

COMMISSIONERS' PROCEEDINGS
NIORARA COUNTY, WYOMING
April 6, 2004

The Niobrara County Commissioners met for their regularly scheduled meeting on April 6, 2004 at 9:00 a.m. in the Commissioners' Room of the Niobrara County Courthouse. Present were Chairman Donna I. Ruffing, Commissioners Richard A. Ladwig, Tom L. Wasserburger, and County Clerk Becky L. Freeman.

Ladwig moved, seconded by Wasserburger, to approve the minutes of the March 16, 2004 meeting with changes. **MOTION CARRIED.**

Acknowledged the following receipts for the month of February from the Clerk of Court (494.48) and for the month of March for County Clerk (\$3,565.50) and Sheriff (\$16,564.75).

The following business was conducted:

Road & Bridge- Met with Road and Bridge Foreman Freddie Thomas to discuss personnel, gravel, and vehicles issues.

Gravel- Landowner Lee Brown updated the commissioners on his gravel pit permit application. He stated he had not received written authorization yet but had talked to DEQ and the application is in the works. Brown applied for a community pit that allows him to charge for damages, etc. Brown addressed the question of sub-contractor money available from state. Would the county be willing to pay Browns to push gravel up from the pit? Brown noted he would not do this for fuel reimbursement alone. He stated the amount he would charge per hour would be \$60.00 / hr for each dozer and operator. He also has a belly dump that he would rent for \$65.00/hr. He noted that our blades would need to be out there. Road and Bridge Foreman Freddie Thomas noted that the pit would need to be stripped and topsoil removed before material was mined.

Art Boatright of Mobile Concrete informed the commissioners about the availability of gravel from the quarry South of Manville. He stated the material is considered "j" grade and is 1" minus reject. There is 4,000 ton of material at the pit and he would charge the county \$4.00/ton if they load it for us. Boatright noted if the county brings in a loader, the price would be \$3.50/ton, and there is a scale at the pit for weighing. Boatright stated he would lock up the stockpile for the county and there would be no written agreement necessary.

Benchmark will be consulted to obtain an Engineer's Certificate so that County Road Funds can be used to stockpile gravel at Brown's for Ridge Road and purchase the gravel from Mobile Concrete for Spanish Diggings Road.

Other topics discussed included were the detour for Stage Road Bridge, and equipment. Wasserburger stated he wants the culvert removed on Kaultenhauser Road due to safety concerns.

County Attorney- Met with County Attorney Doyle J. Davies to discuss Qwest phone line damage, road, and litigation issues. Davies also took the Homeland Security Grants to review before the commissioners sign them. Davies informed the commissioners he had filed an answer to the quiet title complaint filed by James L. and Emily A. Shepperson.

Executive Session- Entered into executive session at 10:35 a.m. to discuss litigation. Reconvened the regular session at 11:00 a.m. Wasserburger moved, seconded by Ladwig to acknowledge County Attorney Davies answer. There was discussion on the motion made and Wasserburger amended his motion to include "in the best interest of the county, we proceed to defend the quiet title action." Ladwig seconded. **MOTION CARRIED.**

Road Indexer Cheryl Lund updated the commissioners on the status of Flat Top Road. Lund stated she sent a large map to the Road and Bridge Foreman in Platte County. Thomas made a verbal agreement with Platte County to maintain the road from Anderson's auto gate east to the highway and Platte will maintain west. Ruffing advised Lund to inform the state that we will split the mileage with Platte County.

County Treasurer- Met with County Treasurer Rhonda Holdbrook and discussed the FLC and Jail O & M accounts. Holdbrook also discussed purchasing new software for the treasurer's office. She noted that Lichen Research from Newcastle would do the data conversion for \$1,000 and charge \$250.00/month for the programs.

Elected officials- Met with the elected officials and department heads. Librarian Debbie Sturman said she had not received notification from Lynne Carlson to purchase computer equipment. She is going to update ram and operating systems.

Clerk of Court Linda Fosher updated the commissioners on the latest jury trial. She also discussed an upcoming trial that is set for 5 days in June.

County Treasurer Rhonda Holdbrook discussed painting of offices. She also advised the board of back taxes that are being paid. She also stated her office was up in license plate sales by \$25,000 from February of last year.

Sheriff Rick Zerbe noted the hiring of one detention officer. Ruffing gave Zerbe a letter she received from Sheridan County Commissioners regarding inmate medical.

County Clerk Becky Freeman discussed elections.

The commissioners informed the group that departmental budget hearings will be held the 3rd week in June.

Kerry Powers-Updated the Commissioners on the status of the wolf classification. The State of Wyoming has given the Federal Government 10 days to respond then the Governor will file a lawsuit against the Dept of Interior pursuant to administrative procedures act #706. Wasserburger thought that if we are asked to join suit, we should take some action if it is not cost prohibitive.

Sheriff- The commissioners approved Dispatch Supervisor Bonnie Tousley's request to carry over 45 hrs of vacation time from calendar year 03-04.

Facilities Proposal- The commissioners will meet at 1:00 p.m. on April 15, 2004 for a work session to review and revise the current proposal.

Department of Revenue- Noted rebate of taxes for the following entities: Exco Resources, Inc. \$390.78 Order # 272; Verizon Wireless, F/K/A Airtouch Communications, \$205.25, Order # 271.

Planning and Zoning Regulations- This matter was tabled until the April 20, 2004 meeting.

Hospital Coalition- Discussed the coalition's request for non-salary funding for fiscal year 2004-2005. The matter will be addressed at the next meeting.

Board of Equalization- Noted the order granting motion to continue and amended hearing order. All dates set in the Hearing Order issued November 19, 2003 are vacated and a hearing shall commence at 10:00 a.m. October 18, 2004, and continue as necessary through October 22, 2004 in the appeal of Wyoming RSA #1-Park Limited Partnership et al from a notice of valuation for ad valorem taxation. .

WY Child & Family Development- Noted the assessor's approval of Wyoming Child & Family Development's application for tax-exempt status.

OJJDP Application- Noted the application is due April 21, 2004.

Planning & Zoning Appointments- Received two applications for one vacant position. Wasserburger moved, seconded by Ladwig, to appoint Neil Holmes to fill the position left vacant by Lee Campbell's resignation. **MOTION CARRIED.** The second letter of intent will be held until a vacancy occurs.

Commissioner Ladwig discussed removal of sales tax on farm implements that was effective July 1, 2003. He noted that the Dept. of Revenue determined farm implements to include cattle chutes, tubs, and alleys. He also addressed the issue of setting up an office for Bonnie Tousley in the basement of the courthouse. The issue needs to be discussed further with Sheriff Zerbe.

Payroll and the following vouchers were approved for payment:

There being no further business, the meeting recessed. The next meeting will be held April 20, 2004 at 9:00 a.m. in the Commissioners' Room at the Niobrara County Courthouse.

NIOBRARA COUNTY COMMISSIONERS



Donna I. Ruffing, Chairman

ATTEST:



Becky L. Freeman, Clerk