

OFFICIAL MINUTES OF THE BOARD OF
NIOBRARA COUNTY COMMISSIONERS

Tuesday, February 4, 2025, 9:00 a.m.
Commissioners' Office - Niobrara County Courthouse
424 S. Elm Street, Lusk, WY

The Niobrara Board of County Commissioners met in regular session on Tuesday, February 4, 2025, at 9:02 a.m. Those present were Chairman Patrick Wade, Vice-Chair Elaine Griffith, Commissioner Jeb Hanson, and County Clerk Becky L. Freeman. Members of the audience included Sheriff Randy Starkey, Brandie Collins, and Andrea Gustafson both with the *Lusk Herald*.

Chairman Wade led in the Pledge of Allegiance.

Road & Bridge- Foreman Fred Thomas discussed the Cheyenne River Bridge located on Old Hwy 85. He said this is the second oldest bridge still in use in Wyoming and is listed on the historical registry. He also noted that this bridge is part of WYDOT's Bridge Replacement Off System or BROS program which is a federally funded bridge replacement program. WYDOT recently conducted an inspection of the bridge and downgraded the load rating due to structural integrity concerns on the bridge. Mr. Thomas estimated it would cost up to two to three million dollars to upgrade the bridge and it did not seem practical for its limited use. He noted that most residents choose to bypass the bridge. He said signs have been installed stating the safe load capacities for heavy vehicles, should they choose this route.

2024 Road Rehabilitation Project- Mr. Thomas noted that Whetsell Carpentry LLC. will come back in April and grind the floor pan and seal one crack and the hole on the headwall project on 20 Mile Road.

Highway 85 Millings- Mr. Thomas updated the Commissioners on the status of millings the county should receive from WYDOT's road construction project that begins this summer on approximately 11 miles of Highway 85 north from Lusk to Hat Creek Road.

Old Business -There was nothing new to report on the old jail or the Community Juvenile Services Board.

Resolution 25-04 was tabled until 11:30 a.m.

2024 SHSP Grant Agreement- Vice Chair Griffith moved to approve the State Homeland Security Program (SHSP) grant agreement, Project ID- 24-SHSP-NIO-CO-PST, award amount- \$49,180.00, performance period September 1, 2024 – August 31, 2026. Commissioner Hanson seconded, and the motion carried.

Nick Alexander and Erik Steeb with Sidewinder H2, LLC., met briefly with the Commissioners to inform them there was no need for the County to sign the wind lease comment/consent form regarding the land Niobrara County leases from the State of Wyoming for a communication tower as the project Sidewinder is planning to develop on state lands is not ready at this point.

Elected Officials and Department Heads- Monica Wilcox, Public Health Response Coordinator, said she is busy working on deliverables and trainings.

Melanie Pearce, Regional Public Health Nurse Supervisor, updated the Commissioners on letters public health plans to send out to residents describing the public health nursing services. She also purchased ads to appear in the paper to promote their services. She mentioned some concerns about ice building up in the back area of the building towards the south side.

James Santistevan, Emergency Management Coordinator, discussed the Region 2 Hazard Mitigation Plan and noted it had been approved.

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He mentioned the ongoing drone activity and said if he or Sheriff Starkey receives any reports, they are to submit them to a Homeland Security website.

Kellie Chichester, 4-H Youth Educator, asked if there were fiber optics at the fairgrounds or not and the Commissioners were unsure. She said the current internet is slow and unpredictable, and the fair board would like to have reliable internet in all the buildings, so she is investigating options.

Keri Thompson, Treasurer, and Becky Freeman, County Clerk, discussed office operations and said they were watching legislative bills of interest in their respective offices.

Teri Stephens, Assessor, said personal property declarations went out at the end of the year and her office is inputting information they have received thus far. She is completing her sales analysis and there are still individuals signing up for the long term home owner's tax exemptions. She is watching legislative bills as well.

Chrisanna Lund, Clerk of Court said her office has been busy with attorneys e-filing documents.

The Commissioners thanked everyone for keeping them apprised of legislative items.

Public Health Office Cleaning Bids- Three bid proposals were received and opened for cleaning at the public health office. The terms of the contract were for 1.5 - 2 hours per week. The first bid was from Brandie Collins for \$100.00 per week, the second from Matt Jameson owner of Jameson Cleaning and Maintenance for \$45.00 per hour, and the third from Sasha Rutherford for \$30.00 per hour.

Vice-Chair Griffith moved to award the cleaning contract for the public health office to Jameson Cleaning and Maintenance. Commissioner Hanson seconded, and the motion carried.

Kassidy Miller, Prevention Specialist, met with the Commissioners to discuss some projects she has in mind to help prevent opioid and other chemical dependencies, including vaping, which could be funded using opioid settlement funding.

She said she has been in contact with the high school principal to discuss these issues and the principal noted there were growing concerns about these, especially vaping. Ms. Miller found a program called VIVE18. According to the website, the mission of VIVE18 is to save young lives from addiction (and boredom) with relevant, engaging, high-energy drug prevention programs.

Ms. Miller said there are three VIVE18 presentation packages, Gold, Silver, and Bronze, and the one she believed would benefit Niobrara County the most is the Silver package. She said the cost is \$5,900.00 and would include one to three presentations for student leadership training as well as parent videos and travel expenses for the presenter.

Commissioner Hanson moved to approve the use of opioid funding for the silver level of the VIVE18 program contingent upon verification of use of funds. Vice-Chair Griffith seconded, and the motion carried.

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Leslie Stewart and JoAnn Wade met with the Commissioners to discuss Celebrate America 250 and to request that a resolution be passed establishing the Niobrara County Semiquincentennial Steering Committee.

They presented ideas to cover as many areas and groups as possible, such as the celebration of the 150th year of Hat Creek when soldiers first arrived, as well as collecting oral histories from people, placing QR codes on historic buildings, signs, and perhaps headstones, historic presentations on the railroad, and the Towns of Manville and Van Tassell as well as the Lance Creek museum, just to name a few.

They would like to have the committee made up of people from the municipalities as well as some others, all the while keeping it manageable.

Resolution 25-04- Establishing the Niobrara County Semiquincentennial Committee- Commissioner Hanson moved to approve Resolution 25-04. Vice-Chair Griffith seconded, and the motion carried. A complete copy of the resolution is available on the County's website: <https://www.niobrara.org/departments/commissioners/Resolutions>.

Consent Agenda- Vice-Chair Griffith moved to approve the consent agenda. Commissioner Hanson seconded, and the motion carried. Items on the consent agenda were the minutes of the January 21, 2025 meeting, and receipts for January from the County Clerk for \$3,614.00 and from the Clerk of Court for \$920.00.

Payroll and the following vouchers were approved for payment:

Bills are listed in the following format: Vendor- Department- Description- Amount- **January Payroll-** \$144,122.07, **Aflac-** Various- Supplemental insurance- \$8,392.57, **Allbright's True Value-** Various- Parts, supplies, maintenance- \$284.39, **AlSCO-** Various- Supplies, shop towels, coveralls, floor mats- \$486.02, **AMBI Mail & Marketing-** Public Health Vaccination Grant- Publications- \$1,378.05, **Anne Wasserburger-** County Attorney- Supplies- \$115.32, **Barnes Law, LLC-** Clerk of Court- Court appointed attorney fees- \$36.00, **Becky L. Freeman-** Elections- Travel expense- \$195.86, **BenchMark of Torrington-** Various- 2024 Road Rehab Project engineering fees, Land Use Plan Update- \$4,634.30, **Black Hills Chemical & Janitorial-** Various- Supplies- \$600.33, **Black Hills Energy-** Various- Utilities- \$2,783.49, **Boldon Welding & Repair, LLC-** Various- Vehicle repairs- \$565.26, **Budd-Falen Law Offices-** Commissioners- Land Use Plan Update review- \$75.00, **Canon Financial Services-** General County- Copier Service Agreements- \$380.00, **CenturyLink-** Various- Telephones- \$1,432.15, **CenturyLink Business Services-** Various- Telephones- \$56.10, **Charm-Tex-** Detention- Commissary account- \$193.48, **Connecting Point Computer Centers-** Various- Copier service agreements - \$309.00, **Cory Wilcox-** Coroner- Monthly stipend- \$150.00, **Delta Dental of WY-** Various- Dental insurance- \$898.90, **Dennis C. Meier-** Circuit Court Magistrate- Office rent- \$1,000.00, **Double A Properties, LLC-** Various- Office rent- \$1,500.00, **Empower Trust Company, LLC-** General Co.- Deferred Compensation- \$18,955.00, **Frank Parts Co.-** Various- Parts, equipment repairs- \$337.24, **Fusion Cloud Service-** Telephones- \$1,195.09 **Geographic Innovations-** Various- Professional mapping services- \$1,500.00, **GreatAmerica Financial Services-** Sheriff- Copier service agreement- \$103.00, **Hiway Brake & Alignment-** Sheriff- Vehicle repairs- \$683.22, **Jameson Cleaning & Maintenance-** Facilities- Fairgrounds cleaning contract, fairgrounds event booking contract- \$8,600.00, **Johnson Controls-** Facilities- Justice center maintenance- \$1,000.00, **Jub Jub, Inc.-** General county- IT expenses- \$150.00, **Kassidy Miller-** Prevention Grant- IT expense- \$40.00, **Ken Brown-** Clerk of Court- Court appointed attorney fees- \$468.00, **Lexie Painter-** Extension- Contract

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labor- Fair board bookkeeping- \$600.00, **Lucas Hardy DMD**- Detention- Inmate medical- \$1,200.00, **Lusk Herald**- Various- Publications - \$3,203.18, **Lusk State Bank**- General Co.- Payroll taxes- \$42,205.33, **McKesson Medical Surgical**- Public Health- Medical supplies- \$17.93, **Michelle Kremers**- Public Health Vaccination Grant - Supplies- \$155.40, **NCIC Inmate Communications**- Detention- NCIC Tablets- \$239.77, **Niobrara County Hospital District**- 1% Option Tax- \$18,191.96, **Niobrara County Library**- Quarterly tax allocation, deferred comp. reimbursement- \$43,984.63, **Niobrara County Public Health**- Prevention Grant- Indirect costs- \$315.38, **Niobrara Electric Association**- Various- Radio tower electricity- \$62.17, **One Stop Safety Solutions**- General county- Random drug testing fees- \$396.00, **Porter, Muirhead, Cornia, & Howard**- General County- Audit fees- \$44,000.00, **Quadient Leasing USA, Inc.**- General County- Quarterly postage meter payment- \$1,202.19, **Randy Starkey**- Sheriff- Travel expense- \$23.09, **Rawhide Drug Co.**- Detention- Inmate medical- \$371.20, **Safeguard Business Systems**- County Clerk- Supplies- \$237.97, **Swanson Services Corp.**- Detention- Inmate commissary account- \$206.30, **Thomson Reuters-West**- County Attorney- Law library- \$194.75, **Torrington Office Supply**- Dispatch- Supplies- \$33.61, **Town of Lusk**- Various- Utilities- \$2,962.34, **Traci Bruegger**- Facilities- CH, Library, Justice Center cleaning contract- \$4,300.00, **Tyler Technologies**- County clerk- Equipment repair- \$282.96, **Uinta County Public Health**- Public Health MCH-Non TANF Grant- Supplies- 78.82, **University of Wyoming Extension**- Extension- Quarterly Co share for 4-H Educator- \$6,846.00, **Verizon Wireless**- Various- Phones, base charge \$434.19, **Visa**- Various- Supplies, travel expense, postage, commissary account, IT expense, schools, maintenance - \$4,030.89, **Vision Service Plan**- Various- Vision Insurance- \$416.57, **Visionary Broadband**- Various- IT expense- \$469.14, **Westco**- Road & Bridge- Fuel- \$2,260.10, **Wex Bank**- Road & Bridge- Fuel- \$868.75 **Whetsell Carpentry, LLC**- County road fund- Pay request 5- \$24,518.76, Facilities- Library maintenance- \$1,102.50, **Wyoming Dept. of Public Health Laboratory**- Public health nurse- Medical supplies- \$28.00, **WYDOT- Financial Services**- Sheriff- Fuel - \$1,990.80, **WYDOT- Motor Vehicle Services**- General County- County license plate & supplies- \$69.73, **Wyoming Educators' Benefit Trust**- Co Admin- Health & life insurance- \$25,945.73, **Wyoming First Aid & Safety Supply, LLC**- Road & Bridge- Supplies- \$73.94, **Wyoming Office of Guardian ad Litem**- County share of GAL fees- \$1,071.00, **Wyoming Network, Inc.**- General County- IT expense- \$200.00, **Wyoming Women's Center**- Detention- Inmate Meals- \$2,278.00, **Xerox Corp.**- Co admin- Copier service agreement- \$127.89, **January Total- \$438,714.31**

Chairman Wade recessed the regular meeting at 12:15 p.m.

Chairman Wade reconvened the regular meeting at 2:50 p.m.

Before opening the public hearing, Chairman Wade extended the Commissioners' appreciation to the Planning and Zoning Board Members who spent many hours working on the plan.

He read an excerpt from the 1977 Land Use Plan and how land use plans were to aid the Commissioners on establishing policies for land use and related activities in the County. As such, it will serve as a guideline for decisions relating to growth and development in the unincorporated area of the County.

He mentioned that there was consideration of removing Title 27- Public Lands and Resources from the draft plan as Title 6, Chapter 2 discusses the Niobrara County Natural Resources Management Plan which was adopted in 2021.

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Vice-Chair Griffith discussed revising Title 6, on page 30, where there is information about assessed valuation from past years. She thought inserting a link with the current information would be beneficial for the public. The other change would be in Title 12, page 47- Socio-economic information. She suggested adding a link to the State of Wyoming Department of Administration and Information's website. This website houses the most current data and would provide relative information in the future.

Commissioner Hanson asked that language be inserted in the plan under Chapter 2- Definitions- to include the following: Scope of Property Rights stating that it is important to note that our custom and culture is the direct result of the freedom that citizens have always had in order to innovate and make management decisions on their property.

Chairman Wade opened the public hearing at 3:05 p.m. to receive public comments on the draft Land Use Plan. Brian Wakefield, and Rachele Anderson with BenchMark of Torrington were in attendance as well as several members of the public.

Chairman Wade asked the audience members who wished to speak to come forward and identify themselves and limit their comments to three minutes. It was asked that comments be directed about the Land Use Plan only.

Leslie Stewart said she was impressed with the plan and how the authors had put together descriptions of many aspects of Niobrara County but asked what the plan was for identifying Niobrara County's custom and culture and if they are defined, will there be an opportunity to comment, or how those definitions would be incorporated in the plan. She noted that those terms were mentioned numerous times throughout the Land Use Plan, however, there was no clear definition of what that encompasses. She mentioned in Title 15-Cultural Identity, the plan simply states that the "Niobrara Conservation District with the county commissioners will identify the county's culture and custom." She noted that in several places the term "shall" was used, which made the consideration of those elements mandatory or imperative. She felt the Plan was incomplete and should not be accepted without the descriptions of what the culture and customs are in the county.

Jeff Reed spoke on behalf of private property rights and as such, those rights give the owner or right holder the ability to do with the property what they choose. Mr. Reed asserted that private property rights require a better definition within the Plan. He also noted that with the research he has conducted on defining private property rights, nothing is said about an adjacent property owner having any rights to say what you can do with your own property. He too, felt the plan was incomplete without these definitions.

Tom Wasserburger also spoke on behalf of private property rights. He said that the Commissioners had allowed a "junk yard" to go in next to one of his properties in the North Park Addition and he did not say anything because it was the owner's right to do what he wanted with his property.

Danny Hanson spoke and wanted to try and answer Ms. Stewart's questions about the definition of custom and culture. He gave a history of how in the 90's, a group of Niobrara citizens created a comprehensive plan about custom and culture when the federal government wanted to take control of the landowner's land that included federal minerals under them. The citizens wanted to ensure that the government could not come in and tell them what to do with their private lands.

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There being no further comments, Chairman Wade closed the public hearing.

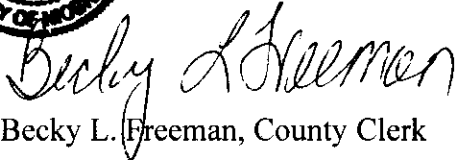
Chairman Wade said that the written comment period would be extended to February 7, 2025.

There being no further business, Commissioner Hanson moved to adjourn the meeting at 3:35 p.m. Vice-Chair Griffith seconded, and the motion carried.

NIOBRARA COUNTY COMMISSIONERS



Patrick Wade, Chairman



Becky L. Freeman, County Clerk