lighting styles is expected.

Tim Ficken asked for an update regarding the Salt Creek Highway ditch project. Discussion regarding the continuance of wet conditions along the portion of the highway and options for resolution followed. Mr. Catellier stated that an excavator will probably be required to haul material out of the ditch along the west side of Salt Creek Highway. Mayor Boyer inquired about the timing of the excavation and requested a price estimate from Mr. Catellier. Maintenance Supervisor, Robert Hoover was requested to analyze the budget for appropriation of funds needed for the project. Mayor Boyer requested the topic be reviewed in October.

10) **Fire Department Report:** A written report was submitted. Fire Chief, Robert Hoover was available for questions or comments from the council. Mary Sue Sorenson asked for clarification about the expected 3a and 3b ISO (Insurance Services Office) ratings. The fire score is a rating that determines how well the fire department can protect our community and homes. Chief Hoover stated the ISO was sent hydrant testing and inspection information for review. The ratings are evaluated every audit cycle and the information provided to the ISO determines the rating. The ratings are given on a scale of 1-4, with four levels. The lower the number and level the better the score. Chief Hoover stated a 3a or 3b rating is expected and the Town will work to restore the level 1 rating in the next audit cycle. The ISO rating will likely increase and require intervention and resubmission of hydrant testing and inspections. Chief Hoover will keep the council advised of the ISO rating. Mayor Boyer asked for clarification regarding planning and adjustments for the Wardwell budget. Attorney Holscher stated no adjustments are to be made until the closing is finalized.

11) **Maintenance & Wardwell Water Report:** A written report was submitted. Maintenance Supervisor, Robert Hoover, was present for questions or comments from the council. Mr. Hoover updated the council on the following matters:

- A complete inventory of property and equipment for the Wardwell Water & Sewer District has been completed. Mr. Hoover will forward the information to Attorney Holscher in electronic format.
- Mr. Hoover recommended replacing the tires on the front-end loader at a cost of approximately \$11,000. Mayor Boyer asked for updated quotes.
- Mr. Hoover reintroduced the recommendation to discontinue the use of elder valves for new construction. Discussion regarding exploration for the need to change Town Ordinances followed.

Attorney Holscher stated the use of elder valves is not known to be mentioned in an existing ordinance and did not require an ordinance to discontinue. The council concurred with the recommendation to discontinue the use of elder valves for new construction. Mary Sue thanked the maintenance personnel for the recent parking lot and mailbox striping. Ms. Sorenson asked about how the lead and copper sampling were obtained. Mr. Hoover stated the lead and copper testing sample kits were

purchased and samples were obtained by the residents. The results were submitted to the US EPA Region 8 and residents who sampled were sent their results. Mr. Hoover stated no lead or copper results for residents were outside of acceptable levels.

- 12) **Zoning & Planning Report:** No Zoning and Planning meeting was held for August. There were no further questions or comments from the council.
- 13) **Office Staff Report:** A written report was submitted. Mary Sue Sorenson inquired for clarification on the number and type of violations and abatements indicated in the office staff report. The Town Clerk stated the total abatements included violations for trees/shrubs, grass/weeds, garbage/junk, and INOP vehicles.
- 14) **Petitions and Public Comment:** Resident, Mike Schoolcraft asked how thick the concrete will be at the new Town Hall. Mr. Catellier stated the concrete will be 5” thick. Mr. Schoolcraft inquired if the concrete would have the load capacity for fire engines and other heavy equipment. Mr. Catellier affirmed that the concrete's thickness can handle heavy equipment's load capacity. Mr. Schoolcraft asked if the striping of Sunset Boulevard was expected to be done. Mr. Hoover confirmed Sunset Boulevard will be striped by the County Road and Bridge Department.

Former Representative Patrick Sweeney was present for questions or comments regarding the extension of the 5<sup>th</sup> cent tax. Mr. Sweeney expressed the importance of the 5<sup>th</sup> cent tax to townships to fund projects, especially infrastructure. If a majority of the municipalities in Natrona County vote to make the 5<sup>th</sup> cent permanent, the Natrona County Board of County Commissioners will consider making it permanent, which will remove it from the vote of the people. Mr. Sweeney stated the City of Casper had its third reading, Midwest remains in progress, Edgerton had its third reading, and Evansville is fielding its council. Mr. Sweeney asked if Bar Nunn was interested in a work session or public forum to discuss the extension of the 5<sup>th</sup> cent tax. Discussion with comments from council members followed. Tim Ficken spoke for the council. Questions asked by the council included:

- What requirement is needed to make the tax permanent?
- Once permanent, can the tax be undone?
- Why was making the tax permanent not given to the people to vote?

Mr. Sweeney stated the 5<sup>th</sup> cent tax can be discontinued in a similar method with a majority vote of the municipalities. After a majority vote by the municipalities is met, consideration is then given to the County Commissioners and will require a majority vote. Casper did not choose to put the 5<sup>th</sup> cent tax to a public vote. Council members concurred that Bar Nunn is not in favor of making the 5<sup>th</sup> cent tax permanent. Mr. Sweeney stated a 6<sup>th</sup> cent tax is for a special purpose and will be voted on by the people. If made permanent by the County Commissioners, the 5<sup>th</sup> cent tax will not require a special purpose and can be extended without the vote of the people. Mayor Boyer stated he is angered by the point in fact that non-participation with the other municipalities had and would be subject to repercussions, and taking the people's right to vote where their money goes is being used as a cudgel to participate is not appreciated. Mayor Boyer stated he appreciated Mr. Sweeney's attendance and time. The council did not extend an invitation to a further forum on the subject.

15) **Council Business:**

**A. Shirk's Sanitation Agreement Addendum**

Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve the addendum to the Municipal Sanitation Services Agreement.

**B. Sheriff's Department MOU**

Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve the Sheriff's Department MOU.

**C. MOU: City of Mills and Bar Nunn Concerning Brush Truck**

This item was addressed previously.

**D. Discussion: Town Investment Account-Wyoming Class Investment Pool**

Mayor Boyer opened the discussion regarding the Wyoming Class Investment Pool. Mary Sue Sorenson stated that wyomingclass.com has an excellent website. This new alternative for investments was authorized by the legislature and took effect on July 1, 2020. The website provides a step-by-step process to start investing with Wyoming Class. The website states the rate of return exceeded their benchmark for the 1-year and 3-year periods since inception. The City of Mills is currently investing with Wyoming Class and is pleased with the results. Mayor Boyer asked if we had an idea of how much we wanted to invest. Discussion followed. The Town Clerk stated that much of the money invested in WYOSTAR is being spent on the Community Center/Town Hall. The Town Clerk recommended that as we are reimbursed for the grants, the reimbursements be placed into the new investment. Attorney Holscher recommended the council address the matter by a written resolution. The Wyoming Class Investment Pool will be addressed on the next council agenda.

**E. Community Preparedness Committee-Bylaws**

Andrea Boyer was present for questions or comments regarding the proposed bylaws for the Community Preparedness Committee. Attorney Holscher stated he would need to make some additions to the draft of the bylaws.

**F. Octane Associates-Drag Races scheduled for Saturday, September 16, 2023**

Council member Tim Ficken opened the discussion regarding the third and final drag race. Octane Associates reported sponsorship for the event has been positive. Much of the sponsorship received was from Casper businesses. Bar Nunn businesses did not participate. Discussion regarding the degree to which the Town is to be involved in the events followed. Mayor Boyer recommended limiting direct participation in the events while continuing to provide a conducive environment for Octane Associates to sponsor drag race events as appropriate. The members of the council concurred.

**G. Fall Clean-up scheduled for Saturday, September 23, 2023, 10:00-12:00**

Mayor Boyer recommended participants meet at the corner of northwest Antelope Drive and Zuni Trail. Discussion regarding the scope of the clean-up and access to the private property north of Zuni Trail followed. Robert Hoover will contact Robert McMurry for access permission.

**H. Bar Nunn Salary Structure:**

Mayor Boyer recommended acceptance of Resolution No. 2023-18: “A RESOLUTION PARTIALLY ADDRESSING THE BAR NUNN SALARY STRUCTURE”. Moved by Tim Ficken, seconded by Tyler Martin, and carried without dissent to approve Resolution No. 2023-18.

**16) Miscellaneous Business:**

• **Council Members**

Mayor Boyer requested the non-emergency telephone number for the Sheriff’s Department be placed on the monthly newsletter. Tyler Martin stated he is unable to attend the Metro meeting this month scheduled for Monday, September 20, 2023, from 12:00 p.m. to 1:00 p.m. Mary Sue Sorenson volunteered to represent Bar Nunn at the next scheduled meeting. Tyler Martin will communicate with Mary Sue Sorenson regarding the time and location. Attorney Holscher stated a modification to the ordinance referencing catch and release for cats will need to be addressed. Tyler Martin will obtain the ordinance information from Metro. Mayor Boyer requested a work session be scheduled to discuss wage structure for Tuesday, September 19, 2023, at 6:00 p.m. Mayor Boyer stated he will be attending a meeting with Exterra on Tuesday, September 19, 2023, at 10:00 a.m. regarding the use of Westwinds Rd. Discussion followed. Mayor Boyer will contact Attorney Holscher, Robert Hoover, and Ray Catellier to form a team for a presentation to the Industrial Siting Committee requesting road maintenance support.

17) **Executive Session: Casper Star Tribune-** Mayor Boyer called to adjourn the regular council meeting and enter the Executive Session. Moved by Tyler Martin, seconded by Tim Ficken, and carried without dissent to adjourn the regular council meeting and enter Executive Session at 8:59 p.m.

18) **Reconvene Regular Council Meeting:** Mayor Boyer called to reconvene the regular council meeting. Moved by Tyler Martin, seconded by Steven Clark, and carried without dissent to reconvene the regular council meeting at 9:23 p.m. No Action was taken.

19) **Adjournment:** Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent that there being no further business the meeting of September 5, 2023, be adjourned, at 9:23 p.m.

Respectfully Submitted by:  
Donna Damori, Administrative Assistant

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Peter Boyer, Mayor

ATTEST: (seal)

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Kalista Schwarzrock, Town Clerk-Treasurer