

COMMISSIONERS' PROCEEDINGS  
NIOBRARA COUNTY, WYOMING  
December 2, 2008

The Niobrara County Commissioners' Meeting was called to order at 9:00 a.m. on December 2, 2008 in the Commissioners' Room of the Niobrara County Courthouse. Those in attendance were Chairman Richard A. Ladwig, Commissioners Ronson B. Pfister and Arlene Zerbst Rapp, County Clerk Becky L. Freeman and Commissioner-elect Greg Starck.

Ladwig adjourned the regular meeting at 9:02 to conduct a public hearing on the application for the renewal of a retail liquor license for Kristen Stauffer D/B/A Paleo Park.

The Public Hearing was called to order at 9:02 a.m. There was no one in attendance to speak in favor of or in opposition to the application. Ladwig closed the public hearing at 9:03 a.m.

The regular meeting reconvened at 9:03 a.m.

Application for Renewal of a Retail Liquor License- Pfister moved, seconded by Ladwig, to approve the application for renewal of a retail liquor license for Kristen Stauffer D/B/A Paleo Park. **MOTION CARRIED.** Zerbst Rapp abstained from voting on the matter due to a conflict of interest.

Road & Bridge- Foreman Fred Thomas met with the Commissioners and thanked them for the insurance. Thomas went on to discuss roads and easements.

28 Road Reconstruction Project- BenchMark of Torrington engineers Bob Taylor and Brian Wakefield met with the Commissioners and Thomas to discuss the 28 Road Project. They discussed correspondence between Platte Valley Construction and BenchMark regarding liquidated damages incurred by Platte Valley Construction for not meeting the completion date of the project as stated in the contract. Jon Niefeldt and Jason Falldorf of Platte Valley Construction, joined the meeting at 10:00 a.m. and Scott Larson; engineer with BenchMark of Torrington, Cheyenne office, joined the meeting by phone. Niefeldt addressed reasons why they went over the completion date and was concerned that no one had informed them they were in danger of being penalized. It was pointed out to them that when they signed the contract, they were aware of all requirements, including the clause regarding the completion date and incurring a penalty.

Executive Session- The Commissioners entered into Executive Session at 10:40 to discuss contract negotiations. The regular meeting reconvened at 10:56 a.m.

28 Road Reconstruction Project con't.- The Commissioners asked Platte Valley for their proposal if a penalty were to be assessed. Niefeldt responded that he would like the Commissioners to supply him with a figure. It was noted that the County has incurred additional expenses with BenchMark of Torrington of approximately \$13,000 as a result of the delay in completion of the project and if there could be resolution on that situation, then everything could move forward. Both Niefeldt and Falldorf agreed to this figure.

Minutes-Pfister moved, seconded by Zerbst Rapp, to approve the Minutes of the November 18, 2008 Meeting. **MOTION CARRIED.**

The Commissioners acknowledged Statement of Earnings for the month of November from the County Clerk for \$2,467.75 and from the Sheriff's for \$3,979.09.

Elected Officials & Dept. Heads- Rick Zerbe, Denise Smith, Linda Foshier, Keri Thompson, Lisa Mellott and Becky Freeman met with the Commissioners and discussed county business.

Ladwig adjourned the regular meeting at 2:00 p.m. to conduct a public hearing.

The Public Hearing was called to order at 2:05 p.m. to receive public comment on the application for establishment of private road for Lamb Ranch, Inc. Those in attendance were Jim Eddington, Attorney for Temptan, Inc., Dennis C. Meier, Attorney for Lamb Ranch, Inc., Lee R. Denny, Manager for Lamb Ranch, Inc., and Ed Buchanan, Niobrara County Deputy County Attorney, providing legal counsel for the Niobrara County Commissioners.

There was discussion regarding whether or not adequate notification to landowners had been given, whether or not there were any alternate routes to be considered by Lamb Ranch, Inc. or by the

County Commissioners, and whether or not an easement had tried to be obtained from Temptan, Inc. or the previous landowners, by Lamb Ranch, Inc. After lengthy discussion, Ladwig asked the group whether or not everyone stipulated that there was no legally enforceable access and prior. All parties agreed that there was no legally enforceable access and prior to the date of the hearing on both November 18, 2008 and December 2, 2008, no notice of any other affected parties nor any alternative routes were proposed by the Board or by the owner over whose land the applicant would cross. Based on that fact, the Commissioners will continue the process and appoint three viewers. The hearing adjourned at 4:03 p.m. A complete transcript of this public hearing is on file and is available for viewing at the County Clerk's office.

E911 Maintenance Contract- Zerbst Rapp moved, seconded by Pfister, to approve the agreement with Nine One One for software and hardware maintenance and for Nine One One to provide telephone hotline support, for an annual cost of \$5,000. **MOTION CARRIED.**

Guardian Ad Litem (GAL) Memorandum of Understanding (MOU)- Pfister moved, seconded by Zerbst Rapp, to approve the MOU between the Office of the Public Defender and Niobrara County, with respect to the GAL Program. **MOTION CARRIED.**

The Commissioners acknowledged receipt of a letter from Wyoming Community Gas stating that they are sponsoring the Wyoming Community Grant Program. ONEOK, Inc. has contributed money for this program. The grant awards for community enhancement projects will be limited to a \$2,500 maximum. The deadline for grant requests is December 31, 2008.

The Commissioners received and reviewed two (2) applications for courthouse maintenance position. No decision was made at this time.

Schindler Elevator- Pfister moved, seconded by Zerbst Rapp, to approve the upgrade order agreement between Schindler Elevator and Niobrara County for the installation of a car-top railing system for the elevator. **MOTION CARRIED.**

Payroll and the following vouchers were approved for payment:

There being no further business, the meeting adjourned.

NIOBRARA COUNTY COMMISSIONERS

*Richard A. Ladwig*  
Richard A. Ladwig, Chairman



Attest:

*Becky L. Freeman*  
Becky L. Freeman, Clerk