

NIOBRARA COUNTY COMMISSIONERS' MEETING
NIOBRARA COUNTY, WYOMING
DECEMBER 5, 2023

The County Commissioners' meeting was called to order on December 5, 2023, at 9:00 a.m. by Chairman Patrick H. Wade. Vice-Chairman John Midkiff, Commissioner Elaine Griffith, and County Clerk Becky L. Freeman were present. Members of the audience included Brandie Collins with the *Lusk Herald*, and Undersheriff Kelly Dean.

Public Hearing- Chairman Wade opened a public hearing at 9:02 a.m. to receive public comment on two change of zoning applications from Five Nine Design Group on behalf of Tom and Valerie Wasserburger for land located in T32N, R63W, Section 5, a tract located in the SESESW (1.82 acres) and Litzel Ranch LLC., for land located in T38N, R60W, Section 3, Lots 1-5.

The purpose of the changes of zoning is to install unmanned, pre-manufactured fiber optic utility buildings with fiber and electricity going to them. Those in attendance were landowners Tom Wasserburger, Cheryl Lund and, by phone, Rex Atkinson with Five Nine Design Group. Chairman Wade noted that instead of changing the zoning, the Planning and Zoning Board recommended issuing a Special Use Permit (SUP) for both applications.

Chairman Wade called for comments for or against the SUP for the Wasserburger property, and Ms. Lund had questions about access, fencing, and other things. Mr. Wasserburger voiced his approval of the Special Use Permit but was concerned about access to his land and raised questions with Mr. Atkinson about whether the company could access his property from a different point instead of what the drawing showed. There was considerable discussion between Mr. Wasserburger and Mr. Atkinson about the proposed access and what Mr. Wasserburger would like to see. Mr. Wasserburger said he would visit more with Mr. Atkinson and report back to the Commissioners before the end of the day. This matter was laid back until further information is received.

Chairman Wade called for comments for or against the SUP for the Litzel Ranch LLC., property. There were no comments for or against the issuance of the SUP for this property.

Chairman Wade closed the hearing at 9:30 a.m.

Commissioner Griffith moved to issue a Special Use Permit to Five Nine Group Design Group on behalf of Litzel Ranch LLC., for the purpose of the change of zoning application as stated above. Vice-Chairman Midkiff seconded, and the motion carried.

Road and Bridge- Foreman Thomas reported on road and bridge business. He said he is hopeful that they can work on equipment this year as they didn't have a chance last year due to the weather.

Commissioner Griffith reported on the Public Health Nurse building and said that the two refrigerators holding vaccines must be on different circuits. Wyatt Electric will fix this issue.

She updated the group on a few remaining housekeeping items for public health.

Next, the Board discussed what could be used on the new sidewalks for ice melting instead of products containing salt. It was recommended to avoid products containing salt as the sidewalk needs one year to cure or salt will pit the concrete.

Elected Officials and Department Heads- Undersheriff Kelly Dean updated the Commissioners on repair work being done in the sheriff's office.

Emergency Management Coordinator James Santistevan handed out cyber security handbooks and talked about meetings he attended.

Treasurer Keri Thompson said her office was busy collecting tax payments. She has been busy working on the true up process for mineral tax payments.

Clerk of Court Chrisanna Lund reported that her office had been busy. She noted that there were more criminal cases last month than all last summer.

Assessor Teri Stephens said that the declarations were printed and ready to mail at the end of the year.

4-H Youth Educator Kellie Chichester said they are ready to move forward with the administrative position.

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She said UW was unable to fill the position formerly held by Denise Smith, so Crystal Zerbe will work in that role part time and continue her CentSible Nutrition duties as well.

County Clerk Becky Freeman said it was business as usual in her office.

Ms. Chichester also inquired about someone asking for signatures at a public/private event on public grounds. She said that during the craft fair, there was an individual from out of town trying to get signatures on a petition and at times, became quite problematic. She wanted to know if there was a way to implement a setback from the doors so people can enter and exit more easily. The Commissioners said they would ask the deputy county attorney his opinion on the matter.

Independent Contractor Agreement- Commissioner Griffith moved to sign independent contractor agreements between Niobrara County and Holmes Ranch Excavating, LLC., by and through Neil Holmes to monitor and oversee the construction and upgrading of the Fire Alarm Panel at the fairgrounds and for the courthouse emergency backup generator. Vice-Chairman Midkiff seconded, and the motion carried. The contractor will be paid 5% of the total project cost for each project.

Wyoming Lawn and Tree- The Commissioners reviewed the 2024 lawn care services and opted to pay per service instead of prepaying.

County Attorney- Deputy County Attorney Doyle J. Davies met with the Commissioners, Kellie Chichester, and Undersheriff Kelly Dean to discuss petitioning at a private group event rented on public grounds.

Chairman Wade explained that during the bazaar, a person was collecting signatures for a petition.

They asked if there was there anything that would prohibit this individual from collecting signatures at a public owned facility. Mr. Davies thought that based on what was going on, it probably was not that easy to stop, and he would be hesitant in doing so. Ms. Chichester asked if it was okay to ask the petitioner to move outside and if there were any parameters for how close to the door they can be.

Mr. Davies said they shouldn't be allowed to block exits and entrances, nor harass patrons. He will check into setting distance parameters.

Executive Session- Commissioner Griffith moved to enter executive session at 11:05 a.m. with Deputy County Attorney Davies to discuss personnel issues. Vice-Chairman Midkiff seconded, and the motion carried.

Vice-Chairman Midkiff moved to exit executive session at 11:15 a.m. noting no action was taken on the matter. Commissioner Griffith seconded, and the motion carried.

Consent Agenda- Vice-Chairman Midkiff moved to approve the consent agenda. Commissioner Griffith seconded, and the motion carried. Items on the consent agenda were receipts for the month of November from the County Clerk- \$3,200.00, from the Clerk of Court- \$1,455.00, and from the Public Health Nurse- \$286.12.

Earlier at the public hearing, Mr. Wasserburger had raised a concern with the design firm regarding access to his property from Hwy 85. Mr. Wasserburger said he would discuss the matter with Five Nine Design Group and reach out to the Commissioners before the end of the day. By the time the meeting adjourned, Mr. Wasserburger had not reported back to the Commissioners, therefore no action was taken on the issuance of the Special Use Permit at this meeting.

Payroll and the following vouchers were approved for payment:

Bills are listed in the following format: Vendor- Department- Description- Amount- November Payroll- \$126028.11, Aflac- Various- Supplemental insurance- \$8562.71, Allbright's True Value- Various- Justice center mntc., supplies, parts - \$234.03, AlSCO- Road & Bridge- Shop towels & coveralls- \$368.02, Anderson Carpet Sales, Inc.- Public Health Nurse Bldg.- Public health nurse bldg. grant- Carpeting- \$9161.94, Anne Wasserburger- County Attorney-Supplies- \$370.15, BAM Document Destruction & Recycling, LLC., Facilities- Document shredding- \$346.90, BenchMark of Torrington- Various- Engineering fees- Planning and Zoning Manual update and culverts- \$5969.72- Big Horn Roofing- Justice Center- Jail Roof Repairs- \$27550.00, Black Hills Chemical & Janitorial- Fairgrounds-Fairgrounds supplies- \$563.94, Black Hills Energy- Various- Utilities- \$1195.25, Boldon Diesel Service, LLC.,-

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Road & Bridge- Equipment repairs- \$25.00, Boldon Welding & Repair, LLC.- Facilities- Justice center mtnc.- \$1013.28, Capital One Trade Credit- Road & Bridge- Parts- \$1074.00, CenturyLink- Various- Telephones- \$2153.59, CenturyLink Business- Various- Telephones- \$75.15, Chantry Filener- General County- IT expense- \$1730.52, Computer Projects of IL, Inc.- Dispatch- Computer expense- \$198.00, Connecting Point Computer Centers- Various- Copier service agreements- \$30.68, Cory Wilcox- Coroner- Deputy coroner stipend- \$150.00, Coulson Law, LLC.- Clerk of Court- Court appointed attorney- \$348.00 Delta Dental of WY- Various- Dental insurance- \$1004.70, Dennis C. Meier- Circuit Court Magistrate- Office rent- \$1000.00, Double A Properties, LLC.- Co. Attorney- Office rent- \$1000.00, Floyd's Truck Center, Inc.- Road & Bridge- Parts- \$661.74, Frank Parts Co.- Various- Parts- \$509.50, Fusion Cloud Services, LLC.- Various, Telephone- \$1111.71, Geographic Innovations- Various- Professional mapping- \$1500.00, GeoTec Industrial Supply- County Road Fund- Auto gates/culverts- \$50400.00, Goshen County Detention Center- Detention- Oct. & Nov. inmate housing & meds- \$19813.09, Great Western Tire Company- Road & Bridge- Tires- \$3760.56, GreatAmerica Financial Services- Sheriff- Copier service agreement- \$103.00, Great-West Trust Co., LLC.- Various- Deferred comp. contributions- \$19235.00, GSG Architecture Design- Facilities- Justice Center Roof Replacement Project- \$128.62, Hiway Brake & Alignment- Sheriff- Vehicle repairs- \$168.05, Honey Badger Towing & Recovery- Sheriff- Abandoned vehicles, vehicle repairs- \$893.00, Jameson Cleaning & Maintenance- Facilities- Fairgrounds cleaning contract, repairs- \$7635.00, Johnson Controls- Justice Center- Maintenance- \$904.50, Ken Brown- Clerk of Court- Court appointed attorney- \$900.00, Lusk Herald- Various- Publications- \$2012.04, Lusk State Bank- Various- Payroll taxes- \$36263.46, Matthew Bender & Co., Inc.- Clerk of Court- Supplies- \$186.10, Michael Coon- Public Health Nurse Building- Pay request #4- \$12494.25, Michael Harbert- General County- IT expense- \$475.00, Michelle Kremers- Various Public Health- Travel expense- \$65.52, Monica Wilcox- Public Health Response Coordinator- Travel expense- \$183.40, Niobrara 4-H Council- Extension- 4-H Educator travel- \$14.20, Niobrara County Hospital District- 1% Option Tax- \$41717.80, Niobrara County Library- General County- Deferred compensation reimbursement - \$1875.00, Niobrara County Public Health- Prevention grant- Indirect costs- \$237.75, Niobrara Electric Association- Various- Radio tower electricity- \$62.17, Olson Tire Co.- Sheriff- Tires- \$1890.60, Quadient Leasing USA, Inc.- General Co.- Postage meter lease payment- \$1202.19, Sand Rock Vision Clinic- Facilities- Rent & utilities for temporary sheriff's office- \$728.47, Schindler Elevator Corp.- General Co.- Quarterly elevator mtnc. payment- \$1462.74, Stinker Stores, Inc.- Various- Fuel- \$4196.20, Thomson Reuters-West- County Attorney- Law library- \$168.83, Torrington Office Supply- Various- Supplies, new equipment- \$241.39, Town of Lusk- Various- Utilities- \$2522.65, Traci Bruegger- Facilities- Cleaning contract- \$4300.00, Transwest Ford- Road & Bridge- Parts- \$50.38, Tyler Technologies- Treasurer- Computer expense- \$82.69, Verizon Wireless- Various- Phones, base charge \$412.08, Visa- Various- Supplies, travel, postage, new equipment, IT expense, prevention grant, justice center maint.- \$2788.89, Vision Service Plan- Various- Vision Insurance \$406.55, Visionary Broadband- Various- IT expense- \$745.14, Westco- Road & Bridge- Fuel- \$8606.16, Western Pathology Consultants- Coroner- Autopsy- \$325.00, Wolfcom Enterprises- Sheriff- Computer expense- \$1330.00, Wyoming Clerks of District Court Asso.- Clerk of Court- Dues- \$150.00, Wyoming Educators' Benefit Trust- Co Admin- Health & life insurance- \$21411.08, Wyoming Lawn Sprinklers- Various- Sprinkler system maintenance- \$240.00, Wyoming Network, Inc.- General County- IT expense- \$200.00, Xerox Corp.- Co admin- Copier service agreement- \$129.51

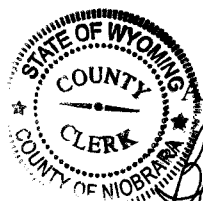
Payroll Deductions & Accounts payable total- \$328526.49. Grand total for July \$454554.60

There being no further business, the meeting adjourned at 2:50 p.m.

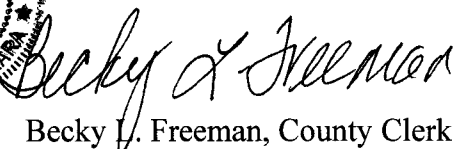
NIOBRARA COUNTY COMMISSIONERS



Patrick Wade, Chairman



Attest:



Becky L. Freeman, County Clerk