



## **TOWN COUNCIL**

### **MEETING MINUTES**

Tuesday, November 21, 2023 - 7:00 P.M.

4820 N. Wardwell Industrial Avenue,

Bar Nunn, Wyoming

- 1) **Roll Call:** Mayor Peter Boyer called the meeting to order on Tuesday, November 21, 2023, at 7:00 p.m. The roll was called which determined the presence of a quorum.  
**Present:** Mayor, Peter Boyer. Councilmembers: Tim Ficken and Frank Schwarzrock.  
**Video Conference:** Tyler Martin  
**Excused:** Steven Clark
- 2) **Pledge of Allegiance:** The Town Council and all present stood in service to the United States Flag and pledged allegiance to the United States of America.
- 3) **Minutes of November 7, 2023:** Moved by Tim Ficken, seconded by Frank Schwarzrock, and carried without dissent to approve the minutes for November 7, 2023.
- 4) **Current Payables List:** Moved by Tim Ficken, seconded by Frank Schwarzrock, and carried without dissent to approve the current payables list of November 21, 2023.
- 5) **Balance Sheet, Detailed Income Statement & Trial Balance (Financial Reports) for the period ending October 2023:** Moved by Tim Ficken, seconded by Frank Schwarzrock, and carried without dissent to approve the Financial Reports for the period ending October 2023.
- 6) **Resolution No. 2023-21: "RESOLUTION SETTING FEES."** Discussion regarding fees covered in the Resolution in comparison with previous fees ensued. Attorney Holscher noted that some of the fees being set by the Resolution were fees the town lacked previously. He also noted that most municipalities reset their fees with a general set of resolutions at the beginning of the year and these fees can be reassessed. Moved by Tim Ficken, seconded by Frank Schwarzrock, and carried without dissent to approve Resolution No. 2023-21.
- 7) **Attorney's Report:** A written report was submitted. Town Attorney Patrick Holscher was present for questions or comments from the council. Attorney Holscher stated most items in his report would be discussed in Council Business.
  - New Zoning & Subdivision Ordinances- A draft form was sent to Mayor Boyer & Town Engineer, Ray Catellier for review. Attorney Holscher noted he would like to meet with Mr. Catellier before proceeding any further with the ordinance adjustments to be sure that we are comporting with the current zoning. Attorney Holscher also noted the changes would need to go to Planning & Zoning for review as well before the council adopts the changes. He stated he would like input from everyone before any finalization. Attorney Holscher also noted now the town faces the problem of approving subdivisions that receive water that are outside of the town limits, which would require an MOU. Mayor Boyer set a meeting with the Planning & Zoning Commission, Attorney Holscher, and Mr. Catellier for January 18, 2024, at 7 p.m. to discuss the ordinance changes.
- 8) **Engineer's Report:** A written report was submitted. Town Engineer, Ray Catellier, PE was present for council questions or comments. Mr. Catellier updated the council on the following items:
  - **Community Center & Town Hall Project**  
Mr. Catellier stated he believes we have a resolution on paint colors. The contractor is going to paint a test wall in the community room with the corrected colors and that will be our chance to see the colors in real life. At that point, we can decide if we like the color selections. They hope to get that completed by the next council meeting. With that little hiccup, it's going to push some things around on the schedule, but nothing is going to impact it any more than the air handling unit, so that leaves some wiggle room.  
As of this morning, we have a \$200,000 credit from the contractor for an amount they had carried in their contract for earthwork for stormwater pollution prevention, and surveying. Since that was removed completely from the contract, they are giving those funds back to the town. They carried the credit for quite a while in case there was anything they would need to use those funds for,

but currently, they have only used 1/3 of their contingency. Which ends up being about \$75,000, and that's just for a variety of odds and ends that happen throughout a project that you don't account for.

- **Salt Creek Highway**

Mr. Catellier stated he had heard back from the geotechnical engineer on Salt Creek Highway and they just started the lab analysis of the cores they pulled on Friday, November 17, 2023. The geotechnical engineer anticipated it would be a few weeks before the town received any reports on the lab analysis.

- **Miscellaneous Discussion for Town Engineer**

Mayor Boyer stated he had been to the new Town Hall and commented on the paint color of the doorways. Mr. Catellier stated that was one of the colors that was being changed. He noted that only the darker blue of the original color selection would be left and the doorway and main paint colors were being changed.

Councilman Schwarzrock noted he had reviewed the payable vouchers and inquired what the process was to reach the total due for each pay application for Sampson Construction. Mr. Catellier clarified the pay applications and how the certified amount was reached.

9) **Maintenance Report:** A written report was submitted. Director of Public Works, Robert Hoover, was present for questions or comments from the council.

- Mayor Boyer noted that he noticed the maintenance crew had finished putting up Christmas lights and was impressed with the timing.

Mayor Boyer also inquired when the water tower repair was taking place. Mr. Hoover stated it would likely be a week or two after the Thanksgiving holiday.

10) **Code Enforcement Report:** A written report was submitted. Code Enforcement officer, Marshall Wyatt, was present for questions or comments from the council.

- Mayor Boyer stated that there was a gentleman who had planned to attend the meeting because he had questions, comments, and suggestions for code enforcement, but he was unable to attend.

11) **Parks and Recreation:** Interim Parks and Recreation representative, Tyler Martin was present via video conference.

- The Igloo Contest Judging will take place December 15<sup>th</sup>, 2023 at 6:00 p.m.
- Tree lighting will take place December 16<sup>th</sup>, 2023 at 7:00 p.m., after the Christmas Parade. Winners of the Igloo Contest will be announced at the Fire Station after the tree lighting during the Christmas Carnival.

12) **Petitions & Public Comment:** No public comment was made.

13) **Council Business:**

**A. Discussion: 6<sup>th</sup> Cent Tax**

Mayor Boyer stated he attended the Mayor/Commissioner Breakfast and there was discussion of a 6<sup>th</sup> cent tax that would be strictly designated for law enforcement. The majority of the 6 municipalities in Natrona County need to be in favor of the tax for it to be sent to the county for approval to be on the ballot for the constituency to vote on at the next election. It would be designated a public safety tax, and it would be temporary.

Councilman Ficken questioned if a 6<sup>th</sup> cent tax is being used as a way of circumventing the 5<sup>th</sup> cent tax. Attorney Holscher stated that what the City of Casper is proposing is to retain the system of reapproving the 5<sup>th</sup> cent the way it already is. There is another way the 5<sup>th</sup> cent can be submitted to be made permanent on the ballot, which is not the approach that was taken previously. Making the 5<sup>th</sup> cent tax permanent can be submitted to the voters. Attorney Holscher did not believe anyone submitted it to the voters because they knew what the answer would be, and it would probably terminate the 5<sup>th</sup> cent tax if they attempted to put it on the ballot as a permanent tax. Attorney Holscher stated that what is being proposed with the 6<sup>th</sup> cent tax is to put the regular 5<sup>th</sup> cent tax up as usual when it is scheduled to reappear on the ballot, then have the 6<sup>th</sup> cent tax on an off-year ballot so they are not on the ballot simultaneously. So the 6<sup>th</sup> cent would appear on the 2024 ballot, and the 5<sup>th</sup> cent would be on the 2026 ballot.

Discussion followed concerning why other municipalities would support the proposed tax. Mayor Boyer stated that a decision did not need to be made immediately and that he would like the council to think about it and it could be discussed again at the next meeting. Attorney Holscher stated he believed the concept was if the various municipalities have a public safety need that could specifically tie to this, there would be a certain amount for each municipality's public safety projects.

Councilman Schwarzrock inquired how Bar Nunn would receive those funds if the tax was voted in. Mayor Boyer stated it would work just like the 5<sup>th</sup> cent tax and Bar Nunn's portion would be based on population density.

Mayor Boyer stated this concept is still in its infancy, but he believed that Midwest, Edgerton, Casper, Mills, and Evansville would all be in favor of it being on the next ballot. A decision did not need to be made immediately, but the council should take some more time to think and discuss it. Councilman Ficken stated that his original thought was no, but he is a bit more hesitant because the way they

are approaching it is more appealing than what was previously attempted with the 5<sup>th</sup> cent tax.

Attorney Holscher stated he was not campaigning one way or another, but noted that the 6<sup>th</sup> cent would be distinctly different from the 5<sup>th</sup> cent and it has to be capital project-specific, so it can't be used for general revenue. For example, each municipality could only use the funds for a specified project that will cost a specific amount. Once your population has generated that specific amount, the municipality will not receive more funds past that specified amount. So, the tax would go away if the amount set to be raised by the combined municipalities was met before the end of the tax term.

Mayor Boyer stated that if Bar Nunn approved to pursue this, he would like the town to be very conservative with the amount they would request. Attorney Holscher stated the funds could not be used for operational costs, only capital costs, such as buildings related to public safety.

### **B. Community Gas Distribution Project Designation**

The town of Bar Nunn will be receiving a Community Gas Distribution in the amount of \$4,670.72 to be put towards a project. The project designation is due to be submitted to Wyoming Community Gas by December 31, 2023. Town Clerk, Kalista Schwarzrock, submitted a suggested proposal for the project designation of equipment and materials for the new community center consisting of basketballs, volleyballs, sports equipment storage, pickleball equipment, and compact roll-away bleachers. Councilman Schwarzrock stated all the proposed items were things that would need to be purchased eventually and this was a great, clean way to do it. Mayor Boyer agreed. Moved by Tim Ficken, seconded by Frank Schwarzrock, and carried without dissent to designate the Wyoming Community Gas Distribution for \$4,670.72 to the miscellaneous items in Section 15 that has been presented by the Town Clerk.

### **C. Regional Water**

Mayor Boyer, Councilman Schwarzrock, and Attorney Holscher attended the Regional Water Meeting on November 12, 2023. There was an interesting discussion regarding the Town of Bar Nunn's role and taking over Wardwell and having a seat on the Regional board. There are a few members of the board who are adamantly against Bar Nunn having a seat on the board, while the rest of the board is receptive to Bar Nunn assuming Wardwell Water's seat.

Councilman Schwarzrock noted it seemed that a portion of the meeting was just reiterating over and over that this is just a straight handover; Wardwell assets go over to Bar Nunn and it was just a formality of cleaning up paperwork. He questioned if that was the discussion, why would the seat not go along as the transfer with all of the other assets? Attorney Holscher stated that the seat has to be transferred as well. He stated that Wardwell is passing a resolution once again pointing this out, and basically, handing everything over to us. Wardwell would like Bar Nunn to pass a resolution adopting their resolution.

Attorney Holscher stated that this had already essentially been done when Wardwell did their petition to dissolve and Bar Nunn approved it. It contained the same feature as the new Wardwell resolution. The question is why we are doing this again. Regionals board has been uninformed of what has been going on all along, but it's not for lack of information. They have had the information all along as Wardwell and Bar Nunn have both passed the information along. There appears to be an information bottleneck. Attorney Holscher stated that it appears the members who are informed are in favor of Bar Nunn assuming Wardwell's seat. As far as Regional is concerned, there is no change whatsoever.

Attorney Holscher stated what will happen next is the surface water rights have to go through the state engineers and they are meeting in February. The groundwater rights have been transferred. He stated that the process at the state level for the transfer of groundwater rights as opposed to surface water rights is different. Regional has to put together a document approving the transfer and accepting all of this. That has to be done in sufficient time for that to get down to the state. There are some figures that Wardwell needs to provide for them to finalize that, and it will get done. Regional also needs to update its paperwork, and Regional's attorneys need to get that drawn up.

14) **Miscellaneous Business:** None

15) **Adjournment:** Moved by Tim Ficken, seconded by Frank Schwarzrock, and carried without dissent that there being no further business the meeting of October 17<sup>th</sup>, 2023, be adjourned at 8:05 p.m.

Respectfully Submitted by:  
Kalista Schwarzrock, Town Clerk Treasurer

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Peter Boyer, Mayor

ATTEST: (seal)

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Kalista Schwarzrock, Town Clerk-Treasurer