

**COMMISSIONERS' PROCEEDINGS  
NIOBRARA COUNTY, WYOMING  
May 5, 2009**

The Niobrara County Commissioners' Meeting was called to order at 9:03 a.m. on May 5, 2009 in the Commissioners' Room of the Niobrara County Courthouse. Those in attendance were Chairman Richard A. Ladwig, Commissioners Arlene Zerbst Rapp, Greg B. Starck, and County Clerk Becky L. Freeman.

Commissioner Ladwig adjourned the regular meeting at 9:04 a.m. to hold a public hearing on the change of zoning application from the Ruth Kilmer Trust, Rick Kilmer Trustee and Derren Kilmer, CEO of KWRT LLC. Bob Stoddard and Derren Kilmer were in attendance. Kilmer is requesting a change of zoning from agriculture to industrial on approximately six (6) acres of land located in T32N, R63W, NESENE of Section 29. Kilmer stated that he wants to use the northern most outbuildings off of Hwy 85 for the express purposes of putting a remote packaging and storage facility for a portion of KWRT, LLC, operations. The northern most six acres plus or minus shall be used to bag one inch pieces of pre-processed rubber chunks. One of the buildings will house a bagging line and all equipment needed to bag their proprietary blended rubber pieces into bags ranging in size from 40 pound bags to bulk super sacks weighing up to 2,200 pounds. The other building will be used to store all of these palletized bags for shipment at later dates. He further stated that all operations will be housed inside of the buildings with the exception being, as it relates to transportation, to and from each building as well as bringing feedstock from the tire processing facility. Ladwig stated he had talked to Planning and Zoning Chairman Neil Holmes regarding approaches and Holmes said had not heard anything from WYDOT, but Kilmer informed the group that he will comply with state regulations and would be regulated by weights and measurements by the state. He also said that the State is going to require them to put in a commercial approach. Kilmer has talked to Dennis Green with WYDOT about this. There will also be fencing and approaching requirements.

Bob Stoddard of Milliron Spear Ranch stated he had no problems with this facility as long as trash and junk is picked up. Kilmer stated that he would be adhering to best management practices and follow requirements that DEQ will enforce. Stoddard also inquired about water concerns. Kilmer said there wasn't any water involved with processing.

Kilmer also stated that there wouldn't be a lot of truck traffic; most of the orders would be picked up.

There being no further comments, Ladwig closed the public hearing at 9:14 a.m.

Ladwig reconvened the Regular Meeting at 9:15 a.m.

Change of Zoning Application-Starck moved, seconded by Zerbst Rapp, to approve the change of zoning request for the Ruth Kilmer Trust changing the zoning from agriculture to industrial on approximately six acres of land. **MOTION CARRIED.**

Road & Bridge-Foreman Fred Thomas met with the Commissioners and discussed roads, gravel, equipment, and roto mill stockpiling. He also discussed renting a skidster from Jordan Automotive to finish dirt work at the sheriff's facility. The Commissioners will have the County Attorney draft an agreement.

County Attorney- County Attorney Doyle J. Davies met with the Commissioners and discussed county business. Sheriff Zerbe was also in attendance.

Executive Session- Ladwig moved, seconded by Starck, to enter into Executive Session at 9:50 a.m. with County Attorney Davies and Sheriff Zerbe to discuss personnel issues. **MOTION CARRIED.** The regular meeting reconvened at 10:15 a.m.