



TOWN COUNCIL

MEETING MINUTES

Tuesday, March 5, 2024- 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, March 5, 2024, at 7:00 p.m. The roll was called which determined the presence of a quorum.  
**Present:** Mayor, Peter Boyer. Councilmembers: Steven Clark, Tyler Martin, Tim Ficken, and Frank Schwarzrock
  - 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 February 20, 2024:** Moved by Steven Clark, seconded by Tyler Martin, and carried without dissent to approve the minutes for February 20, 2024.
  - 4) **Current Payables List:** Moved by Frank Schwarzrock, seconded by Tim Ficken, and carried without dissent to approve the payables list of March 5, 2024.
  - 5) **Payable List for February 2024 & The 23-24 Year-to-Date Budget Report:** Checks #32000–32075, Direct Deposit #2486–2523, ACH #71817763 & ACH #4794501. Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve the Payables List for February 2024.
  - 6) **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.  
**-Utility Ordinance:** Attorney Holscher addressed the subject of Bar Nunn's utility ordinance as requested by Mayor Boyer in response to the recent utility discussion among Casper's City Council. He stated that he had evaluated Wardwell's rules, and it was not lined out whether a property owner could be held responsible, but according to common law, the municipality can charge the property owner because the bill attaches to the property. Since Bar Nunn has relied on Wardwell in the past for the water utility, the town of Bar Nunn has never passed a set of ordinances regarding utilities and services. Attorney Holscher informed the council that they do need to pass a set of ordinances that pertain to providing services. He provided the council with ordinances from Mills, Evansville, Casper, Douglas, and Laramie as examples to review and remove items they do not want or do not think apply to Bar Nunn. He also requested that the town engineer and head of public works review the ordinances as well since they are more familiar with the services and may have valuable input as well.  
Councilman Ficken inquired about the instance where a property is delinquent, and the owner vacates the property, and it is sold. He asked who is liable for the outstanding balance. Attorney Holscher replied that a debt that was incurred by the original landowner should be responsible. Councilman Ficken stated he knew Wardwell kept the debt with the property. Attorney Holscher stated that Wardwell's ordinances provided that they could. He stated that the town could do the same by making the outstanding debt a lien on the property. The council discussed whether the balance should stay with the property or follow the previous owner. Attorney Holscher noted that the problem with having the debt follow the person who incurred it is that it becomes a lingering debt to the town that is legally difficult to excuse because municipalities don't have much leeway in just excusing a debt. It is a common problem for municipalities to have those debts carried in their books.  
Attorney Holscher reiterated that the council should review surrounding municipalities' ordinances and then have a work session to draft the Town of Bar Nunn's using what was relevant from the surrounding areas. He noted he would like to get something put together quickly, but we are still in the transitional stage from Wardwell, so everything is being done in anticipation since the district still exists. Until the district is fully dissolved, the town is still technically operating under Wardwell's rules.  
The council opted to do a First reading of a utility ordinance at the March 19<sup>th</sup> meeting using Douglas as a template and then schedule a work session fine-tune the ordinance to Bar Nunn for the Second and Third readings.
- Regional Water:** Councilman Schwarzrock and Councilman Clark attended the most recent Regional Water board meeting. Attorney Holscher and the council were hoping that Bar Nunn's representative would be seated on the Regional Board at that meeting, but it hasn't happened yet because Regional is re-drafting its organizational documents. The Regional Board needs to make those documents current before our representative can be seated. He noted that Regional's Chairman and attorney were going to be meeting to work on that shortly after that meeting. Attorney Holscher was hopeful that they would have their

documents current by the next meeting and we can try to get our representative seated. Attorney Holscher noted that there was still one vote in opposition to Bar Nunn assuming Wardwell's seat on the board.

Councilman Schwarzrock noted that the Regional Board said they would not only have to approve it on their board but also send it to the state Attorney General before they would be willing to seat Bar Nunn. Attorney Holscher stated he believed if problems were to arise, it would be because there is a member of the board who is adamant against anyone else joining the club, but that would be met with AG opposition because it is contrary to Regional's mission.

Councilman Schwarzrock stated that Board Member Ken Waters made an interesting comment saying that if Regional lets Bar Nunn on the board, what would keep other recipients of regional water from assuming spots on the board as well. Attorney Holscher stated he believed there was concern that Mills would end up on the board. Mayor Boyer stated he had spoken with Mayor Juarez and there is no desire whatsoever for Mills to be part of the Central Regional Water Board. Councilman Schwarzrock stated he was under the impression that Mr. Ken Waters was more concerned that his vote would get watered down in the future by additional seats being added.

7) **Engineer's Report:** A written report was submitted. Town Engineer, Ray Catellier, PE was present for council questions or comments.

-Megan Nelms, Y2 Consultants: Mr. Catellier introduced Megan Nelms from Y2 Consultants to discuss planning services. Ms. Nelms stated she works with Attorney Holscher and the City of Mills doing their planning and is currently in the middle of updating their subdivision and zoning regulations. Ms. Nelms shared her background and history as a planner for municipal, county, and private development. She stated she is familiar with the state of Wyoming and would be excited to offer her services to the Town of Bar Nunn. She stated that Y2 offers governmental entities the WYDOT rate for services.

Mayor Boyer stated that the services we would need would be a little help with rezoning and to make rezoning recommendations.

Councilman Clark added that the council wants to zone the town so it can grow properly.

Attorney Holscher vouched for Ms. Nelms's experience, stating that she had worked on the Mills overlay in downtown Mills, which was a complex matter.

-Community Center Town Hall Project: Mr. Catellier reported that preliminary pricing was received for the door changes to the weight room between the gymnasium and the weight room and the exterior and the weight room. Sampson is still waiting for final pricing from the manufacturer for some items, but they've provided a not-to-exceed price of \$40,000. Sampson believes it will be less than \$35,000, but they want a cushion just because they don't know what the last couple of numbers coming in will be.

Sampson requested approval from the council to move forward with the doors because it takes about four weeks to get the overhead doors in. If they can get approval now, they can get things ordered so they are ready to install once the air handling unit is in and the project is not waiting on a late addition.

Mr. Catellier stated that there is still \$107,959.93 left in the contingency. \$40,000 for doors would take that contingency down to just under \$68,000. That is still a healthy contingency. Sampson will do one more evaluation next week, but they do not foresee anything else being added to the contingency.

The last bit of sidewalk is being installed. The fencing and trailer will be removed at the end of this month. At that point, the contractor will come in and do the rest of the earthwork and grading and some more concrete at the north entrance of Antelope and Sunset. There is also one strip of concrete right at the front of the building that is not installed yet because the temporary heating and gas are strung through there. Once the new air handler gets put in, they get to take the gas out and they'll put the concrete in. We will have a landscape plan at the next council meeting to move forward with getting landscaping done during planting season.

Mr. Catellier also reported that Pepsi has provided a scoreboard for the new town hall gym. Pepsi would like the town to consider an agreement with them to provide vending machines to the town hall for seven years to help them recoup the cost of the scoreboard.

They would maintain and stock the vending machines and the proceeds from items sold would go towards the cost of the scoreboard. Attorney Holscher requested to review a written agreement from Pepsi before approval.

-Salt Creek Highway: CEPI received a response from WYDOT that they are willing to perform maintenance on the drainage across the interstate, but they will not participate in costs for the concrete channel, which was fully expected.

-Long-Range Transportation Plan: The MPO is looking for a steering committee member to represent Bar Nunn for their long-range transportation plan. Councilman Clark inquired how this plan affects Bar Nunn. Mr. Catellier responded that the big deal for Bar Nunn would be a West Winds Road extension, a potential Polaris Street extension, or something similar providing connectivity to other areas. Mr. Catellier stated that long-range meant that the plan would be over 20 years. The other entities are starting to put a lot more emphasis on this document. Not just that, but then following through with the idea of planning the work, working the plan.

Councilman Ficken offered to be the Bar Nunn representative for the steering committee for the Long-Range Transportation Plan.

-SAIA Trucking Site Plan: Mr. Catellier notified the council that he would be reviewing the SAIA Trucking site plan on Salt Creek Highway and Opportunity Boulevard since Wardwell's engineering firm, HDR, is being phased out of providing engineering services with the dissolution of the district. He is reviewing the site plan to ensure that it meets the requirements for water and sewer.

-Street Improvements: Mr. Catellier sent plans to the public works director to review options for street repairs and improvements. One

option is to place asphalt down Sunset from Antelope Drive to Salt Creek Highway, then some miscellaneous repairs on Nez Perce from McMurray to Mandan and some minor concrete improvements. That option is estimated to cost \$656,000. The second option would be just in front of the town hall and including Nez Perce at an estimated cost of \$456,000. It is about a \$200,000 difference between doing the whole project versus just a portion of it. Mr. Catellier stated that the full-depth repair would be a complete rebuild of the road directly in front of the town hall lot as that part is deteriorating rapidly. The rest would just be a mill and overlay. Mr. Catellier inquired if it would be possible to begin the bidding process for the project in early June, and then award the project in July after the budget for the new fiscal year is finalized. Councilman Clark said that he would like to examine the current budget first. Councilman Ficken inquired if it was something that needed to be completed as soon as town hall construction was complete to make that stretch drivable. Mr. Catellier said that no, the way it is the way it would stay until this project is awarded.

Mayor Boyer stated that due to taking on Wardwell Water's budget as well, the council will need to have extra budget sessions and suggested that the council start budget meetings in April.


Councilman Schwarzrock and Councilman Ficken inquired if they could choose to just do the portion in front of the town hall. Mr. Catellier advised that any work done now to make that asphalt surface would only be torn out later because that stretch requires full-depth repair. Mr. Catellier stated that they could choose to go in and put in a very thin asphalt layer to act as a band-aid. Mr. Catellier stated he would do some research to see how much it would cost to put a more permanent surface there than what exists now. He stated it may be worth it to be able to push the project back about 5 months until the new budget is in place.

Mayor Boyer asked if a decision was made at the next council meeting, how soon construction could be underway. Mr. Catellier stated that there are a few avenues the town could take to move forward quickly. There is potentially \$60,000 in the contingency for the building project. There are also dollars left over from the site, and the clerk manages the amenities budget, so there are dollars that have been allocated to the building project that are not expended which would mean a quick fix could be done right away. There is also a site contractor that has paving in their contract, so we could do it as a change order to their existing contract because it is work that they did. Part of their contract was to perform asphalt repairs, but when we roto milled and placed the roto mill out, it changed the scope of that. That would be a quick option to put the band-aid solution in depending on if those dollars are available in those funds. There are multiple ways to approach and complete these improvements.

Mayor Boyer stated that he didn't believe a quick fix would be cheap either and felt that it would be a waste of the people's money just to make something look nice temporarily when it would just be ripped up and redone anyway. He requested that the town clerk present updated budget numbers to the council at the next meeting.

- 8) **Zoning & Planning Report:** Gary Geiger was present for questions or comments from the council. He stated that there was no meeting for February.
- 9) **Fire Department Report:** A written report was submitted. Fire Chief, Robert Hoover, was present for questions or comments from the council.
  - Chief Hoover stated that a lot of the county fire wardens in the central and eastern part of the state are now recommending putting in fire restrictions due to the lack of moisture this winter. Fire restrictions this early in the year are kind of unprecedented. Chief Hoover stated it was something that he had never seen happen in Wyoming in his lifetime.
  - Councilman Clark inquired what the status of the truck that was involved in an accident. Chief Hoover stated that everything has been submitted to the other driver's insurance and we are waiting to hear back on what they're going to do.
- 10) **Maintenance & Water Report:** A written report was submitted. Director of Public Works, Robert Hoover, was present for questions or comments from the council.
  - Mr. Hoover requested that the council consider purchasing an electric walk-behind floor scrubber for cleaning the new gymnasium. The cost of the 20" unit Mr. Hoover proposed is \$2,249 plus shipping costs. The council discussed with Mr. Hoover the functions of the machine and the necessity given the size of the gymnasium. Moved by Steven Clark, seconded by Tyler Martin, and passed without dissent to purchase the Global Industrial Electrical Walk Behind Auto Floor Scrubber with a 20" cleaning pad not to exceed \$3,000.
- 11) **Office Staff Report:** A written report was submitted. Office Clerk, Tiffany Popp, was present for questions or comments from the council.
  - The council discussed a quote from Wyoming Transfer and Storage that was presented by the clerk for moving from the current town hall to the new building. The town was quoted \$1,780 for one truck, and three movers over eight hours. Councilman Schwarzrock inquired if the price presented was a solid price for a full eight hours, or just an estimate on the amount of time they believed it would take. Mrs. Popp stated she believed that was just for the full eight hours, but the town clerk would need to clarify that. Councilman Clark noted that if it is quoted at an estimated eight hours and the amount of time needed was less, the billing should reflect that. Mr. Hoover stated that there are not a lot of movers locally he would consider as trustworthy to handle some of the critical documents that we have at the town hall. Mr. Hoover stated that considering the items being moved, that \$1,780 was not a bad price. Councilman Clark inquired what all would be going to the new building. Mrs. Popp stated that there would be two large office printers, a mail machine, file cabinets, and boxes of records. Mayor Boyer stated that there is a lot of stuff.

- 12) **Petitions & Public Comment:** Resident, Cheryl Fischer, stated that she had a safety concern. She stated that drivers have increasingly been speeding down McMurray Boulevard at unnecessarily high speeds. There are too many people walking on the path that crosses McMurray, dogs, and children for drivers to speed down that street and she is concerned with everyone's safety. Mrs. Fischer presented the council with a proposal to fix the concern. She proposed that the town consider putting in a new speed table by Nez Perce to the mailboxes and paint it and the one currently at Tonkawa with yellow and black diagonal stripes, so people see it. Mrs. Fischer believed this solution would decrease speeding and make McMurray safer for everyone. Councilman Ficken stated he believed that was a great idea. Mayor Boyer asked the town engineer what a cost estimate would be for a speed table. Mr. Catellier stated about \$10,000 to \$15,000. Mayor Boyer stated that he appreciated that Mrs. Fischer came in with solutions and not just problems. He stated that it was something that had been considered in the past and it will be discussed during the upcoming budget sessions.
- 13) **Council Business:**
- A. WAM Convention Attendance:** The Wyoming Association of Municipalities convention is set for June 6<sup>th</sup>-7<sup>th</sup>. Mayor Boyer stated that if anyone can attend, let the town clerk know. The clerk needs to know fairly soon if anyone is going to attend because there are hotel rooms that need to be booked in advance. Mayor Boyer informed the council that WAM will be voting on resolutions that will be presented to the state legislature at the summer convention.
- 14) **Miscellaneous Business:**  
Peter Boyer- The council needs to finalize a date for the grand opening of the town hall. Councilman Martin stated that it had been tentatively set for May 11<sup>th</sup>. To be sure the building would be completed, he suggested that the grand opening be set for May 18<sup>th</sup> from 11 a.m. to 1 p.m. instead. Mr. Catellier suggested that CEPI and Sampson Construction serve burgers at the grand opening. Mayor Boyer stated that as the date gets closer the council can discuss additional ideas. Resident, Cheryl Fischer, suggested that the event be advertised on Facebook.
- 15) **Executive Session – Legal Matter:** Mayor Boyer adjourned the regular council meeting and entered Executive Session at 8:42 p.m. Moved by Tyler Martin, seconded by Tim Ficken, and carried without dissent to enter the Executive Session.
- 16) **Reconvene Regular Council Meeting:** Mayor Boyer reconvened the regular council meeting at 9:07 p.m.  
**Roll Call:** Mayor, Peter Boyer. Councilmembers: Tim Ficken, Steven Clark, and Frank Schwarzrock.  
Moved by Frank Schwarzrock, seconded by Tim Ficken, and carried without dissent to ratify the release of the code enforcement officer.
- 17) **Adjournment:** Moved by Tim Ficken, seconded by Frank Schwarzrock, and carried without dissent that there being no further business the meeting of March 5<sup>th</sup>, 2024, be adjourned at 9:08 p.m.

  
 Peter Boyer, Mayor

ATTEST: (seal)



  
 Kalista Schwarzrock, Town Clerk-Treasurer