



TOWN COUNCIL

MEETING MINUTES

Tuesday, February 21, 2023 - 7:00 P.M.

4820 N. Wardwell Industrial Avenue,

Bar Nunn, Wyoming

- 1) **Roll Call:** Mayor Peter Boyer called the meeting to order Tuesday, February 21, 2023, 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, and Tim Ficken.
Audio Conference: Mary Sue Sorenson
- 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 7, 2023:** Moved by Steven Clark, seconded by Tyler Martin, and carried without dissent to approve the minutes for February 7, 2023.
- 4) **Balance Sheet, Detailed Income Statement & Trial Balance (Financial Reports) for the period ending January 2023:** Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve the Balance Sheet, Budget Income Statement & Trial Balance (Financial Reports) for the period ending January 2023.
- 5) **Public Hearing-Retail Liquor License Renewals**
Mayor Boyer adjourned the regular council session and entered a Public Hearing.
 - A. Bar Nunn’s Chatters, LLC. dba Chatters Bar & Grill – Mayor Boyer called thrice for those who wished to speak in favor of the Retail Liquor License Renewal. Speaking in favor was Josey Kienzle. Mayor Boyer called thrice for those speaking against the renewal. There were none.
 - B. Energy Catering Inc. dba The Hangar – Mayor Boyer called thrice for those who wished to speak in favor of the Retail Liquor License Renewal, speaking in favor was Kurtis VanHouten. Mayor Boyer called thrice for those speaking against the renewal. There were none.
- 6) **Reconvene Regular Council Meeting**
Mayor Boyer declared the Public Hearing closed and reconvened the regular council session.
- 7) **Consider Retail Liquor License Renewals**
 - A. Bar Nunn’s Chatters, LLC. dba Chatters Bar & Grill: Mayor Boyer recommended Retail Liquor License Renewal for Bar Nunn’s Chatters. LLC. dba Chatters Bar & Grill and Energy Catering Inc. dba The Hangar. Moved by Tyler Martin, seconded by Tim Ficken, and passed without dissent to approve the renewal of Retail Liquor License #2023-01 & #2023-02 for Bar Nunn’s Chatters, LLC. dba Chatters Bar & Grill and Energy Catering Inc. dba The Hangar.
- 8) **Second Reading Ordinance No. 2023-01:** “AN ORDINANCE GRANTING A FRANCHISE AGREEMENT TO VISIONARY COMMUNICATIONS, LLC “VISIONARY” TO OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM (“THE SYSTEM”) IN THE TOWN OF A BAR NUNN, WYOMING (“THE TOWN”).
Mary Sue Sorenson stated she made several editorial comments that she would like to see in the final draft of the ordinance. Discussion regarding revenue considerations for internet access followed. Attorney Holscher stated the editorial comments and clarification about revenue considerations for internet access will be provided for the final reading of the ordinance. Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to approve the Second Reading of Ordinance No. 2023-01.
- 9) **Attorney’s Report:** A written report was submitted to the Mayor and council. Town Attorney, Patrick Holscher was available for council questions or comments. Attorney Holscher stated all matters of continuance are addressed in the written report. Attorney

Holscher requested clarification from the council regarding the desired approach to bench warrants, jail sentences, and fines addressed in the Bar Nunn court. The matter of issuing bench warrants became an issue when an Order to Show Cause resulted in a Failure to Appear in the Bar Nunn court. Discussion followed. The council directed the Town Attorney to recommend an escalated fee schedule with no bench warrants issued in the Bar Nunn court. Mayor Boyer directed the Town Clerk to follow up with the Sheriff's department regarding a resident's occupancy.

10) **Engineer's Report:** Town Engineer, Ray Catellier was available for council questions or comments.

- **Community Center & Town Hall Project**

- Work is underway, the contractor is making the expected progress though the weather has had a significant impact on operations and will continue to do so for the foreseeable future.
- The contractor and architect are working on creating color palettes for various items as they come up. They would like input from the council. Mr. Catellier recommended naming one or two council members as representatives in charge of making selections thus allowing facilitation without delays in the project.

11) **Code Enforcement Report:** A written report was submitted. There were no questions or comments from the council.

12) **Parks and Recreation Report:** Chairman, Britany Freeman was present for council questions or comments. The next community event is scheduled for April 2023.

13) **Petitions and Public Comment:** No petitions or public comments were made.

14) **Council Miscellaneous:**

A. Discussion: Fifth Cent Tax:

Mayor Boyer opened for discussion the proposed fifth-cent tax being made permanent. Council members were allowed to ask questions and share opinions on the matter. Mayor Boyer stated he is opposed to the fifth-cent tax being made permanent and encouraged each council member to vote his or her own conscience.

B. Industrial Siting Committee: Anticline Energy Project-request for additional funds: Maintenance Supervisor, Robert Hoover stated the council has earmarked funds in the amount of \$112,000 to purchase an asphalt patcher scheduled to be purchased in the Spring of 2023. Mr. Hoover provided a quote for the asphalt patcher dated January 3, 2023, in the amount of \$103,775. Impact funds from the Anticline Energy Project were requested and granted in the amount of \$80,000. Mr. Hoover asked for the council to consider purchasing the asphalt patcher sooner rather than later due to the rapid cost increases evidenced in the provided quotes. Discussion followed. Attorney Holscher recommended the council approve the purchase of the asphalt patcher as scheduled to avoid further cost increases. Attorney Holscher stated he will submit a change request to the Industrial Siting Committee on the behalf of Bar Nunn for additional impact funds related to the Anticline Energy Project. Mr. Hoover will provide Attorney Holscher with recent quotes and information related to the purchase of the asphalt patcher. Moved by Tyler Martin, seconded Tim Ficken, and carried without dissent to approve the purchase of an asphalt patcher not exceeding the amount of \$112,000.

C. Fire Department Update

Robert Hoover updated the council regarding radio replacements for the Fire Department. Mr. Hoover stated a grant was applied for in the amount of \$104,000. The amount granted for the purchase of radio replacements was \$52,000. The Fire Department intends to seek further grant options for the remaining amount needed and will continue using operating radio equipment. Mr. Hoover updated the council regarding business travel arrangements for March 5-9, 2023, to Wyoming, Minnesota for pre-construction meetings regarding the structure engine that is being purchased with funds from the Dino Solar Energy Project. Discussion followed.

D. Update from Maintenance on the Patcher and Plow

Robert Hoover provided the council with updated information regarding the replacement of the 1992 top kick plow. Discussion regarding budget and purchasing options followed. Mr. Hoover updated the council with plans proposed for the skid steer. The plans included the fabrication of a snow box for \$2,500. Discussion regarding additional equipment options for snow removal including a snow blower followed. Mr. Hoover reported water meter readings were successful despite the amount of snow that impeded access at various locations.

E. Snow Plowing Update:

Robert Hoover updated the council on plans for snow removal during the current snow event. The snow and ice build-up from previous snow events is currently 5-8". The gutters and drains were opened with the previous warmer weather. Mr. Hoover stated additional snow on top of the existing snow and ice will make plowing the side streets difficult and hazardous. Plowing will be done on the main streets only to keep emergency access areas open. Discussion regarding the declaration of a snow emergency followed. Mayor Boyer instructed the Town Clerk to post a notice on the community website. Our maintenance crew will be working hard to keep the main snow route clear for emergency crews and necessary travel. At this time, they will not be plowing the side streets. Due to the

level of ice packed under the fresh layer of snow, there is a higher risk of damage to the street or even personal property, or vehicles parked along the street.

F. Grant Funding Update:

Mayor Boyer updated the council regarding submitted grant applications for the Daniels Fund and ARPA funds for the Community Center/Town Hall Project. Mayor Boyer stated the grant applications have been summarily rejected two times. Additional information was resubmitted, and the status did not change. Discussion followed. Mayor Boyer will work with Ray Catellier toward additional grant funding options. Mayor Boyer stated the loss of the additional funding will not prevent the Community Center/Town Hall Project from moving forward. However, the lack of additional funding will require additional consideration for the 2024 budget.

15) Executive Session: Legal Matter-Wardwell Water & Sewer District

Mayor Boyer adjourned the regular council meeting and called for a motion to enter executive session at 8:35 p.m.

Moved by Tyler Martin, seconded by Steven Clark, and carried without dissent to adjourn the regular council meeting to enter executive session.

16) Reconvene Regular Council Meeting: Mayor Boyer declared the executive session closed and called for a motion to reconvene the regular council session at 8:45 p.m.

Moved by Steven Clark, seconded by Tyler Martin, and passed without dissent to close the executive session and reconvene the regular council meeting.

Roll Call: Mayor, Peter Boyer. Councilmembers: Steven Clark, Tyler Martin, Tim Ficken, and Mary Sue Sorenson.

Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent to authorize the Town Attorney to issue a letter to the Wardwell Water and Sewer District's council on a certain question.

17) Adjournment: Moved by Steven Clark, seconded by Tim Ficken, and carried without dissent that there being no further business the meeting of February 21, 2023, be adjourned, at 8:50 P.M.

Respectfully Submitted by:

Donna Damori, Administrative Assistant

Peter Boyer, Mayor

ATTEST: (seal)

Kalista Schwarzrock, Town Clerk-Treasurer