

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