



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

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## **TOWN COUNCIL**

### **MEETING MINUTES**

Tuesday, December 5, 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, December 5, 2023, at 7:01 p.m. The roll was called which determined the presence of a quorum.  
**Present:** Mayor, Peter Boyer. Councilmembers: Steven Clark, Tim Ficken, Frank Schwarzrock  
**Excused:** Tyler Martin
- 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 November 21, 2023:** Moved by Tim Ficken, seconded by Frank Schwarzrock, Steven Clark was recused due to his absence. The motion and carried without dissent to approve the minutes for November 21, 2023.
- 4) **Current Payables List:** Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve the payables list of December 5, 2023.
- 5) **Payable List for November 2023 & The 23-24 Year-to-date Budget Report:**  
Checks #31769-31862, Direct Deposit #2415-2454, ACH #2438802, ACH #40463475 & ACH #72586655. Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve Payable List for November 2023.
- 6) **Resolution No. 2023-22:** “RESOLUTION SETTING PAY PER CALL FIRE PAY SCHEDULE.” Moved by Tim Ficken, seconded by Steven Clark, and carried without dissent to approve Resolution No. 2023-22.
- 7) **Attorney's Report:** A written report was submitted to the mayor and council. Town Attorney Patrick Holscher was present for questions or comments from the council. Attorney Holscher noted one item in his report had already been dealt with earlier in the meeting.
  - **Wardwell Dissolution:** Attorney Holscher stated there are still a few items that need to be addressed by Regional Water. Originally Regional wanted a memorandum of understanding with Bar Nunn, but instead, they have decided they want those same provisions in the material they will be submitting to the state. Regional still has a lot of paperwork they need to submit at the state level to complete the transfer to Bar Nunn and ultimately put Bar Nunn on the Regional board. Attorney Holscher stated that Natrona County looked through the memorandum of understanding he sent to them, and they were okay with it. Their attorney will suggest that the board of county commissioners approve it. Next meeting, we should have that so we can approve it as well.  
A memorandum of understanding was also sent to the City of Casper. Casper has not had a chance to review it, so we do not know what they will say yet.  
Councilman Schwarzrock inquired if Bar Nunn had any way to help with Regional’s deadlines and what the time frame might be to completion. Attorney Holscher stated that the issue we have is that some items that need to be run through the state are sensitive to the State Board of Control’s quarterly meetings.
- 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 new paint colors have been selected and re-painting is underway, and the project is chugging along. Councilman Clark inquired about the re-painting. Mr. Catellier stated new colors were chosen. Mayor Boyer commented that the original colors weren’t particularly great, specifically around the doorframes.

Mayor Boyer also commented that the new town hall, especially the gymnasium, looks much larger on the inside and that he is very excited about it.

Councilman Schwarzrock inquired if there had been thought on the security cameras, where those would be placed, and how those would get integrated in once the community center is opened. Mr. Catellier stated there is a setup for cameras at every exterior corner of the building. Councilman Schwarzrock then inquired if there were any plans for where staff interact with the public. Mr. Catellier stated that the cameras are separate from this project, but the lines and data cable are run in the likely spots where they're going to be placed because it is easier to place those lines while the building is being built than after the fact. It is just a matter of the town deciding where they would like to place cameras because all the infrastructure is there to place them. Councilman Ficken noted that the council had budgeted for cameras for the new building and Councilman Clark stated that they will also be better quality than the current cameras. Councilman Clark inquired if the town had made any decisions on that. Town Clerk, Kalista Schwarzrock stated that the town's IT specialist had recommended Ubiquiti cameras as the server room hardware will also be Ubiquiti and they will work seamlessly together. Mayor Boyer directed the Town Clerk to have Emily Sanner with Sanner IT put together a brief presentation with her recommendations and the timeframe it would take for them to be in hand.

Councilman Clark noted one thing that wasn't included in the new building is speakers in the council chambers so people can hear. Mr. Catellier stated that the council chambers were designed to transmit sounds from the front to the back and the architect had been very thorough in the planning of that space. Speakers shouldn't be needed, but with the drop ceiling in that room, it would be simple to add if needed.

Mr. Catellier stated that after Christmas, the contractor will only have a few items left. They will be working on the interior, such as the cabinetry and the wall pads in the gym. Everything will be done or to a point where they're going to just be doing punch list items. The building itself should be pretty well done except for the opening left for the air handling unit.

9) **Preparedness Committee Report:** A report will be presented at the 12/19/2023 meeting.

10) **Fire Department Report:** A written report was submitted. Fire Chief, Rober Hoover was available for questions or comments from the council.

Councilman Schwarzrock inquired what the situation was with the new windows for the Fire Hall and what happened with the previous project quote. Chief Hoover stated that the contractor who provided the original quote was only willing to do the work at the previous price if he would be painting as well. The contractor then wanted to be paid for the entirety of the project upfront. Chief Hoover stated he informed the contractor that the work would be paid for upon completion. Chief Hoover then acquired a new quote from Casper Window & Door. The new quote of \$10,708 is a higher price than the original quote, but from a much more reputable company. The council determined to rescind the previous resolution setting the amount for the Fire Hall window project not to exceed \$8,500. Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to rescind the prior project allowance of \$8,500 and approve window replacements by Casper Window & Door at the fire department not to exceed \$11,000.

Chief Hoover stated the air conditioning went out in the fire department in June and was finally recently repaired. The fire department decided to no longer work with the company that had been maintaining the HVAC system and hired Air Innovations to take over the yearly maintenance of their HVAC system. During their yearly maintenance, Air Innovations discovered that 2 of the large Molene heaters had cracked heat exchangers and it did not appear the previous company had been performing the maintenance they had been hired to do. The heaters require repair because they are required to keep the fire trucks from freezing.

Councilman Ficken inquired if the previous company would be liable as they were charging the town for maintenance and the heaters were not being maintained properly. Attorney Holscher stated he would need to see the contract the town has with the company. Chief Hoover stated there was no real contract, just a verbal one. The town clerk inquired if it would be helpful to provide paid invoices outlining the work that had been billed. Attorney Holscher stated that it would be.

Councilman Schwarzrock inquired if Air Innovations said what actually caused the failure. Chief Hoover said they will be receiving a detailed report from Air Innovations. Mayor Boyer inquired if the fire department is without heat at the moment. Chief Hoover stated they are down to minimal heat and they are down to one heater in the main bay. Councilman Ficken inquired if this repair would be taken from the same line item as the window repair. Chief Hoover stated it would. Councilman Ficken stated what was left should cover both of those items. Councilman Schwarzrock inquired if there is anything else foreseeable for the fiscal year that would need to be allocated from the budget line item.

Chief Hoover stated not at this point. Moved by Tim Ficken, seconded by Steven Clark, and carried without dissent to repair the heaters in the Fire Department not to exceed \$8,000.

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

Mayor Boyer confirmed the tree lighting would take place Saturday, December 16, 2023. Mr. Hoover stated yes, and that there is a good possibility that Santa would be coming into the Antelope Ballpark by Life Flight. The parade will end at Antelope Park, Santa will be brought in either by truck or helicopter, then everyone can go to the fire department for the carnival.

Mayor Boyer inquired what the status of the water tower repair is. Mr. Hoover stated the repair company was supposed to come fix it around Thanksgiving, but due to weather, that was pushed until next week.

- 12) **Zoning & Planning Report:** Chairman, Gary Geiger was present for questions or comments from the council. There was no meeting held for November 2023.

- 13) **Office Staff Report:** A written report was submitted. Clerk Treasurer, Kalista Schwarzrock, was present for questions or comments from the council. Mrs. Schwarzrock discussed replacing the payment drop boxes. Both of the current drop boxes lack anti-fishing features and the small drop box by the town hall does not keep moisture out and the checks are often wet. The council agreed it would be good to replace them.

- 14) **Petitions & Public Comment:** Resident, Mike Schoolcraft inquired if the town council is planning to invite the local news to come out for the ribbon-cutting ceremony at the new town hall. Mayor Boyer stated that he really hadn't thought about it, but that it was a good idea.

15) **Council Business:**

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

Mayor Boyer informed Councilman Clark of the 6<sup>th</sup> cent tax discussion that had taken place at the prior meeting as he was absent. Councilman Ficken stated the grey area he is still not comfortable with is the fact that everyone in the county is paying for each other's projects and some municipalities will have larger, more expensive projects that everyone will be paying for.

Councilman Clark stated he would be okay with the idea depending on how much is needed for the projects and how long the tax would be in place.

Mayor Boyer stated a decision did not need to be made tonight, but he requested that the council think about it and let him know their opinions on whether they are interested in hearing more or not or if they are interested in seeing it on the ballot in November 2024. He requested that everyone let him know their opinions before the next Mayor/Commissioner breakfast on December 21, 2023.

Councilman Clark and Councilman Ficken commented that the approach of putting the 6<sup>th</sup> cent tax on the ballot for the people to vote on was a more straightforward and honest way of putting that tax in place.

Councilman Schwarzrock stated that if a majority of the municipalities have to be in favor of the tax for it to be put on the ballot and if the council believes the residents of Bar Nunn are adamantly against this tax, Bar Nunn has more voting power to vote against it now with us than the community would be putting it on the ballot.

Councilman Clark inquired if Mayor Boyer had any idea how he believed the other municipalities would vote. Mayor Boyer stated he believed they had a majority in favor. Mayor Boyer stated that he believed Bar Nunn would stand alone voting against the tax. The council inquired how the residents in attendance felt. Resident, Jan Schoolcraft, stated she is more comfortable with the way this tax is being presented and being able to vote on it at the coming election.

Mayor Boyer stated that though it is just a penny, and it may not hurt him, there are people that extra burden would hurt. A penny can make a difference.

Resident, Jan Schoolcraft, inquired what the parameters are regarding dollar amount and time limit. Mayor Boyer stated it was his understanding that there was both a dollar limit based on proposed projects and a time limit to the tax.

Councilman Clark expressed concern that adding the 6<sup>th</sup> cent to the ballot would make it easier to make the 5<sup>th</sup> cent tax permanent.

Resident, Theresa Person, commented that she witnessed a situation in Minnesota where a bond was supposed to only go toward technology, but the school district used it to build a football stadium. There is the concern of abuse or evolution of the tax over time.

**B. Water Discharge Issue on Prairie Lane**

Mr. Hoover addressed the council regarding water from a French drain system surrounding a house on Prairie Lane that is getting discharged into the street. The issue had been discussed previously but had not been resolved. Mr. Hoover stated that the town needs to try to figure out what to do to remedy this situation going on in the street. As we start to see winter temperatures, the discharged water

is beginning to build an ice shelf on Prairie Lane right before the 4-way stop at Mustang and Prairie. Mr. Hoover estimated that the high point of the ice shelf was approximately 4.5 inches thick.

Councilman Ficken inquired where the water was coming from. Mr. Hoover stated that the resident was using the French drain system to pump the water out of his basement into the gutter, so the resident's basement did not flood. The water is coming from a water table under the property that had been disturbed. Mr. Hoover stated that the town recently had to redo the road in that area. His concern is if the issue is not addressed, the town will be replacing the same section of road again only a few years down the road. Mr. Catellier stated that the repair to the road that was done two summers ago was almost exclusively because of the water that was discharged from this property. The damage to the road was only in front of this particular residence. Councilman Clark inquired of Attorney Holscher what the legality was. Attorney Holscher stated that this situation could be considered aquatic trespass, and the town could send the resident a demand letter. The town could hold the resident liable for extraordinary destruction of public property.

Councilman Ficken inquired if the streets in that area are designed to carry water to a storm drain. Attorney Holscher stated that when the community was originally developed, it was decided that it would not have those systems. Councilman Schwarzrock inquired if that was documented anywhere. Attorney Holscher stated that information goes back to the original zoning and planning. He stated that Bar Nunn is fairly unique in that way. Town Engineer, Ray Catellier stated that there are some storm drains but only one in Sunset, one in Palomino, one in Trails End, and some in the newer subdivision.

Attorney Holscher inquired if there was any way the property owner could abate that, or if he created a permanent situation. Mr. Catellier stated he believes he created a permanent situation. He stated it was the only project he had worked on for a municipality where the town went out of its way to accommodate something that wouldn't be allowed in other municipalities. The City of Casper would never allow a resident to discharge a French drain onto the street.

Mayor Boyer inquired of the town engineer what options were available for this situation. Mr. Catellier stated he was unsure what the solution would be as he is unaware of the history of what had been done on that property that may have caused or augmented the issue. Councilman Clark commented that he sees similar situations in his line of work often and there are very limited remedies for the property owner in this situation. Often homeowners will just lose their basements in these situations.

Mayor Boyer instructed to Town Attorney to draft a demand letter to the resident.

**16) Miscellaneous Business:**

Steven Clark: Councilman Clark inquired if the council was going to continue the "Pillar of the Community." Discussion ensued about how a candidate could be chosen. Councilman Clark suggested a Facebook Poll. It was determined that the council would address the topic again in the spring.

**17) Adjournment: Moved by Tim Ficken, seconded by Steven Clark, and carried without dissent that there being no further business the meeting of December 5<sup>th</sup>, 2023, be adjourned at 8:32 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