

COMMISSIONERS' PROCEEDINGS  
NIOBRARA COUNTY, WYOMING  
September 2, 2008

The Niobrara County Commissioners meeting was called to order at 8:15 a.m. on September 2, 2008 in the Commissioners' Room of the Niobrara County Courthouse. Those present were Chairman Richard A. Ladwig, Commissioners Ronson B. Pfister, Arlene Zerbst Rapp, and County Clerk Becky L. Freeman.

The Commissioners met with Steve Coon at the Fairgrounds to discuss the status of the floor. After much discussion, Coon stated he would discuss the matter with an engineer and get back with the Commissioners.

Road & Bridge- Foreman Fred Thomas met with the Commissioners and discussed roads & equipment. Thomas stated that 28 Road was looking good.

The Commissioners and Thomas discussed the town hauling dirt from their stockpile at the cemetery to the dump. They will be hauling the dirt with belly dumps on the paved portion of 28 Road. The Commissioners are concerned that the trucks hauling the dirt won't be weighed and this much heavy truck traffic will tear up the road.

Denis Peterson met with the Commissioners and discussed the dirt haul project. There was discussion about who maintains the paved portion of 28 Road by the cemetery and Peterson said the town does. He stated that if the road is torn up, they will fix it.

Ladwig suggested that the trucks haul the dirt through the barrow pit and Thomas confirmed that a couple of truckers said they could get through the barrow pit. Peterson didn't think that would work because he was concerned about approaches and that it would be too slow of a process and they are limited in the amount of time they have to get this project completed.

Commissioners asked if there was any way we could get a written agreement from the town stating they would fix the road if it becomes damaged. Peterson said he would discuss this with the Mayor.

Ladwig stated he would feel better if the Commission had some assurances from the town regarding repairs and Peterson said that he couldn't do that at this time.

Zerbst Rapp inquired about using the scales at Hubbard's and it was pointed out that the scales are out of the way and would cost \$5 for every load.

Private Road Petition- Attorney Dennis C. Meier and Lee Denny, representing Lamb Ranch, Inc. met with the Commissioners to discuss a private road petition they submitted requesting temporary access until the application can be processed and finalized. Meier discussed a letter he received from Temptan's attorney advising his client, Lee Denny, that the road is closed to his use. Meier further stated that he had contacted Temptan, Inc's attorney to see if a right of way could be purchased and there has been no interest so far. County Attorney Doyle Davies joined the meeting at 10:40.

After more discussions, Zerbst Rapp moved, seconded by Pfister, to grant temporary access to Lamb Ranch, Inc. & family to access their ranch on the road that has been used historically, with no conditions, as evidenced by exhibit A on the application. **MOTION CARRIED.**

The Commissioners set the public hearing on this matter for November 18, 2008 at 9:00 a.m.

Dennis Meier and Doyle Davies met with the Commissioners and discussed 28 Road. The Commissioners want some kind of agreement from the Town that if the road is torn up, the town will fix it. Meier stated that Mayor Pier said the town would do whatever needs to be done to get this project completed, including running lighter loads on the trucks. Meier said he could draft an agreement regarding damages to the road, should they occur, and repairs.

The Commissioners discussed the fairgrounds floor with the County Attorney.

Insurance- Jon Mellott with Assurant Health met with the Commissioners and presented information on UNUM, which is an accident, sick, and hospitalization plan. He noted that this isn't a major medical plan. The Commissioners took this information into consideration.

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

Elaine stated that they were finished working in the country and are busy doing data entry.

Linda stated that there are no jury trials in the immediate future. She also noted that she did get proposals for phones.

Keri stated she sent tax notices out and a lot of people have been in to pay

Denise discussed the county and state fair and upcoming training for everyone. She also discussed the floor.

Lisa stated she will be using some of her HLS money to purchase some coroner equipment.

Arlene said that the Mayor had contacted her and inquired if the County would be interested in having a joint Christmas party with them. He has country club reserved for December 6. No one was opposed to this suggestion so Arlene will get with Pete and work out details.

Courthouse Cleaning- Diane Cannon met with the group and discussed the courthouse cleaning. Diane stated that she would need more hours and help to get everything done that is being requested of her. It was noted that there is funding in the budget for additional help and hours. There was some confusion as to the status of her position, full or part time. Elaine did point out the high traffic areas that need attention, especially the bathrooms. She also asked her to clean out the ashtrays. The Commissioners told Diane that there was funding for her to hire another person. Also, they suggested that each elected official go through their offices with Diane and tell her what they want.

Minutes- Pfister moved, seconded by Zerbst Rapp, to approve the Minutes of the July 18, 2008 Special Meeting and the August 5, 2008 Regular Meeting. **MOTION CARRIED.**

The Commissioners acknowledged receipts for the month of August from the County Clerk for \$3,499.00, from the Sheriff for 762.00, and from the Clerk of Court for 459.70.

IT Room- The Commissioners received bids from McCart Construction for \$1,248.47 and from Jim Tangney for \$1,200. Zerbst Rapp moved, seconded by Pfister, to accept Jim Tangney's bid. **MOTION CARRIED.**

Cancellation of Taxes Order- The Commissioners acknowledged cancellation orders from the Assessor for Conoco Inc., from the 2007 Tax Rolls for \$54.60, order number 732; Conoco Inc., from the 2008 Tax Rolls for \$70.90, order number 733; and for James Cable Partners LP, from the 2008 Tax Rolls for \$152.66.

1% Option Tax- Todd Bishop with Kaiser and Company, Pete Pier, Keri Thompson, John Mellott, and Denis Peterson met to discuss funding options for the 1% Specific Purpose Excise tax projects that were approved at the Primary Election. He submitted a financing analysis detailing time frames for payoff and distributions of funds. He based his numbers on projected tax collections of \$35,000/mo.

He discussed the county's blade and the fire district's pumper and stated that he will structure the lease so that it can be paid off on any payment without penalties and any revenue left over should be used for Operations and Maintenance (O&M) of blade or pumper.

Town of Lusk and lease purchase agreement- Todd stated that Keri will write the Town a check each month from the 1% Specific Purpose Excise Tax and it will be up to them to set up an escrow account to take care of their debt service payments. He also suggested that there be no financing for Manville's brush hog or the Hospital room remodels. He thought it would be easier to fund them up

front. Todd stated that Kaiser and Company will draw up all paperwork and Niobrara County and the Town of Lusk will pass resolutions authorizing the entities to enter into a lease agreement on purchases. Richard will get a hold of the fire district and get information for the pumper. The question was asked if the Commissioners wanted Keri to maintain funds for the pumper truck for the fire district or submit monthly checks to them directly. It was decided that the county will invest the funds on behalf of the fire district.

Hat Creek Bridge Replacement- The Commissioners received an Acceptance of Completion certificate from WYDOT regarding the Hat Creek Bridge replacement. Zerst Rapp moved, seconded by Pfister, to sign the acceptance certificate for the Hat creek bridge replacement project. **MOTION CARRIED.**

Catering Permits- Pfister moved, seconded by Ladwig, to ratify the catering permit for Paleo Park to sell alcoholic beverages at the Fair Dance held August 1, 2008. **MOTION CARRIED.** Zerst Rapp abstained from voting on this issue.

Pfister moved, seconded by Zerst Rapp, to ratify the catering permit for the Silver Dollar Bar to sell alcoholic beverages at the Gary Scott Birthday Party held August 23, 2008 at the fairgrounds. **MOTION CARRIED.**

The Commissioners received a Joint Owners Agreement from Winter Ridge Energy regarding oil wells in which the county holds a working interest. This agreement was tabled until more information can be obtained.

Notice of Valuation Change- The Commissioners received a notice of valuation change for JMG Exploration Inc. from the 2007 tax year for an increase of \$16,640.01.

Official Bond & Oath- Zerst Rapp moved, seconded by Pfister, to approve the official bond & oath for Mark Bruegger as Secretary/Treasurer of the Niobrara Rural Fire District. **MOTION CARRIED.**

Payroll and the following vouchers were approved for payment:

There being no further business, the meeting recessed until September 22, 2008.

NIOBARARA COUNTY COMMISSIONERS

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

STATE OF WYOMING  
COUNTY  
Attest:  
CLERK  
*Becky L. Freeman*  
Becky L. Freeman, Clerk