

COMMISSIONERS' PROCEEDINGS
NIOBRARA COUNTY
JUNE 5, 2007

The Niobrara County Commissioners Meeting was called to order at 8:57 a.m. on June 5, 2007. Present were Commissioner Chairman Richard A. Ladwig, Commissioners Ronson B. Pfister, Arlene Zerbst Rapp, and County Clerk Becky L. Freeman.

Road & Bridge- Foreman Fred Thomas met with the Commissioners and discussed the screen inspection conducted by the State Mine Inspector. There were only three minor areas to adjust.

Rocky Phipps met with the Commissioners asked them to consider creating a new road, which would connect the North Van Tassell Road with Pleasant Ridge Road out of Nebraska. The Commissioners took this under advisement

Mike and Bonnie Anderson met with the Commissioners to discuss the Lund Road and whether or not it is an abandoned county road and address road access issues. They have cattle on their property and are now unable to load out the cattle because the current landowner will not allow access across his land with semi trucks. The Commissioners told the Andersons that the County Attorney would investigate the status of Lund Road and they would contact them.

Minutes- Zerbst Rapp moved, seconded by Pfister, to approve the minutes of the May 15, 2007 meeting. **MOTION CARRIED**

County Attorney- County Attorney Doyle J. Davies met with the Commissioners and presented a proposed permit for fireworks displays, discussed road issues and the procedures necessary to petition the county for a private road.

Elected Officials & Department Heads- The Elected Officials and Department Heads met with the Commissioners and discussed county operations. Elaine Griffith discussed the valuation for the county and estimated an increase above what the revenue-estimating manual projected.

Keri Thompson discussed the collection of the second half of property taxes and issues discussed at her Treasurer's Spring Meeting.

Denise Smith presented a Memorandum of Understanding between the University of Wyoming and Niobrara County. The Commissioners will forward this on to the County Attorney for his review.

Rick Zerbe discussed the WYOLink grant his office received.

Linda Fosher discussed pending jury trials and inquired about painting her office.

Treasurer- Keri Thompson met with the Commissioners to discuss the CSA financial package and address continuing concerns she has with reports the software generates.

Application for Establishment of Private Road- Landowner Bill McCleery, County Attorney Doyle J. Davies, and Attorney Dennis Meier, representing landowner Deborah Holter, met with the Commissioners to discuss Holter's application for the establishment of a private road. Holter owns lands in Niobrara County located in T33N, R64W, Section 17: All, Section 20. Currently and historically, these lands have been accessed by a road running through lands owned by Minnie B. McCleery, the State of Wyoming, and Reed Ranches. McCleery has recently denied access on said road and has locked the gates and posted "no trespassing signs" on the road, which has landlocked Holter's property. Holter is requesting a grant of temporary access until her application can be processed and finalized.

McCleery said the road in question is not a road, it is a trail and Holter is not landlocked- she can gain access to property through other sections of land. He further stated that there is excessive speeding out there, cattle have been injured and pastures torn up. He also stated he has had no contact with Holter.

A phone conference was held with Holter. The Commissioners asked if Holter had contacted McCleery regarding to use this road and she said no, she thought the road was considered a public road. She would like action taken as soon as possible because her lessee needs to move cattle in. The Commissioners asked if she was opposed to limitations on the use of this road and she said no. The Commissioners took this information under advisement.

Catering Permits- Zerbst Rapp moved, seconded by Pfister, to approve two catering permits for the Pub, LLC, to serve alcoholic beverages at the Alumni Dinner, June 23, 2007 and the Dockter Wedding Reception, July 21, 2007, both being held at the Fairgrounds. **MOTION CARRIED.**

Ladwig moved, seconded by Pfister, to approve a catering permit for Paleo Park to serve alcoholic beverages at the Johnson Wedding Reception, June 9, 2007 at the Fairgrounds.

MOTION CARRIED. Zerbst Rapp abstained from voting.

Official Bond & Oath- The Commissioners approved bonds for Linda M. Decker as Clerk/Treasurer for the Town of Lusk and Lindsey R. Gruwell as Deputy Clerk/Treasurer for the Town of Lusk.

Predator Board Sportsmen and At-Large Member- Due to appointments made in August of 2006, the following term adjustments must be made for the Predator Board Sportsmen and At-Large members to prevent vacancies upon term expirations. Pfister moved, seconded by Zerbst Rapp, to adjust the terms as follows:

Dick Baker – 2 ½ Year Term, expires December 2009

Gene Kupke- 1 ½ Year Term, expires December 2008

Kerry Powers- 2 ½ Year Term, expires December 2009

Gary Bayne- 3 ½ Year Term, expires December 2010.

Library Board Reappointments- Zerbst Rapp moved, seconded by Pfister, to approve the reappointments of Pat Bruch and Liz Kaltenheuser to the Library Board. **MOTION CARRIED.**

The Commissioners reviewed a contract with the Regional Juvenile Detention Center. This was tabled until the next meeting.

Fireworks Permit- The Commissioners reviewed a permit drafted by the County Attorney allowing individuals to conduct fireworks displays. This was tabled until the next meeting.

County Audit- Pfister moved, seconded by Zerbst Rapp, to approve the agreement with Porter, Muirhead, Cornia, and Howard to provide services for the county audit for \$29,940.

MOTION CARRIED

County Attorney con't- The Commissioners and Davies continued discussion on Deborah Holter's application for a private road. They discussed proposed restrictions that would apply should temporary access be granted. Pfister moved, seconded by Zerbst Rapp, to grant Temporary Access, as provided in W.S. § 24-9-101(d) to the property over property identified in the Application under the following conditions, to-wit:

1. Temporary access is granted to the applicant, applicant's lessee, and one employee for a period of 90 days or upon the completion of the process, whichever occurs first. Subject to the additional terms of this Grant of Temporary

Access, it will include the right for livestock trucks to use the road for the purpose of moving cattle to the applicant's property. Should non-authorized parties be observed using this access, landowners will be advised.

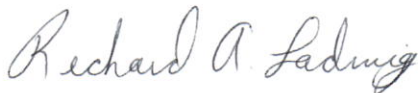
2. A list of vehicles that may be using the temporary access will be furnished to affected landowners prior to use. The list should include the parties that will be hauling the livestock and should provide owner, vehicle description, license plate number and probable driver.
3. Use is restricted to the existing route identified on the application and use is restricted to traveled surface and will not be used if muddy conditions exist.
4. All gates will be left as found.
5. Speeds of no more than 15 miles per hour will be observed from the entry off U.S. Highway 270 to the second auto gate east of the McCleery residence. Speeds will be reasonable in all other areas.
6. Access to the route shall be available between the hours of 8:00 o'clock A.M. and 6:00 o'clock P.M.
7. Should an emergency arise, such as the need for windmill repair, then landowners will be notified by applicant's representative prior to entry by the other parties.
8. Landowners shall be indemnified and held harmless for damages to property or persons caused by the actions of Applicant or parties using this temporary access with the permission of Applicant, or the permission of Applicant's lessee.

MOTION CARRIED.

Payroll and the following vouchers were approved for payment:

There being no further business, the meeting recessed until June 19, 2007.

NIOBRARA COUNTY COMMISSIONERS


Richard A. Ladwig, Chairman

Attest:



Becky L. Freeman, County Clerk