

**MINUTES OF THE MEETING  
TOWN COUNCIL  
BAR NUNN, WYOMING**

The regular meeting of the Town Council of Bar Nunn was held on Tuesday, September 6, 2016, 7:00 P.M., at 4820 N. Wardwell Industrial Avenue, Bar Nunn, Wyoming.

The meeting was called to order by Mayor Protem Josh Brown.

The roll was taken by Carol Pendley, Clerk. Those present were Mayor Protem Josh Brown, Councilmembers Steven Clark, Robert Hoover and Teri Kelly. Mayor Patrick Ford is running late having accompanied Attorney Stedillie to the Wardwell Water Meeting.

Mayor Protem Brown led in the Pledge of Allegiance.

First business item on the agenda was Minutes of August 16, 2016 Council Meeting. Councilmember Kelly made a motion seconded by Councilman Hoover to accept the minutes of, August 16, 2016. Councilmembers Kelly and Hoover, and Mayor Protem Brown voted in the affirmative. Councilman Clark abstained from voting as he was absent from the meeting. Motion passed by majority vote.

Payable List for August, 2016 was next on the agenda. Councilman Clark made a motion seconded by Councilmember Kelly to approve the Payable List for August, 2016, stated by Mayor Protem Brown as Checks numbered 26351 through 26439, and ACH Payments numbered 555970838 and 15627360. During discussion Councilman Hoover asked what the invoice to Design Studio, \$625 was for. Clerk Pendley stated the invoice was for consultation. Being no further discussion, motion was passed unanimously.

Mayor Protem Brown asked Clerk Pendley to note the time as 7:05 P.M. and arrival of Mayor Ford who assumed meeting proceedings.

Attorney's Report was next on the agenda. Attorney Alaina Stedillie stated she and Mayor Ford had attended the Wardwell Water and Sewer Meeting to discuss easement issues with the waterline under the park adjacent to Palomino Avenue.

Agreement was reached Wardwell would not pay for any repairs in the event the tennis courts had to be disturbed but will pay for asphalt repairs to Palomino Avenue, after it is constructed, if damaged by Wardwell. Specific language reflecting that will be in the easement as agreed to by attorneys for both parties.

Attorney Stedillie stated there was some inaccuracy in a letter received from Gloria (Wardwell Water) about electronic plan submission based on City of Casper requirements. Casper doesn't have specific requirements. Bill (Engineer Johnston) and

Barry (Wardwell Engineer Barry Venn) will collaborate on the GIS layering requirements of the electronic plans for submission.

Attorney Stedillie received a letter from Jim Bell, Attorney for Pope Construction regarding Bar Nunn School Building Permit. Pope is disputing fees paid for plan review and inspections. Attorney Stedillie will talk with Clerk Pendley to refine the equations presented and respond to Mr. Bell by the end of the week.

There was no court in August.

Councilman Hoover inquired of Attorney Stedillie if there is a legal avenue to address residents who deposit branches, concrete chunks, and dirt piles in the alleys, specifically in drainage areas of the alleyways. Attorney Stedillie replied if the debris is within the owner's property line it would be a code enforcement citation issue, and since we have no code enforcement person currently, the Mayor can talk to the Sheriff about asking deputies to write tickets under municipal violation codes. Letters could be sent addressing homeowner responsibility to keep alleys clear, but currently there is no enforcement.

Mayor Ford stated he did not want the check to DSWD sent stating he had spoken to Miguel (Leotta) and Miguel said we were billed in error. Mayor Ford indicated Miguel said he would contact Tom Ward to issue a credit. Councilman Brown stated the Payable List had been approved and Mayor Ford said it could be adjusted. Mayor Ford marked the check as voided.

Mayor Ford did not want the electrician City Service paid for installation of the light shields which are not providing the desired light diffusion sought (Vista Hills Pathway). The issue is with the product installed. The shields were designed by Chris Isaacson, Engineer for EDA under the original contract and Mr. Isaacson is no longer with the company. Engineer Johnston said the original product development was limited by the pole installers since they had the liability for the equipment on the pole, in case of a mishap. Councilman Clark believes more research could have been done on what was needed.

Engineer Johnston recommended the Town determine its desire to assume liability for altering a product and for the poles it is placed on in the event of a mishap. Another type of light fixture could possibly be installed and sell the old ones. The "clanging" issue has been resolved.

Councilman Brown asked Engineer Johnston for options, and would any further modifications void any warranty on poles, and if fixtures were further modified what would the cost be in comparison to just starting over? Engineer Johnston stated if Council wishes to make a claim against the engineer/EDA as the Town feels damaged, the Town probably would not want to rehire them to do the work. If the Town just wants another type of fixture installed, EDA could be used.

In response to a question from Councilman Hoover regarding legal procedure, Attorney Stedillie suggested a demand letter be submitted to the (design) engineer (EDA) stating the product received is ineffective and needs to be reengineered, replaced, or reinstalled to the satisfaction of the Town. Attorney Stedillie said there is no basis to withhold payment to the subcontractor City Service Electric who did what they were supposed to do, install the equipment provided. The check to City Service should be paid as previously approved.

Councilman Clark is hesitant to use EDA again since the first product is not satisfactory. Mayor Ford and Councilmember Kelly concur. Attorney Stedillie asked for a copy of the contract to draft a demand letter.

Mayor Ford said to strike his objection of payment to City Service. Councilman Brown reminded Mayor Ford the payable list had already been approved and Mayor Ford said "we can go back and fix that".

Councilman Brown made a motion for a copy of the contract with EDA be submitted to Attorney Stedillie to review, and compose a demand letter to rectify, replace or otherwise compensate the Town of Bar Nunn for inferior product (Light Shields). Councilman Hoover seconded and motion was unanimous.

Next on the agenda was Third and Final Reading of Ordinance #2016-04, "AN ORDINANCE OF THE TOWN OF BAR NUNN, WYOMING SETTING GUIDELINES AND REGULATIONS FOR OWNING LAYING CHICKEN HENS WITHIN TOWN LIMITS". Councilman Hoover made a motion seconded by Councilman Clark to approve the ordinance on third and final reading. Motion was unanimous.

Engineer's Report was next on the agenda. Bill Johnston, Town Engineer submitted a written report. The Antelope Park Pathway concrete pour will be Friday instead of Wednesday.

Additionally, Engineer Johnston reported receiving correspondence from DEQ requesting clarification/justification of changes on the waterline plans which Engineer Johnston is in the process of responding to.

Mayor Ford asked if there are any anticipated issues with the DEQ letter as Wardwell Water (person(s?) wanted to know if/when the concerns would be "remedied". Mayor Ford asked if DEQ Permits would have to be reapplied for and indicated Wardwell Water concerns were the reason he and Attorney Stedillie were late for tonight's council meeting.

Engineer Johnston copied Engineer Dolan on the letter. Engineer Dolan verbally concurred the letter does not represent big issues with the two issues addressed by DEQ.

Engineer Johnston explained piping was changed, with confirmation from 609 Consulting, due to availability of a material at a smaller size that would do the same if not better job and which he is familiar with working with (PVC pipe). Engineer Johnston has no experience with "fused butt joints" that come with HDPE (high density polyethylene) pipe. Additionally, HDPE connections allow for greater corrosion issues. This is not a change anticipated to cause DEQ a problem.

DEQ cited no mention of a fire line. Engineer Johnston stated the fire line has to be permitted separately and is sure DEQ will not allow it to be "permitted" until there is a building to run the line to. The line is included on the plans for when there is a building.

Engineer Johnston expressed concerns and frustrations dealing with water issues. Attorney Stedillie stated obtaining written information/allowances in future transactions is preferable.

Councilman Hoover asked if total cost of the snow fence section to be done is available. Engineer Johnston did not bring the figures to tonight's meeting.

Clyde Dolan Field Engineer on Construction Work from 609 Engineering, was in attendance having presented color choices to council for the poured in place product for High Plains Park, and attending to procure the Mayor's signature on the Contract and the Notice to Proceed documents previously delivered to town clerk to proceed with the playground project. There will be an on-site supervisor to supervise the work of the installers. The project, as reported by Engineer Dolan is scheduled to be completed by October 15, 2016.

Councilman Hoover made a motion seconded by Councilman Brown to select #1308 Beige as the Poured in Place (PIP) color for the base under and around the new Island Oasis color schemed playground equipment for High Plains Park. Motion was unanimous. Engineer Dolan will inform the contractor of the color choice.

Shawn Leppert and Richard Farnsworth provided a Power Point Presentation to make recommendations for resolving drainage issues on a portion of Antelope Drive.

The presentation and narrative covered the physical setting, hydrologic setting and geologic setting of the approximate 300 feet of road damage addressed. The "primary cause of road damage is seasonally saturated soft expansive clays in the road base." It was recommended to install a French drain on either side of the road 4 feet deep; and recommended to stabilize the road base adding lime to a depth of 3 feet.

No cost figures were available as this was a study to determine cause, effect, and suggested remediation for the problem. Leppert Associates does not currently employ a Wyoming Road Certified PE. Project drawings and Contract were estimated to take 1 to 2 weeks and actual work would probably take 2 to 3 days. No residential properties on the west side of the road area will be negatively affected.

Mayor Ford offered to contact Wardwell Water about property access during the process.

Fire Department Report was next on the agenda. The monthly written report for August was submitted. Mayor Ford initiated discussion about fire vehicles not being sent on out of state calls and Councilman Hoover (Fire Chief) stated no income was derived from the out of state fire because no fire vehicles are sent on out of state fires.

In response to a query from Councilmember Kelly as to why we weren't sending vehicles out of state, Councilman Brown stated the decision was made by Council quite some time ago and was prompted by the exorbitant maintenance costs of wear and tear to vehicles returning from fires most times from multiple state distances away. The lost coverage to the Town as well as maintenance to vehicles was not offset by the minimal revenue reported by the Fire Department. The majority of money made on fires, paid out to individuals through wages continues and they take their own vehicles out of state (for which they are personally reimbursed from the federal agency paying for fire expenses).

At this time Councilman Hoover recused himself from further discussion as a "single resource gaining benefit from going on wildland fires", therefore having a conflict.

Mayor Ford asked Rick Ratcliff, Natrona County Fire Chief, in the audience, to join the discussion. Chief Ratcliff was asked to comment on Mayor Ford's having heard other volunteer fire departments fund themselves through wildland firefighting during summer months alleviating part of the town's burden of funding the volunteer fire

department's costs. Chief Ratcliff said it is an active source of income. Currently over half a million (\$500,000) dollars is anticipated income to Natrona County. Approximately 90 percent of that (\$450,000) is wages to be paid out to individuals. Current outstanding for equipment and vehicles on fires is over two hundred thousand (\$200,000). It is very profitable as long as equipment is taken care of and equipment is in good shape. Mayor Ford asked if there is a database to measure the risks of department participation and related equipment costs. There is not.

Councilmember Kelly would like to research sending the fire department out of state. Mayor Ford is not opposed and would like to talk to other departments, through a contact list from Chief Ratcliff.

Councilman Brown asked Mayor Ford to research the Town's past historical costs during the time when participating in out of state firefighting.

Councilman Hoover invited Council to contact him to arrange to visit the fire hall as the new flooring has been installed.

No contact from Zoning and Planning and no report. There was one member in attendance who reported he was not qualified to report and there was no report.

Maintenance Report was next on the agenda. Head of Maintenance Chuck Johnson presented his written report. The tennis court was finished last Friday and the Prairie Lane and Sunset Boulevard wastewater line repairs are being done. There was additional discussion about striping, effectiveness in fall, and scheduling limitations since striping is done by Road and Bridge of Natrona County. It was determined striping is still effective even in fall.

Following up with previous discussion during Attorney's Report, Mr. Johnson was told if there is debris in the alleys/right of ways or drainage areas it is Town's/his responsibility to clear it. If intentional and the offending party can be identified, they can be cited for littering through a complaint to the Sheriff's Office, or Code Enforcement Officer when we have one.

Petitions and Public Comment was next on the agenda. Request for assistance with Metro was requested by Mr. Schoolcraft on Trails End. Mr. Schoolcraft is dissatisfied with their service. Attorney Stedillie directed Mr. Schoolcraft to contact Tori Walsh, Head of Metro.

Council Miscellaneous was next on the agenda. Chief Richard (Rick) Ratcliff, Natrona County Fire District presented information on EFSA (Emergency Fire Suppression Account). During a major fire occurrence there is an initial floor cost, usually in the first 24 hours, prior to the Suppression Fund Account being opened. When determined the floor costs will meet or exceed \$12,000, the Suppression Fund Account is opened/activated by the Natrona County Fire Warden, currently Mike Haigler.

If all departments were to participate in paying \$2000 annually into a "floor cost" Suppression Fund the \$12,000 will be available as needed. If funds are not used in a year they roll to the next year and no new funds are paid in. If numerous fires occur the "floor costs" funds are still replenished at \$2000 per entity the next year.

Any participant can call for the Suppression Fund to be opened. Through proper contact and paperwork submitted to the County Fire Warden, the County Fire Warden then activates the Suppression Fund Account.

Chief Ratcliff said the funding of this program will begin next year. When it is determined which departments will be on board then legal documents/agreements will be drafted. This is a volunteer program and any entity can opt out.

(By resolution the Bar Nunn Fire Chief was authorized to call for retardant drops on wildland fires at his discretion in Bar Nunn, following the Sunset Fire in Bar Nunn.) Chief Ratcliff stated the Bar Nunn (Sunset) Fire would not have met floor costs and the Suppression Fund Account probably would not have been opened if requested. Additionally, fire retardant was discussed and discarded as usable on the Sunset Fire because of the location of power lines, and wind conditions.

Councilmember Kelly made a motion for the Town of Bar Nunn to be a participant in the EFSA Program. Councilman Brown seconded. Councilmembers Brown, Kelly and Clark, and Mayor Ford voted in the affirmative with Councilman Hoover as Fire Chief of Bar Nunn Department abstaining. Motion carried by majority vote.

Council determined to reallocate previously allocated funds from Wyoming Community Gas and Rocky Mountain Power from 2013 and allocate 2015 funds to a current project. Motion was made by Councilman Brown and seconded by Councilman Clark to reallocate 2013 WCG funds of \$1,404.46 and 2013 RMP funds of \$1,000, and allocate 2015 WCG funds of \$2,931.90 for engineering and construction of a multi-purpose structure to be used as a picnic area (similar to Antelope Park shelters) and bus stop shelter (by adding an opaque wall) to be located in High Plains Park on the west side of Nez Perce Trail. Motion was unanimous. It was further concluded if other permanent stops are designated in an area where there is room for a shelter, a shelter will be positively considered at that time. There is no available property around Tipton and Antelope that would "safely" accommodate a bus stop.

Maintenance will be building (estimated 10) replacement bar screens for drainage pipes. Material estimate is \$1500.

There being no further business to come before the Council at this time, Councilman Clark made a motion seconded by Councilman Hoover to adjourn. Motion was unanimous.

Council Meeting adjourned 9:15 p.m., September 6, 2016.

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Patrick R. Ford, Mayor

ATTEST: (seal)

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Carol Pendley, Clerk Treasurer

## ATTORNEY REPORT

To: Mayor Ford and Town Council

From: John Masterson and Alaina Stedillie

Date: September 20, 2016

Wardwell Water Easement: It is my understanding all necessary paperwork has been signed. I am in contact with Kyle Ridgeway about getting the easement filed.

Interviews for Code Enforcement Officer took place Thursday, September 15. I gave the Mayor and Councilwoman Kelly my preference, but I believe I could work with five of the six people we interviewed.