

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

The regular meeting of the Town Council of Bar Nunn was held on Tuesday, June 21, 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 Carol Pendley, Clerk. Those present were, Mayor Ford, Councilmembers Teri Kelly, Josh Brown, Robert Hoover and Steven Clark.

Mayor Ford led in the Pledge of Allegiance.

Councilmember Kelly made a motion seconded by Councilman Clark to approve the minutes of the June 7, 2016 Council Meeting. Motion was unanimous.

Councilman Hoover made a motion seconded by Councilmember Kelly to accept Financial Reports for May, 2016. Motion was unanimous.

Attorney's Report was next on the agenda. Attorney Alaina Stedillie reported having prepared an ordinance for code enforcement, on the agenda for first reading this evening.

Attorney Stedillie is researching information concerning covenants pertaining to a potential ordinance for chickens. Covenants would take precedence over ordinance because covenants run with the land. Review of other areas allowing chickens have some restrictions as well so addressing covenants would not be a problem.

There has been no response from representatives of the Bishop family. Attorney Stedillie will review the MOU and write a letter if necessary.

Attorney Stedillie informed Mayor and Council she will be unavailable to attend Council for the month of July and the first meeting in August. She will ask Attorney John Masterson to cover if available.

Next item on the agenda was RESOLUTION #2016-12 "A RESOLUTION CONFIRMING THE AUTHORITY OF THE TOWN OF BAR NUNN, WYOMING TO SET SEWER RATES." Councilmember Kelly made a motion seconded by Councilman Clark to adopt the resolution. Motion was unanimous. Clarification was made the increase is \$5 per account per month, effective July 1, 2016.

Next item on the agenda was RESOLUTION #2016-13 "A RESOLUTION OF THE TOWN OF BAR NUNN AUTHORIZING THE TRANSFER OF UNEXPENDED MONIES FROM VARIOUS DEPARTMENTS TO BRING ALLOCATED DEPARTMENTS INTO COMPLIANCE, PER WYOMING STATUTES #16-4-112 THROUGH #16-4-114 FOR FISCAL YEAR 2015 - 2016, ENDING JUNE 30, 2016."

Councilman Brown made a motion seconded by Councilman Hoover to adopt the resolution. Motion was unanimous.

Next item on the agenda was third and final reading of Ordinance #2016-02, "AN ORDINANCE OF THE TOWN OF BAR NUNN ADOPTING ANNUAL APPROPRIATION (BUDGET) FOR THE FISCAL YEAR ENDING JUNE 30, 2017". Councilman Brown made a motion seconded by Councilmember Kelly to adopt the ordinance on third and final reading. Motion was unanimous.

Next on the agenda was first reading of Ordinance #2016-03, "AN ORDINANCE OF THE TOWN OF BAR NUNN, WYOMING, CREATING A TOWN CODE ENFORCEMENT OFFICER POSITION AND ASSIGNING DUTIES TO THE POSITION." Councilman Hoover made a motion seconded by Councilman Brown to approve the ordinance on first reading, amended to include citing of the State Statute authorizing the creating of the position. Motion was unanimous. Attorney Stedillie will amend the Ordinance as requested.

Engineer's Report was next on the agenda. Engineer Bill Johnston provided a written report and reported additional items.

Andrew Nelson is working on locating equipment for Council/Consultant interaction concerning the Land Use Comp Plan Project. Mayor Ford does not expect equipment cost to exceed budgeted amount. Mayor Ford will coordinate with Mr. Nelson and report equipment needs and pricing next Council Meeting.

Engineer Johnston reported meeting with Full Contact Concrete, the apparent low bidder, following the bid opening for Antelope Park Pathway completion. Engineer Johnston recommended Council accept the bid and award Full Contact Concrete the project. Councilman Brown, commenting he has been awaiting this project (years) with great anticipation, made a motion to award the Antelope Park Pathway Project to Full Contact Concrete in the amount of \$57,848.40. Councilmember Kelly seconded and motion was unanimous.

Engineer Johnston reported he is waiting for a schedule from Treto Construction for the New Town Hall waterline infrastructure.

Councilman Hoover will join Engineer Johnston, Mayor Ford and Head of Maintenance Chuck Johnson when they meet with the snow fence expert from WYDOT.

Mayor Ford stated, as in Engineer Johnston's written report, the MOC expects the 201 Sewer rate to increase 4% annually.

Parks and Recreation Report was next on the agenda. Karen Bogart, Chairperson submitted a written report, but was not present. Minor issues with the upcoming weekend festivities have been resolved. July 4th parade plans are in order.

Petitions and Public Comment were next on the agenda. Marianne Magee a member of Wardwell Water and Sewer District Board of Directors, reported there is an opening on the Wardwell Water and Sewer District Board. Any landowner in the Wardwell, Bar Nunn, or Midwest Heights area is eligible to be on the Board. A new member would be appointed until the next election. Wardwell meets once a month and

there is a small stipend paid to members in attendance. Wardwell Water meets the first Tuesday of the month, unless the first Tuesday is the 1st, 2nd, or 3rd of the month, then the meeting is the following Tuesday. Ms. Magee asked Council to please let the public know.

Mike Schoolcraft extended a thank you to whomever was in charge of the Memorial Day Celebration at the school. Mr. Schoolcraft and his wife (Jan), who are both veterans, attended and appreciated the sincerity of the program. Mr. Schoolcraft would have liked to have seen more vets in attendance. Mr. Schoolcraft was directed to contact Karen Bogart and/or Stacie Ross who were in charge of the Memorial Day Ceremony and pass on his suggestions for better notice and encouraging more participation.

Councilman Brown stated a New Town Hall is anticipated on the triangle (near Antelope Park), and a Veterans Park is planned to be constructed near it, on the same property, and is anticipated to generate more local participation.

Mr. Schoolcraft asked about the area to be covered and the cost of snow fence. It was explained a portion of fence is to be installed (McMurry dead end) on a trial basis to see if it helps alleviate some of the drifting problems in the winter. More fences could be installed as needed if necessary. The cost is approximately \$30 per foot.

Mr. Schoolcraft also mentioned when the A/C comes on it is difficult to hear and asked Council to keep in mind when speaking.

Council Miscellaneous was next on the agenda. Mayor Ford reported the Wyoming Liquor Commission asked for a correction to wording on the Liquor License for Chatters, to reflect the payment for the license was submitted by the business, instead of the owner of the business. The adjustment was made and a new license issued to Chatters.

Catering Permit Application #JUL-2016B, Chatters Bar & Grill was next on the agenda. The permit is for a Horseshoe Tournament, July 16th. Councilmember Kelly made a motion to approve the catering permit for Chatters. Councilman Hoover seconded and motion was unanimous. Councilman Brown asked Mayor Ford, as with all other permitted functions, to notify the Sheriff's Department in order to have sufficient coverage in case of an emergency.

The next item for discussion concerned the recent petition for chickens to be allowed in Bar Nunn. Discussion included:

Metro reported no problems have occurred in Casper since the passing of their ordinance and they handle issues for chickens the same as other animal complaints.

Bees are included in the Casper ordinance and haven't caused issues;

Casper's ordinance would be the model for drafting an ordinance for Bar Nunn if needed;

Some Bar Nunn Ranch Subdivision lots have covenants which run with the land, and no barnyard animals which include chickens are allowed (primarily south of McMurry);

Concern about chickens being the "gateway animal" to currently prohibited livestock and possible requests for other livestock being allowed;

No commercial business involving chickens would be allowed.

Concern was expressed about Metro's ability to regulate enforcement on covenanted lots, and possibly assigning that task to the Code Enforcement official. Welfare issues would still be administered by Metro.

"Chicken enforcement" language was discussed, to be added to the Code Enforcement Ordinance by Attorney Stedillie.

Petition signors numbered approximately 300, slightly less than one third of total residences.

Attorney Stedillie was asked to research information for a possible chicken ordinance for consideration at the July 5th Council Meeting, and to research definition of bees (livestock?) and feasibility of including bees in the same ordinance.

Covenants are available at town hall.

Councilman Hoover and Head of Maintenance Chuck Johnson have been working on fire lines and emergency plans for protection in the event of wildland fires. Mr. Johnson asked a note be put in the newsletter about owner responsibility to keep alleys and open areas behind houses and properties free of debris and lawn waste which are potential fire hazards. Mr. Johnson specifically noted areas behind the houses on the west side of Antelope Drive from McMurry Boulevard to the north drainage area where residents have dumped garbage, grass and weeds over the back fences creating a real problem maintaining a fire lane.

Andrew Nelson, MPO Director joined the meeting. Mayor Ford asked Mr. Nelson if he had any items to report. Mr. Nelson reported Engineer Johnston and he had met with the Land Use and Comp Plan consultant. Current issue is what is the goal for the future of Bar Nunn how can transportation be used to accomplish the goal. Mr. Nelson indicated the interchange, a large transportation item, and small items such as signage can all be parts of the goal.

Mr. Nelson said there are a couple of community events planned to invite the public to attend, in lieu of door to door canvassing, to see what the public interest is for the future of Bar Nunn in 10 to 15 years.

Mr. Nelson also reaffirmed Engineer Johnston's earlier recommendation for a camera and mic system to video conference with the Land Use and Comp Plan engineer from Lakewood, Colorado.

Mr. Nelson relayed information about possible changes to MPO Policy about MPO fund designation being relaxed to allow funds to be directed by one entity for 7 years instead of 5. WYDOT will ultimately make the decision.

Mr. Nelson indicated there would not be anything to report on the grant application before late summer early fall. The Interchange project could be pushed back a year, current WYDOT projection 2018. Final construction cost will probably be known when February, 2017 design is complete. The cost may be currently overstated, and could be closer to 9 million or less.

Mr. Nelson invited Council to attend 'Movie in the Park Night', this Saturday night, Antelope Park.

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

Meeting adjourned 8:15 P.M., June 21, 2016.

Patrick Ford, Mayor

ATTEST: (seal)

Carol Pendley, Clerk

MEMORANDUM

To: Mayor Ford, Town Council
From: Alaina Stedillie, John Masterson
Re: Potential chicken and bee ordinance
Date: July 1, 2016

At the last council meeting, you asked several questions about potentially adopting an ordinance in the Town of Bar Nunn that would allow for residents to own and possess chickens and bees for their own personal use.

First, you asked if chicken or bees constitute "livestock" under Wyoming law. Bees do not. As for chickens, the answer is "that depends." The current Bar Nunn ordinances draw a distinction between "livestock" and "fowl," but they do not provide a definition of either. See ordinance 4-1-8A. Wyoming State Statutes, however, define livestock as "any swine, goats, domestic elk or exotic livestock." Wyo. Stat. § 11-26-101(a). "Exotic livestock" is defined as "nontraditional livestock animal including...llama, alpaca and other camelids, ostrich and other ratites, bison hybrids, and yaks." *Id.* No poultry of any kind is included in this definition. However, for the purposes of Wyo. Stat. § 11-6-302, which governs the Wyoming Animal Damage Management Program, "livestock" includes "horses, mules, cattle, swine, sheep, goats, poultry, guard animals or any other animal maintained by domestication." Wyo. Stat. § 11-6-302(a)(vi). Based on my reading of the statutes, this definition encompasses those animals that are primarily used for a commercial purpose. I do not think that passing an ordinance to allow chickens within the Town of Bar Nunn would violate our ban on livestock, as the chickens would be used for personal consumption; any commercial enterprise would be a different story, of course. However, to make things more clear, I would recommend updating our livestock ordinance to specifically exclude chickens for personal use.

Second, you originally asked that I add a "chicken enforcement" clause to the new code enforcement officer ordinance. I did not do so at this time, since the Town has not yet decided whether it will, in fact, allow residents to possess chickens. If the Town does decide to do so, we can amend the ordinance accordingly.

Third, at the last Council meeting, I discussed the fact that there are areas in the Town where preexisting covenants would not allow for some residents to own chickens. As I stated during that meeting, any ordinance that I draft would include a subparagraph stating that any HOA regulations or covenants would supersede the ordinance allowing chickens; this would be modeled off the City of Casper's ordinance. A copy of that ordinance is attached to this memo. As you will recall, a resident raised concerns about people not knowing whether they are governed by the covenants and asked that this issue somehow be addressed in the ordinance. I do not feel the ordinance is the appropriate place to address the issue, as all buyers are already put on notice of whether they are governed by covenants when they purchase their home. Furthermore, it seems cumbersome to me to put a listing of all lots governed by existing covenants in the ordinance. Additionally, if there is future development in Bar Nunn that includes covenants, we would have to update the ordinance every time new developments were completed. Finally, as noted at the last meeting, this information is publicly available at the

Town Clerk's office. People who want to own chickens need only ask the Clerk for a map of the lots governed by the covenants to determine if their residence is affected.

I apologize that neither John nor I will be available at the July 5 meeting to answer questions. However, please do not hesitate to email me with questions; I will pass them on to John, who will be able to answer them at the July 19 meeting.

6.04.270 - Chicken hens—Enclosure and other limitations.

Chicken hens shall be permitted in association with an occupied single-family residential dwelling/structure as an accessory use, subject to the following regulations:

1. The maximum number of chicken hens permitted shall be six.
2. No roosters shall be permitted, with the exception that roosters shall be permitted in the AG (urban agriculture) zoning district.
3. Only chicken hens shall be permitted. Chicken hens may be any breed or crossbreed of chicken. No hybrids will be allowed unless properly zoned, or a conditional use permit has been approved by the planning and zoning commission.
4. Chicken hens shall be provided with a covered, fully enclosed and predator-resistant coop which is adequately ventilated, designed for easy access for cleaning, and shall consist of an enclosed area (may include the pen) of at least five square feet per chicken hen. Chicken hens shall be protected from predators by being enclosed in the coop from dusk until dawn.
5. During daylight hours, the chicken hens shall have access to the coop/pen at all times. If the chicken hens are permitted outside of the coop/pen, then the area which they have access to must be secured, with a minimum of a six foot high privacy fence, and if necessary, wing feathers shall be clipped to prevent the birds from flying and escaping.
6. The coop/pen shall be cleaned and maintained so as not to cause excessive smells or odors, dust, or attract excessive insects or vermin. The frequency of cleaning shall depend on the number of chicken hens, the type of litter, the area of the coop, and the weather. Section 6.04.090 shall apply to the enforcement of chicken waste, to include unharvested eggs, and the owner's responsibilities.
7. No butchering of chickens is permitted within the city limits.
8. Coops and pens shall be constructed a minimum of six feet from side and rear property lines, and are only permitted in the rear yard of a home. If an alley is located adjacent to the property, the minimum setback for the coop/pen shall be three feet from the alley.
9. It is unlawful for chicken hens to be at large, as defined in Section 6.04.010. Any chicken hen found to be at large may be taken into possession and impounded by metro animal services, and shall be adopted, rehomed or euthanized if not reclaimed within two working days.
10. Chicken hens shall be provided with access to adequate and fresh water at all times, and in a manner to prevent the water from freezing.
11. No coop shall exceed a footprint of sixty square feet, or shall exceed a height of seven feet at the highest point of the roof.

12. Chicken feed shall be stored in an airtight, metal container to discourage attracting mice, rats, and other vermin.

13. Chicken hens shall be confined in such a fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.

14. The requirements of this section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions on the keeping of chicken hens contained in private covenants. nothing in this chapter shall affect the authority of any owners' association to adopt and enforce more stringent standards for the keeping of chicken hens, or to prohibit outright the keeping of chicken hens on any property within the jurisdiction of such association.

15. Violations of this section shall be processed pursuant to the procedures set forth in Sections 6.04.340, 6.04.350 and 6.04.360 of the Casper Municipal Code.

(Ord. 3-89 § 3, 1989; Ord. 21-84 § 15, 1984; Ord. No. 19-15, § 3, 8-18-2015)

6.04.050 - Beekeeping.

A. Definitions. The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them.

1. "Apiary" shall mean a place where bee colonies are kept.

2. "Bee" shall mean any stage of the common domestic honey bee, *Apis mellifera* species.

3. "Colony" shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

4. "Hive" shall mean a structure intended for the housing of a bee colony.

B. Hives. All bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition as described in Wyoming Statutes, Title 11.

C. The applicant shall comply with State Regulations regarding the keeping of bees.

D. Setback. All hives shall be located at least ten feet from any adjoining property with the back of the hive facing the nearest abutting private property lines. Hives may be located on the property line abutting alleyways.

E. Fencing of Flyways. In each instance in which any colony is situated within twenty-five feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line. The beekeeper shall establish and maintain a flyway barrier at least six feet in height, consisting of a solid wall or fence parallel to the property line, and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property in the vicinity of the apiary.

F. Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees, so that the bees will not congregate at swimming pools, bib cocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.

G. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the city manager or his designee.

H. Violation of the regulations set forth can be grounds for seizure of the bees and criminal prosecution by citation or summons in the Casper Municipal Court. The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited.