

NIOBRARA COUNTY COMMISSIONERS' MEETING
NIOBRARA COUNTY, WYOMING
August 15, 2017

The County Commissioners' meeting was called to order on this date at 9:00 a.m. with Chairman Richard A. Ladwig, Commissioners Patrick H. Wade, John Midkiff and County Clerk Becky L. Freeman, present.

Wanda Spivey, owner of Proper Care, LLC., met with the Commissioners to discuss the eclipse and unanticipated costs she is facing in order to maintain the fairgrounds during this event. She had concerns that there wouldn't be enough volunteers to help with trash removal and general duties. She also felt she was being tasked with jobs outside the scope of her contract such as set up and tear down of tables and chairs. She wanted to know how she was expected to remove all the trash, when typically it is the renter's responsibility to remove trash and place in the dumpsters. There was also confusion as to who would close and open the gates, etc.

She asked the Commissioners to consider providing additional funding in addition to her monthly contract amount to help offset costs associated with this event.

Road and Bridge- Fred Thomas, Foreman, met with the Commissioners and reported on road and bridge business.

He said someone had removed gravel from of the middle of Divide Road. He said he spoke with local landowners about the matter and that he had contacted law enforcement.

The group went on to discuss the upcoming Rally America race that will be held in Lance Creek and the possibility that the rally cars will be crossing a portion of V-5 Hilltop Road. The Commissioners will try to contact Bill Fogg with Rally America to try and get an updated map of the race and a better idea of what county road they will be crossing.

James Santistevan, Emergency Management Coordinator, met briefly with the Commissioners and updated them on the status of eclipse preparations.

They also discussed the upcoming Rally America race.

Dell Atkinson, Long Term Recovery Manager, reported on alternate phone sources for rural phone customers such as high speed internet and VoIP, and mobile cell towers.

Dell said he would develop a questionnaire and send it out to various internet providers to see what they can provide as far as service and at what cost.

He also talked about notification he received confirming that Niobrara County was a recipient of the EDA Partnership Planning Grant. He said he should know in the next week or two on how to proceed.

Lastly, he said he planned to attend a seminar in Sheridan on methods to clean up and rebuild contaminated sites.

Jackie Bredthauer, Chamber of Commerce Director, met with the Commissioners to discuss eclipse preparations

They asked about controlled access to the fairgrounds as well as set up and tear down.

Jackie stated that she hasn't done anything yet as far as access control, but updated them on who will be taking tickets, directing parking etc.

The Commissioners mentioned the meeting they had with Wanda Spivey regarding the set up and tear down. Jackie assured them that there were volunteers that would be available to assist her.

Fred stopped back in and discussed the road course for the upcoming rally road race being held the weekend of August 26. The County Attorney and Sheriff were also present. He said that a small portion of V-5 Hilltop Road would be used for crossings.

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Cally had concerns about enforcing the rally people to do the road cleanup and maintenance like they said they would. Rick said he had instructed his deputies to write tickets to anyone speeding on county roads. The Commissioners will contact Bill Fogg with Rally America to determine exact crossing points and to ensure that the road is clearly marked as closed for a brief period.

Executive Session- Pat moved to enter into Executive Session at 1:50 p.m. with Fred Thomas, Cally Lund and Rick Zerbe to discuss potential litigation. John seconded, motion carried. John moved to reconvene the regular session at 2:01 p.m. Pat seconded, motion carried. No action was taken.

WWC Inmate Housing Contract- Gwen Riter, Detention Lieutenant, joined the Commissioners and Sheriff Zerbe to discuss the Wyoming Women's Center contract to house inmates at the county jail.

Pat moved to approve the contract with WWC for inmate housing of up to eight inmates at \$55.00/day. John seconded, motion carried.

County Attorney- Cally talked about the continued efforts being done to establish cleaner rules for renting the fairgrounds and not allowing public camping at fairgrounds.

They also discussed the fairgrounds contract and background checks on the contractor's employees. Cally said it was mainly geared towards drug issues and that having been a concern in the past. This way a background check can be conducted to gather information on whether or not they have a history of drug offenses and to test accordingly.

Executive Session – Pat moved to enter into Executive Session with Cally at 2:48 p.m. to discuss potential litigation. John seconded, motion carried.

Pat moved to reconvene the regular session. John seconded, motion carried. No action was taken.

Resolution 17-11- Whistleblower Policy- Pat moved to approve the following Resolution:
WHEREAS, Niobrara County is committed to operating in furtherance of its governmental purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its employees, officers or board members.

WHEREAS, this policy outlines a procedure for employees to report actions that an employee reasonably believes violates a law or regulation, or that constitutes fraudulent accounting or other practices. This policy applies to any matter which is related to Niobrara County's business and does not relate to private acts of an individual connected to the business of Niobrara County.

WHEREAS, if an employee has a reasonable belief that an employee has engaged in any action that violates any applicable law or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information to the County Attorney.

WHEREAS, all reports will be followed up promptly and an investigation will be conducted. In conducting its investigation, the County Attorney will strive to keep the identity of the complaining individual as confidential as possible while conducting an adequate review and investigation.

Niobrara County will not retaliate against an employee because that employee:

- a. Reports to the County Attorney what the employee believes, in good faith, to be a violation of the law;
- b. Participates in good faith in any resulting investigation or proceeding;

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- c. Exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights.

WHEREAS, Niobrara County may take disciplinary action (up to and including termination) against an employee who, in the County Attorney's assessment, has engaged in retaliatory conduct in violation of this policy.

WHEREAS, in addition, Niobrara County will not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel or a court, truthful information relating to the commission or possible commission by Niobrara County or any of its employees of a violation of any applicable law or regulation.

THIS RESOLUTION PASSED AND APPROVED by the Niobrara County Commissioners, this 15th day of August, 2017.

/s/Richard A. Ladwig, Chair

/s/Patrick H. Wade, Vice-Chair

/s/John Midkiff, Commissioner

ATTEST: /s/Becky L. Freeman, County Clerk

John seconded, motion carried.

Resolution 17-12- A Resolution authorizing the Commissioners to enter into a Contract for Services with the Town of Lusk for Communications/911/ Dispatch Services. John moved to approve the following Resolution:

A RESOLUTION AUTHORIZING AND DIRECTING THE BOARD OF COMMISSIONERS OF NIOBRARA COUNTY TO EXECUTE, ON BEHALF OF THE COUNTY, THAT CERTAIN
"COMMUNICATIONS/911/DISPATCH SERVICES OPERATIONS AGREEMENT".

WHEREAS, the Town of Lusk has, in the past, contracted with the County of Niobrara and the Niobrara County Sheriff for "dispatching services" to the Lusk Police Department, Lusk Ambulance and Fire Departments, Emergency Management and Civil Defense requirements, 911 citizens calls, Public Works standby calls, animal control, and other security and emergency calls; and,

WHEREAS, the Town of Lusk and County of Niobrara have negotiated the terms of said contact for the fiscal year 2017-2018.

NOW THEREFORE, BE IT HEREBY RESOLVED:

1. The Board of Commissioners of Niobrara County are hereby authorized and directed to execute the "Contract for Services" in the form and on the terms and conditions as are set forth in the Contract attached hereto entitled **CONTRACT FOR SERVICES-COMMUNICATION/911/DISPATCH SERVICES "OPERATIONS" AGREEMENT** which is by this reference incorporated fully herein.

THIS RESOLUTION PASSED AND APPROVED by the Niobrara County Commissioners, this 15th day of August, 2017.

/s/Richard A. Ladwig, Chairman

/s/Patrick H. Wade, Vice-Chair

/s/John Midkiff, Commissioner

Attest: /s/Becky L. Freeman, County Clerk

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Contract for Services- The Commissioners signed the contract with the Town of Lusk for Communications/911/ Dispatch Services. The Town agrees to pay the County \$6,301.50 per month beginning July 1, 2017 and ending June 30, 2018 for their portion of communication calls.

24-Hour Catering Permit- John moved to approve a 24-Hour catering permit for the Silver Dollar Bar to sell alcoholic beverages at the Cisneros wedding reception being held August 26, 2017 at the fairgrounds. Pat seconded, motion carried.

Resolution 17-13- Partial Fire Ban- Pat moved to approve the following resolution:

RESOLUTION 17-13 - A RESOLUTION IMPOSING A PARTIAL FIRE BAN IN THE UNINCORPORATED AREAS OF NIOBRARA COUNTY

WHEREAS, a potentially severe to extreme fire situation could exist throughout Niobrara County, created by a wet spring, heavy vegetation, subsequent higher temperatures and decreased humidity, which could create situations that over-extend the firefighting capability of local government; and,

WHEREAS, under W.S. 35-9-301, upon the recommendation of the County Fire Warden, a Board of County Commissioners may limit use of a given area in the county due to extreme fire danger, and

WHEREAS, the 2012 Fire Mobilization Plan, promulgated by the Wyoming State Forestry Division, encourages the restriction of open burning in areas where dry conditions exist;

THEREFORE BE IT RESOLVED that the fire danger in Niobrara County is extreme and that upon the recommendation of the County Fire Warden, the following restrictions of use be applied to all lands within Niobrara County, excluding federal lands:

That this is a partial closure, discharge of fireworks and all outdoor fires are prohibited in unimproved areas, defined as cropland, agricultural land, and undeveloped land which predominately remains in its natural forested or range condition, except as provided below:

- (i) Trash or refuse fires between the hours of 6:00 p.m. and 8:00 a.m., inside containers provided with spark arrester and located within a cleared area ten feet in radius, are permitted.
- (ii) Charcoal fire within enclosed grills are permitted.
- (iii) Use of acetylene cutting torches or electric arc welder in cleared areas ten feet in radius are permitted.
- (iv) Propane or open fire branding activities in cleared areas ten feet in radius are permitted.
- (v) Use of chainsaws provided that the chainsaws have spark arresters properly installed and functioning.
- (vi) Federal, State, local fire or law enforcement officers participating in fire, emergency, and law enforcement activities.
- (vii) Public or privately sponsored fireworks display which are coordinated with the Niobrara County Fire Warden or his designee.

And the penalties, pursuant to W.S. §35-9- 304, are punishable by up to a \$100.00 fine, thirty (30) days in the Niobrara County Jail, or both, may be imposed for violation of this Resolution.

BE IT FURTHER RESOLVED that this resolution becomes effective August 15, 2017 and shall remain in effect until October 1, 2017 or until such time as it may be amended or rescinded by the Board of County Commissioners.

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Notice of fire closure shall be transmitted to the Wyoming State Forester, Bill Crapser, 1100 West 22nd Street, Cheyenne, Wyoming 82002.

PRESENTED, READ AND ADOPTED this 15th day of August, 2017.

BOARD OF COUNTY COMMISSIONERS NIOBRARA COUNTY, WYOMING

/s/Richard A. Ladwig, Chairman

/s/Patrick H. Wade, Vice-Chair

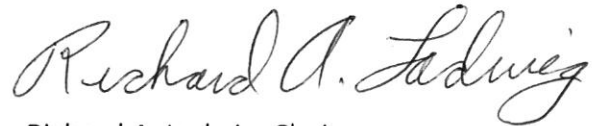
/s/John Midkiff, Commissioner

Attest: /s/Becky L. Freeman, County Clerk

John seconded, motion carried.

There being no further business, the meeting adjourned.

NIOBRARA COUNTY COMMISSIONERS



Richard A. Ladwig, Chairman



Attest:



Becky L. Freeman, Clerk