

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

The regular meeting of the Town Council of Bar Nunn was held on Tuesday, November 1, 2016, 7:00 P.M., at 4820 N. Wardwell Industrial Avenue, Bar Nunn, Wyoming.

The meeting was called to order by Mayor Patrick Ford.

The roll was taken by Clerk Carol Pendley. Present were Mayor Ford, Councilmembers Josh Brown, Teri Kelly, Steven Clark and Robert Hoover.

Mayor Ford led in the Pledge of Allegiance.

Councilman Hoover made a motion seconded by Councilman Clark to adjourn the regular Council Meeting to go into a Public Hearing. Motion was unanimous. Regular meeting adjourned.

Councilmember Kelly made a motion seconded by Councilman Hoover to open a Public Hearing to entertain public comment for or against submitting application for a BRC Community Readiness Grant for the development of an interchange at Westwinds Road and Interstate 25, located in Bar Nunn, Wyoming. Motion was unanimous.

Roll call was answered acknowledging the presence of Mayor and all Councilmembers.

Mayor Ford stated the Town plans to apply for a Business Readiness Grant(BRG) through the Wyoming SLIB to get construction of the Westwinds Road Interchange at I-25 fully funded.

Mayor Ford asked for public comment in favor of the project. Resident Matt Epp spoke in favor of the project having obtained clarification from Mayor Ford of the purpose of the grant. Mayor Ford supplied additional information that the use of the funds to construct an interchange will bring business development to the interchange area of the Town as well.

Resident Mike Schoolcraft spoke in favor of the project/grant and indicated he would be in favor of applying for a larger amount.

Mayor Ford explained the grant will help fund the Westwinds Interchange at I-25 Project currently stated to cost 12.3 Million Dollars. The breakdown of current obligated funding is 7 Million Dollars Bar Nunn committed STPU Funds, 1 Million Dollars from Natrona County and 1 Million Dollars from Bar Nunn budgeted over the next 3 (fiscal) years. The remaining 3.3 Million Dollar shortfall will be sought in part by this grant for up to 3 Million Dollars.

Questions were asked about obligations (strings) attached to applying for this grant and Mayor Ford said there were none as would be associated with a loan or recapture type funding.

Mayor Ford called a second and third time for comment in the affirmative on the project. There were none.

Mayor Ford called thrice for public comment from anyone present who wished to speak against the project. There were none.

There being no further public comment and no written comments having been submitted, Councilmember Kelly made a motion seconded by Councilman Brown to close the Public Hearing. Motion was unanimous.

Public Hearing closed.

Councilman Brown made a motion to reopen the regularly scheduled Council meeting. Councilman Clark seconded and motion was unanimous.

The regularly scheduled meeting for November 1, 2016, of the Bar Nunn Town Council was reconvened by Mayor Ford.

Roll Call by Clerk Pendley confirmed Mayor and all Councilmembers present.

Next item on the agenda was Minutes of October 18, 2016 Council Meeting. Councilman Clark made a motion seconded by Councilman Brown to accept the minutes of October 18, 2016. Councilman Hoover called for an amendment to state his 15 calls issues were concerning "Town" e-mails not Fire Department. Councilman Hoover said there have also been issues with Fire Department e-mails. Motion was unanimous as amended.

Payable List for October, 2016 was next on the agenda. Councilmember Kelly made a motion seconded by Councilman Brown to approve the Payable List for October, 2016: Ck#26526 through Ck#26612, ACH payments #05063144 and #03973698. Void Ck#26525 unprinted/out of sequence. Motion was unanimous.

Attorney's Report was next on the agenda. Attorney Alaina Stedillie reported she and Attorney John Masterson met with Miguel(Leota) last Thursday (October 27<sup>th</sup>) briefly. Attorney Stedillie said it was stated that with current budgeting constraints the current building plans will not work. Miguel explained the original building contract was not designed from a budget amount, but from a list of 'wants within the town hall'. Attorney Stedillie said Miguel was told that at a future date the Council will be submitting an amount for the Architects to work with to redevelop the building from 'start to move in finish'. Miguel was told the amount will be significantly less than current figures reflect. An addendum to the current contract will be required to 'change focus from requirements of the building to the budgeted amount available to build it'.

Council discussion included possibly doing a new contract, scrapping the entire project, and/or renegotiating. It was discussed that scrapping the entire project could be more expensive to redesign. Standard engineering and design, and standard contract language would remain the same as the current contract. Percentages of costs and expected profit (liquidated damages) would be owed if the current project was scrapped.

Attorney Stedillie indicated she did not feel the Architects want to scrap the project, they would like to come to a mutually satisfactory finish.

Current design and construction for the anticipated parking lot area of a new town hall would remain relatively unchanged pertaining to access/curb cuts which are part of the current consensus grant for the infrastructure.

Attorney Stedillie reported one of the four Bar Nunn Court cases was dismissed because a defendant provided pictures of tree branches apparently obscuring the view of a School Zone Sign. The Judge indicated Maintenance should be notified to remove the branches. There was discussion about where the pictures were taken from, and the sign is not obscured from the driving lane. Attorney Stedillie advised to have a photo taken from the driving lane to show the sign is visible and have on file for future reference. Head of Maintenance will follow up. Attorney Stedillie added that whomever takes the photo would be called upon to testify in court to its authenticity.

Attorney Stedillie will be on maternity leave beginning in May. Attorney Pat Tolley will be introduced to Council and presume the duties of Attorney Stedillie. Attorney John Masterson will also be available.

Councilman Clark asked for more detail on the Attorney's Report to better prepare. Attorney Stedillie acknowledged possibility for some but not enough that it could be attached as an exhibit. A privileged attachment could be submitted but it "would not be for public view".

Engineer's Report was next on the agenda. Clyde Dolan Field Engineer from 609 Consulting was present and had submitted a written report. Engineer Dolan further reported all High Plains Park equipment is up, concrete has been placed and adjustments and tightening has been done. Inspections have been done, a few corrections made, and contractor has demobilized. The surface provider is due tomorrow (11-2).

Engineer Dolan related an issue with the contractor requesting the Town's sales tax exemption number to provide to the equipment provider to purchase equipment tax free which they purchased and installed as part of the contract bid. The request was denied as they as the purchaser of the equipment, are not tax exempt and the Town did not buy equipment direct from the manufacturer. Engineer Dolan advised the Contractor to write a letter on his position. Attorney Stedillie has been involved and has copies of e-mails of conversations with Engineer Dolan and the Contractor.

The first part of the surface will be installed this week and the top layer next year when warm weather arrives. The lack of the top layer will not prevent playing on the equipment.

Bill Johnston, Town Engineer submitted a written report. Engineer Johnston updated Council on the lighting issue (Vista Hills Pathway). City Service Electric wants more information to develop a price for changing out the shields from the manufacturer.

Snow fence update – Engineer Johnston perceives Council moving to give the Mayor oversight of contract development/modification and signing of the snow fence contract (Centennial Woods). The Contract covers 21 years and is \$14,874.09.

Questions and concerns were aired about a maintenance cost being additional and where the fence would go if the land it was initially constructed on was developed and the

fence had to be moved. Engineer Johnston said the maintenance cost is included in the \$14,874.09 price. The cost of maintenance (every 7 years) by the fence provider is absorbed by the fence provider who profitably sells the weathered wood upon replacement. If within the 21 years the land upon which the snow fence is constructed is developed, the fence can be moved to a town owned location where it would serve the same purpose.

Attorney Stedillie will assist with negotiating the contract to include a Force Majeure (Act of God) Clause in the event of natural disaster such as fire. Attorney Stedillie offered to read/highlight the contract for Council consideration next meeting. Councilman Hoover is the contact and will provide the contract information to Attorney Stedillie.

Fire Department Report was next on the agenda. The monthly written report for October, 2016 was submitted. Councilman Hoover reported approximately \$11,000 was a final tally on the income from the Haunted House.

Zoning and Planning Report. No written report was submitted. Chairman Matt Epp was in attendance and had nothing to report.

Mayor Ford reported at the Building Bar Nunn Meeting it was pointed out to him the Zoning and Planning personnel have varying versions/additions of Code Books. Mr. Epp asked Mayor Ford if Zoning and Planning could get a current full set of Town Code Books for Zoning and Planning. Clerk Pendley will see current Town Code Books are supplied to Zoning and Planning.

Maintenance Report was next on the agenda. Head of Maintenance Chuck Johnson presented his written report. Chuck Johnson asked if the Rocky Mountain Power easement issue discussed at last meeting was concerning the alley near North Sunset and Prairie Lane. Engineer Johnston said the concern was getting clarification of ability to use easements on the restricted lots (purchased with the sewer system). Chuck Johnson said Rocky Mountain Power was able to bore under the utilities within the current easement in the alleyway on Sunset (not the same concerns as expressed by Engineer Johnston). The easement determination still needs to be made (restricted lots).

Petitions and Public Comment was next on the agenda. Mr. Schoolcraft asked if the flags out front of Town Hall could be replaced ASAP as they are tattered and torn. Chuck Johnson said it would be done by morning.

Councilman Hoover said it is planned to get a flagpole back up at the Fire Station.

Council Miscellaneous was next on the agenda.

Mayor Ford introduced Noelle Reed from Casper Area Economic Development Alliance (CAEDA) and Kim Rightmer of Wyoming Business Council. Ms. Rightmer will be proofing the grant before it is submitted to SLIB.

Ms. Reed addressed Mayor and Council and stated she is assisting the Mayor with the I-25 Interchange Grant Application to the Business Council.

Ms. Reed acknowledged the Public Comment/Public Hearing as a part of the process, and will need a motion and a second and approval from Council for the Town of Bar Nunn to act as the Applicant for the grant. Councilmember Kelly made a motion seconded by Councilman Brown for the Town of Bar Nunn as Applicant to submit a Grant Application to the Wyoming Business Council for a Business Ready Community Grant for up to 3 Million Dollars. Motion was unanimous.

Ms. Reed stated a Resolution of Support is under construction for Council approval pending completion of budget details and will be presented to the Council on November 15<sup>th</sup>. Ms. Reed will supply the Mayor with a final draft.

Ms. Reed stated one component required in the Resolution of Support is to identify the entity who will be responsible for "cost overruns" if the project ends up costing more than cost estimates and even more than the contingency with the cost estimates. Traditionally Ms. Reed said the entity is the grant applicant so that would be the Town. Most of the time overruns are not going to be an issue, usually estimates come in about right or sometimes a little under in Wyoming, but no guarantees can be made. It doesn't have to be the Town of Bar Nunn but if the Town chooses not to be the cost overrun entity, the Town will have to find someone else.

Mayor Ford stated in talking with WYDOT and the Engineer in the past week and a half, they are reasonably confident the project is not going to exceed 12.3 Million Dollars and will probably come in under 12 Million Dollars. Ms. Rightmer confirmed Bar Nunn's Project Match is 25%.

Ms. Reed recapped the current project amount is 12.3 Million Dollars, current allocations including the 3 Million Dollar BRCG Grant equal 12 Million Dollars leaving a 300 Thousand Dollar shortfall. It is anticipated through value engineering and other cost saving measures the project cost estimates can be brought down but the shortfall has to be addressed in current allocations. Within the Resolution of Support there is a line which will state if the project exceeds the 12.3 Million Dollars, the Town will be responsible for the 300 Thousand Dollar shortfall. Ms. Reed said no other motions are needed now and she and the Mayor can work through that over the next couple of weeks. The language about the Town's responsibility for cost overrun and budget portion will be in the Resolution of Support for the Council's approval on November 15<sup>th</sup>.

Mayor Ford has spoken with Lowell Fleenor at WYDOT about land donations to reduce costs and Mr. Fleenor indicated land donations can be problematic with federally funded projects.

Letters of Support are anticipated from City of Casper, CAEDA, WYDOT and an updated letter from Natrona County. Approved MPO minutes acknowledging the 7 Million Dollars STPU allocation will be provided.

Councilman Clark made a motion seconded by Councilman Hoover to bring the Video Equipment and Installation Purchase off the table for discussion. Motion was unanimous. Discussion included revisit of equipment needed and equipment Council would like to have available. Councilman Clark researched equipment and prices online with multiple results depending on what is wanted. Mayor Ford will contact 3 audio/video companies he is familiar with to provide 3 formal bids on equipment and installation to be available at next Council (15<sup>th</sup>).

Work Session items of discussion were next on the agenda. The New Town Hall Suspension: Councilman Hoover said if moving forward on the New Town Hall, a very definitive direction, maximum cost and turnkey ready condition needs to be communicated to the Architects.

Councilman Brown said it would be in the Town's best interest to wait at least until the determination of the SLIB (Interchange) Grant is known, to see if any funds will be reallocated and since the Attorneys have already had conversation with Miguel and they have been notified of a delay. The amount available for the New Town Hall should be determined later.

Councilmember Kelly wants the New Town Hall to be left "in limbo" at least until "we know exactly where our money is coming from and what we are going to be doing with it." Councilman Clark said he agreed.

Mayor Ford said he is in favor of communicating the determination of the Council to delay the project to the Architects. Attorney Stedillie will notify Miguel it is not off the table it is awaiting another decision.

Councilmember Kelly made a motion seconded by Councilman Hoover to leave the New Town Hall in suspension until definitive determination is made on the I-25 Project, and the amount of money available for a New Town Hall Project is determined. Motion was unanimous.

Insurance Requirement Revision for the Code Enforcement Contract: Attorney Stedillie requested a motion from the work session discussion to reduce the insurance minimum requirement for the contract.

Councilman Brown made a motion seconded by Councilman Clark to adjust the Code Enforcement Contract to reduce the minimum insurance requirement to One Hundred Thousand Dollars. Motion was unanimous.

Mayor Ford reported the cleanup on Salt Creek Highway was successful. He expressed appreciation for all those who helped and donuts provided by Engineer Johnston.

Councilman Hoover stated all other departments are required to submit monthly written reports and he would like to see a report from Office Staff.

Councilman Hoover asked why Town Maintenance couldn't pick up the mail as a cost saving measure, specifically to reduce mileage checks. Following discussion about department preferences, timeliness, other posting requirements, true need and whether it is a maintenance issue, Mayor Ford suggested to Head of Maintenance Johnson they could discuss it to see it did not cause Mr. Johnson "any extraneous problems". A plan could be formulated if necessary. Mayor Ford said he could report at the next Council Meeting.

Councilman Brown will not be at the December 6, 2016 Council Meeting. Councilman Brown will be attending the 75<sup>th</sup> Pearl Harbor Day Celebration where his daughter will be part of the dance program portion of the Celebration.

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

Council Meeting adjourned 8:45 p.m., November 1, 2016.

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Patrick R. Ford, Mayor

ATTEST: (seal)

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Carol Pendley, Clerk Treasurer

Bill Johnston

Bar Nunn Engineer Report November 15, 2016

**Town Hall Utilities status**

Construction has been halted until Spring Time.

We are still waiting for completion items on the water main loop portion to be acknowledged by Wardwell Water to get the letter of credit posted and the warrantee period running.

**Antelope Park pathway project status**

Finished.



TOWN HALL WILL BE CLOSED THE FOLLOWING DAYS AND TIMES:

November, 2016:

Wednesday, November 23<sup>rd</sup> at Noon through Friday, November 25<sup>th</sup> for Thanksgiving.

December, 2016:

Friday, December 23<sup>rd</sup> and Monday December 26<sup>th</sup> for the Christmas Holiday.

January, 2017:

Monday, January 2<sup>nd</sup> since January 1<sup>st</sup> is on Sunday.

*CP*  
*11-14-16*