



TOWN OF BAR NUNN

1500 Palomino Ave., Bar Nunn, Wyoming

TOWN COUNCIL

MEETING MINUTES

Tuesday, July 2, 2024- 7:00 P.M.

1500 Palomino Avenue,
Bar Nunn, Wyoming

- 1) **Roll Call:** Mayor Peter Boyer called the meeting to order on Tuesday, July 2, 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 June 18, 2024:** Moved by Tyler Martin, seconded by Steven Clark, and carried without dissent to approve the minutes for June 18, 2024.
- 4) **Minutes of June 24, 2024 Special Session:** Moved by Frank Schwarzrock, seconded by Tim Ficken, and carried without dissent to approve the Special Session Minutes of June 24, 2024.
- 5) **Current Payables List:** Moved by Steven Clark and seconded by Tim Ficken. Frank Schwarzrock recused himself due to a mileage check. The motion was carried without dissent to approve the payables list of July 2, 2024.
- 6) **Payable List for June 2024 & The 23-24 Year-to-Date Budget Report:**
Checks #32290 – #32368, Direct Deposit #2634 – #2674, ACH #52329196 & ACH #60835013. Moved by Steven Clark, seconded by Tyler Martin, and carried without dissent to approve the Payables List for June 2024.
- 7) **Resolution 2024-13:** “A RESOLUTION REGARDING CERTAIN WARDWELL WATER & SEWER ACCOUNTS AND FUNDS” Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve Resolution 2024-13.
- 8) **Resolution 2024-14:** “A RESOLUTION PUBLISHING CURRENT SALARIES AND WAGES” Moved by Tyler Martin and seconded by Steven Clark. Frank Schwarzrock recused himself due to his relationship with the clerk. The motion was carried without dissent.
- 9) **First Reading for Ordinance 2024-04:** “AMENDMENT OF THE ANNUAL APPROPRIATION ORDINANCE (BUDGET) FOR THE FISCAL YEAR ENDING JUNE 30, 2024” Moved by Tim Ficken, seconded by Frank Schwarzrock, and carried without dissent to approve the second reading of Ordinance No. 2024-04.
- 10) **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 informed the council that Wardwell’s attorney presented a proposal to the Natrona County Commissioners requesting that they take over the administration of the Blair Lane Improvement District, which was road improvements paid for by Wardwell and to be paid back to Wardwell over five years. The County Commissioners were not interested in taking over that district's administration. Wardwell’s attorney will approach the property owners directly to see if they wish for her to form a district to complete that. Attorney Holscher stated that he doubted the property owners on Blair Lane would want to form a new district for this. Wardwell Water and Sewer District facilitated the road improvement district because the residents of Blair Lane weren’t managing it in the first place. There is an old district that was formed around 2007 that never really got off the ground. Bar Nunn cannot legally manage road improvements outside of town limits and Blair Lane is outside of Bar Nunn’s limits and growth boundaries. Councilman Ficken confirmed that Wardwell was essentially trying to recoup the money they had put into the Blair Lane project, and if it was going to end up being a bad debt that is written off on the books. Attorney Holscher stated that is effectively what it is as the Wardwell Board already spent the money. Councilman Ficken stated it was unfortunate for the residents who did the right thing and paid their portion of the debt.

-Councilman Schwarzrock inquired what Attorney Holscher's thoughts were on divesting the portion of the water system that lies within Mills' boundaries. Attorney Holscher stated that ought to be analyzed at some point because it is kind of complicated, but not immediately. Wardwell still isn't dissolved, and the town has to provide water for so many years but at some point in time, the town should consider divesting itself of that because we don't want to be providing water inside another municipality. Councilman Schwarzrock asked if that would create its own entity or if it would become part of Mills. Attorney Holscher stated that legally, Mills should assume ownership of it.

Attorney Holscher stated that in the meantime, the council should consider trying to annex south to the growth boundary. He noted that there are some residences in that area, but it is mostly industrial, and he believed most of those properties would probably be willing to come into the town. If that was accomplished, that would leave south of the growth boundary to Highway 2026 plus Midwest Heights as the Wardwell area. Then the long-term planning for that area could be appropriately discussed. A problem the town has encountered is enforcing policies in the areas outside of Bar Nunn in situations such as people destroying infrastructure.

Mayor Boyer inquired of the town engineer if the liabilities and obligations of annexing south to our growth boundary would be worth the increase to the tax base. Mr. Catellier stated the easiest thing to do would be to contact the county and see what those properties pay in taxes for an idea of what they would bring under the town umbrella. The streets will be the biggest cost of annexing those properties.

Mr. Holscher stated that once those properties are part of the town, the town can form a special district within that area that is just for the purpose of bringing the streets up to code. That can be paid over years and does not have to be paid at once.

Councilman Ficken asked how far south Bar Nunn's growth boundary goes. Mr. Holscher stated it goes to Melodi Lane.

-Mayor Boyer asked Attorney Holscher if just the clerk and himself should have a separate phone for town business, or if all of the council should have a phone/tablet as well. Attorney Holscher stated that the Mayor and the Clerk in particular tend to use their phones for municipal purposes often, so it was best for them to have a separate phone for that purpose. The clerk informed the council that she already had a separate phone for town business. Mayor Boyer stated he would be doing the same.

-Attorney Holscher informed the council that the first round of distributions on the PFAS lawsuits will take place July 16th. Mills and Evansville have heard from the law firm handling that lawsuit, but nothing has been received by Wardwell. He informed the council he had been in contact with Wardwell's attorney, Ms. Alia Scott, and she had not heard anything either. The first round of this lawsuit was tested at the source of supply, which would have been Regional Water, and they should have submitted if they were part of the suit. At this time, Attorney Holscher does not believe there is anything the town can do about participating in the first round of the suit. He stated he hoped to get on the second round, but believed our chances of getting anything significant are low because we don't have anything to submit.

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

-Mr. Catellier informed the council that the preconstruction meeting for the landscaping would take place on July 15th.

-The contractor is still finalizing some punch list items for the town hall.

-The weight room flooring will have the last strip laid along the outside wall and that will be done for the time being.

-Asphalt projects are getting ready to advertise for Salt Creek Highway from Shirks to Motor Power to reduce the bumps. Councilman Clark asked if it was a 4-inch mill. Mr. Catellier stated he believed it was going to be a 2.5-inch mill with a 3-inch overlay. The other project that will be advertised is the reconstruction of the one block on Nez Perce from McMurry to Mandan. That will be a full-depth repair with a new base, new asphalt, and some concrete. Then the mill and overlay at the intersection of Sunset and Antelope.

-Councilman Schwarzrock asked what the plans were for lighting on the flagpole. Mr. Catellier stated that the contractor is waiting on the light fixtures. It will have 3 lights installed around the base for continuous lighting. Councilman Schwarzrock asked if was just being raised and lowered in the meantime. Mr. Hoover stated they have been trying to, but the problem is flags should be folded when lowered. He stated it is difficult to fold a flag with one person. Since it is a government building, it is often left up. Mayor Boyer asked how long until the lights arrived. Mr. Catellier stated it should be any day.

-Mayor Boyer inquired if Councilman Ficken had an update on when the exercise equipment would arrive. Councilman Ficken stated they are still waiting on one more machine. Mayor Boyer asked if we could install the rest of it while we're waiting on that one piece. Councilman Ficken stated it was one of the largest pieces, so they would not ship anything until they had it.

-Mayor Boyer asked when the stop sign coming into the town hall would be moved. Mr. Catellier stated it would be moved the following week. Councilman Schwarzrock asked if there was any way to move the boulder at that same corner over just a little bit

to make the turning right a little less tight. Mr. Hoover stated he was going to work with the town engineer to address that whole intersection because the valley pans need attention as well.

- 12) **Zoning & Planning Report:** Gary Geiger was present for questions or comments from the council. Mr. Geiger reported that there was no meeting held in June.

- 13) **Fire Department Report:** A written report was submitted. Fire Chief, Robert Hoover, was present for questions or comments from the council.

-Councilman Ficken noted the swath cut around the town for the fire line.

-Resident, Ken Hume asked what could be done about a pile of junk behind properties on Zuni Trail. The council stated that it is on private property, so the town can't do anything about it.

-The new command unit was received with no hail damage from transport.

-We should receive the brush truck from the BLM Rural Fire Assistance program next week.

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

-Councilman Clark inquired if maintenance is able to patch the spot where a piece of equipment was broken at High Plains Park. Mr. Hoover said supplies were ordered and the spot would be patched when they arrived. He noted the broken equipment was not repairable. Since the equipment at that park was set in concrete foundations with a pad over the top, it would be extensive to repair. At this time, it is most cost-effective to patch the space rather than attempt to repair the equipment. The council agreed as the vandalism to the equipment at that park seems relentless.

-Mr. Hoover reported that the valve inventory project was complete. In total, 13 valves were seized up and will not operate. Eight of those were hydrant valves and five were mainline valves. Nine valves were inaccessible because the valve boxes were torn up and bent.

-The maintenance crew will be rebuilding a portion of the sprinkler system on McMurry. They discovered that whoever installed that sprinkler system used a thin wall PVC when they turned them on this year and the water pressure blew the lines apart.

-Mr. Hoover reported that as of this year, neither WYDOT nor Natrona County will assist Bar Nunn with street striping. Councilman Schwarzrock asked if it would be worth reaching out to other municipalities about borrowing their striping equipment. Mr. Hoover stated Mills and Evansville also used Natrona County. He stated that the State of Wyoming has one they will be getting rid of in two to three years, but that does not help us at this time. Mr. Hoover stated he had looked online and prices for that piece of equipment ranged from \$90,000 to \$100,000 plus shipping. Councilman Schwarzrock asked what the price would be for the used unit from the state if they waited two to three years. Mr. Hoover stated he did not have an actual number but guessed it would be close to \$25,000 to \$50,000.

Councilman Ficken stated he was most concerned about the crosswalks and inquired if we could do those ourselves. Mr. Hoover stated that the maintenance crew could do the crosswalks.

-Mr. Hoover stated that normally the splash pad is shut down for thunderstorms or high wind events. This summer has had more high winds than normal. This poses a problem because the splash pad is a recirculating system. When all the water blows off the pad, we are constantly replenishing 2000 gallons of water every few minutes. Then the chemicals are out of balance and need to be replenished to keep PH levels in line with what is required by the Natrona County Health Department. This does pose an increased cost of operation in both water and chemicals. Mr. Hoover stated he would like some direction from the council on operation during high wind days. After some discussion with the council, Mayor Boyer directed Mr. Hoover to leave the splash pad in operation as long as wind speeds do not exceed a sustained speed of 40 miles per hour. The maintenance department will continue to shut down the splash pad if weather forecasts call for thunderstorms.

- 15) **Office Staff Report:** A written report was submitted. Town Clerk, Kalista Schwarzrock, was present for questions or comments from the council.

-Mrs. Schwarzrock noted that the gym is mostly utilized at this time by kids riding their bikes to the town hall. She requested that the council consider installing a bike rack in the future. The council discussed various options for a bike rack. Mayor Boyer liked the idea of a local company like Peppertank making one for the town hall.

- 16) **Petitions & Public Comment:** Joey Anton and his sister, Ashley with No Prep Kings were present to discuss taking over the drag races for Octane Associates as Baylor would be stepping aside for personal reasons. They expressed to the council that safety was their main priority and discussed how they would manage the races. Attorney Holscher stated the town would need to sign a new contract as

it is a new entity and the town's agreement is with Octane Associates. The council discussed with Mr. Anton what he would need to present to enter into a contract with the town to host the races, such as insurance. Mr. Anton was directed to speak with the town attorney regarding what they would need to have in order to enter into an agreement with the town and he would review those items. Since there was such a short timeframe between council meetings and the next race, the council pre-authorized Mayor Boyer's meeting with Mr. Anton to enter into an agreement with his organization if they could present a satisfactory plan and documentation. Mayor Boyer planned to meet with Mr. Anton on July 8th.

-Resident, Ken Hume, confirmed that Chief Hoover is writing the evacuation plan for the emergency preparedness committee. He then asked the council if they had an opportunity to review the questions he had presented to them at the prior meeting. The council stated they had not had a chance to fully review them but had thought that the plan should primarily be for the governmental body, and then secondarily for the citizenry, mostly so that officials know how to lead in an emergency.

-Resident, Robert Hoover, suggested that the council consider holding a special meeting and inviting the older kids in town to see what they would like to see come to the community. He stated that if the town tried to gear something towards the older kids, it may curb some of the vandalism we see around town. Councilman Clark mentioned communities installing walls for purposeful graffiti. He stated that if kids are given a little ownership, they may do better.

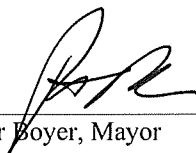
17) **Council Business:**

A. Central Wyoming Regional Water Rate Increase: Mayor Boyer stated that the town received a notice from Central Wyoming Regional Water that water rates would be increasing by 4% effective July 1st, 2024. Attorney Holscher stated that the town cannot absorb that increase, but can do a straight pass-through of the increase to the wholesale rate to water customers. Moved by Steven Clark, seconded by Tim Ficken and carried without dissent to increase the water rate by \$0.09 per thousand gallons to reflect the increase in the wholesale rate from Regional.

B. Settler Wind Farm: Attorney Holscher reported that the town received notice from the Department of Environment Quality of another energy project with a potential impact to Bar Nunn. A memorandum of understanding with the town's requests is due on July 19th, so there is very little time to gather that information, so the council needs to decide what they would like to request by the middle of next week. He suggested that the council keep in mind that certain resources are strained, and this may be a good opportunity to request funds for a police department. Attorney Holscher confirmed with the council he had the approval to request to be parties to the permit. They stated he did.

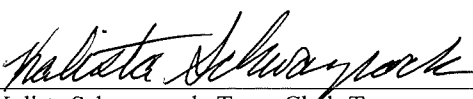
Attorney Holscher noted that another solar farm was in the informational stage and it appears they intend to move along quickly. They have an invitation to participate. Attorney Holscher stated that he would like to respond that we are interested in any public commentary or to listen in on any presentations to stay on their radar.

18) **Adjournment:** Moved by Steven Clark, seconded by Tyler Martin, and carried without dissent that there being no further business the meeting of July 2nd, 2024, be adjourned at 8:49 p.m.


Peter Boyer, Mayor

ATTEST: (seal)




Kalista Schwarzrock, Town Clerk-Treasurer