

NIOBRARA COUNTY COMMISSIONERS' MEETING
NIOBRARA COUNTY, WYOMING
February 7, 2017

The Niobrara 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.

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

He said that Hout Fencing has completed Greasewood Road and will move on to work on the culvert headwalls on 28 Road next, once it warms up.

He also updated the Commissioners on the Lance Creek Bridge Replacement project. He said that so far all of the abutments and columns have been poured on the south side and that the contractor is starting to work on north columns and abutments.

BenchMark of Torrington- Brian Wakefield, engineer with BenchMark of Torrington, met with the Commissioners and discussed the 2016 Road Rehab Project. He said that they will go and drive Greasewood Road to review the work done so far. Fred said it appears that the project is moving along nicely. The contractor is on target with his gravel usage and the local residents appear to be pleased with the work done so far.

Pat mentioned that the top of Cheyenne River Road was in rough condition when he drove it. He talked to Carolyn Johnson after the road had been bladed and she was pleased with the work that had been done.

Richard said he had heard some concerns over 20 Mile Road. Fred said they had bladed it and will take another look. Fred said that there is still frost in the ground and that makes it hard to cutout the washboards.

County Attorney- County Attorney Cally Lund met with the Commissioners via a phone conference and discussed county business. She said that the fire district had contacted her regarding their new building and issues they are having with the fire marshal. The building plans were engineered by Baker and Associates but it appears that plans were not submitted to the fire marshal for review and approval prior to construction beginning. Cally told the district to shut down construction until an engineer can correct the list of errors found by the fire marshal.

She also discussed a conversation she had with the Janet Miller of the Economic Development Administration regarding an employment contract for the Local Disaster Recovery Manager. She explained that the county doesn't use contracts as the Recovery Coordinator will be an employee of Niobrara County rather than a contractual position. Cally said she would draft an agreement similar to the Public Health Officer's contract with the State and Ms. Miller was in agreement with that.

The group also discussed a scheduled meeting with representatives from Trihydro regarding the Phillips 66 Voluntary Remediation Program at the former Lance Creek Crude Oil Gathering Station and the request from Decker's Food Marker to use county property by the sheriff's garage to install a heating/cooling unit.

Eclipse Meeting- Jackie Bredthauer, Candy Dooper, Brenda Phipps and Sheriff Rick Zerbe met with the Commissioners to discuss the upcoming eclipse and plans for the event. The group discussed event insurance, security, and emergency services requirements.

Elected Officials & Dept. Heads- Rick Zerbe, Sheriff, Teri Stephens, Assessor, Keri Thompson, Treasurer and Kelli Chichester, 4-H Educator, met with the Commissioners and discussed office operations.

Rick said they are still having troubles with the generator and will talk with Valley Plumbing to have them do an assessment of line. Rick said that every time the furnace kicks on,

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the generator shuts down. He said that they are able to keep the generator that Homeland Security lent them as long as it is needed.

Teri said her office is busy working towards getting assessment notices sent out.

Keri said the focus of her office has shifted from property tax collections to issuing new license plates. She also discussed legislative bills of interest.

Kelli said the office is starting to work on fair preparations.

The group also discussed Visionary Communication's proposal to provide internet redundancy. It was decided to have all parties meet at the next Commissioner meeting to discuss this.

The Assessor and Treasurer remained after the meeting to discuss a bulk mailing system they would like to purchase to aid in the mailing of tax notices and assessments. The Commissioners authorized them to purchase the Master's Touch bulk mailing system.

Emergency Management- James Santistevan, Emergency Mgmt. Coordinator, met with the Commissioners and updated them on emergency management business. He said it has been busy. He also said he has been working with Public Health Nurse Sally Myer regarding sheltering for medical and non-medical matters.

He also discussed the tier two reporting. He said that the State has given him authorization to allow someone else to have access to the reporting on oil wells and hazardous materials. He is going to ask that the fire chief have access to this info.

John asked about weather spotters and James said that he is one as well as James Meng, Judy Hanzlik and sheriff's office.

The group talked about the possibility of declaring a fire ban during the eclipse activities.

TriHydro Presentation- Joey Waldmann and Ali Tavelli with TriHydro, met with the Commissioners and gave a presentation regarding the cleanup of Phillips66 Former Lance Creek Station. Also in attendance were James Kruse and Justen Miller, interested parties and landowners/lessees, and Heidi Sturman and Lisa Shaw, representing the Conservation District.

Trihydro Corporation is Phillips 66 (P66) engineering consultant for the cleanup activities at the former crude oil gathering station located in West Lance Creek, Niobrara County.

The Former Lance Creek Station property was used as a crude oil gathering station from 1938 to 2003, and encompasses approximately 23.60 acres. The property is located at 293 Twenty Mile Road, West Lance Creek in Niobrara County. Cleanup is currently under the auspices of the Wyoming Department of Environmental Quality (WDEQ) Voluntary Remediation Program (VRP). The station was dismantled in 2003 and 2004.

The VRP was established in 2000 by the Wyoming legislature to provide an alternative process for encouraging more timely and efficient cleanups of contaminated sites. Participation in the VRP is voluntary. P66 opted to participate in the VRP because it is a more flexible, risk-based clean-up process than the prior clean-up program established under the Wyoming Environmental Quality Act.

Another important reason why P66 opted to conduct this environmental cleanup work under the VRP is because it allows the use of a Use Control Area, or UCA. A UCA is a legally enforceable form of property use restriction that is only available under the VRP. WS 35-11-1609(a) allows a UCA to "establish long-term restrictions on the use of the site." WS 35-11-1609(f) provides the legal mechanism whereby the restrictions in a UCA become enforceable by the issuing governmental entity. Although similar to zoning, a UCA is unique in that the

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restrictions imposed are in perpetuity or until such time that the WDEQ concurs that conditions on the property can support any use.

At this site, the UCA will form a part of a more comprehensive remedy to achieve continued compliance [with environmental cleanup regulations] and protect human health and the environment. While other forms of institutional controls to limit future site use are possible options for inclusion within the comprehensive remedy, as a newer law, the UCA is considered to be the most readily enforceable form of institutional control.

The Process for Establishing a UCA

The following steps are required in WS 35-11-1609 for establishing a UCA.

1. P66 shall petition Niobrara County for the creation of a UCA (WS 35-11-1609(a)). The petition must contain the "data, information and any remedy options" (WS 35-11-1609(c)) that were identified as necessary to support a final remedy selection.
2. Following submission of the petition, P66 will provide public notice of the petition and a public hearing by writing to all contiguous landowners and by publishing notice once per week for four consecutive weeks in the local newspaper (35-11-1609(d)).
3. The public hearing may be held no sooner than 30 days after the first notice is published in the newspaper (35-11-1609(d)).
4. After the public hearing but within 180 days after the petition is received, Niobrara County shall vote on the petition using a simple majority decision criterion (35-11-1609(e)).

The Commissioners took this information under advisement.

Danny and Jeremiah Decker met with the Commissioners to discuss avenues for housing a heating and cooling unit on county property. Danny said that the unit they are proposing is too heavy for their roof and they would like to install it on the south side of Deckers. There is 15' between the Sheriff's garage and Decker's. The unit would be 6' x 9' and would be elevated to help with drainage. They aren't up against a deadline so a summer timeline would work.

Pat had a concern about the public's perception of a private enterprise using county property. The Commissioners will ask the County Attorney to review this matter and they will get back to the Deckers.

County Coroner- Peter W. Pier met with the Commissioners to update them on the coroner's office. He said that there were a few cases which were unresolved when he took office, but he is working on resolving them. He also discussed the interment of skeletal remains of three individuals which had been dug up several years ago west of town. He was going to send them to the anthropology department at UW, but decided to bury them in the cemetery. The Town of Lusk donated the burial spaces and labor. He also discussed missing equipment and that he and Cory Wilcox are registered to take classes at the Law Enforcement Academy.

He said the coroner's vehicle hail damage has been repaired but the topper is not fixed. Lastly, he said he disposed of all the property in which he could not identify the owners. The rest was sent to families. He also disposed of all the medicine stored over there.

Consent Agenda- Pat moved to approve the consent agenda. John seconded, motion carried. Items included on the consent agenda were the minutes of the January 17, 2017 meeting, a Notice of Valuation Change for L & J Operating, Inc. from the 2015 tax year resulting in an increase of total taxes of \$1,455.81, and receipts and expenditures for the month of January from the County Clerk for \$4,390.00, from the Sheriff for \$1,975.00, and from the Clerk of Court for \$785.00.

Payroll and the following vouchers were approved for payment:

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Remit Name	Amount	Description
A T & T	\$ 93.25	SUPPLIES
Absolute Solutions	\$ 8,258.14	NEW EQUIPMENT, REPAIRS
Allbright's True Value Hardware	\$ 395.63	SUPPLIES, PARTS, MAINTENANCE
AlSCO	\$ 305.60	PARTS
Barbara Cushman	\$ 297.00	SCHOOLS
Becky L. Freeman	\$ 481.50	TRAVEL EXPENSE
Benzel Pest Control, Inc.	\$ 277.20	MAINTENANCE
Birch Communications	\$ 690.09	TELEPHONE
Black Hills Chemical & Janitorial	\$ 659.62	FAIRGROUND SUPPLIES
Black Hills Energy	\$ 2,642.14	UTILITIES
Boldon Diesel Service, LLC.	\$ 418.29	PARTS
Cally Lund	\$ 500.00	OFFICE RENT
Canon Financial Services, Inc.	\$ 418.00	COPIER SERVICE AGREEMENT
Century Link	\$ 1,374.16	TELEPHONE, I T EXPENSE
Century Link Business Services	\$ 8.06	TELEPHONE
Computer Projects Of Il, Inc.	\$ 171.60	COMPUTER EXPENSE
Connecting Point Computer Centers	\$ 329.70	COPIER SERVICE AGREEMENT
Decker's Foods	\$ 398.50	SUPPLIES, PARTS, INMATE MEALS & MEDS
Dennis C. Meier	\$ 1,000.00	OFFICE RENT
		REIMBURSE STATE FOR P.H.N. SAL.&
Dept. Of Health	\$ 4,100.69	UNEMPLOYMENT
Dept. of Workforce Services	\$ 1,819.48	UNEMPLOYMENT COMPENSATION
Ed Buchanan	\$ 2,660.00	DEPUTY COUNTY ATTORNEY
Election Systems & Software, Inc.	\$ 76.33	BALLOTS
Geographic Innovations	\$ 1,300.00	PROFESSIONAL MAPPING
Goshen County Detention Center	\$ 220.00	INMATE HOUSING
Grainger	\$ 328.75	JUSTICE CENTER MAINTENANCE
Great Western Tire Company	\$ 1,602.64	PARTS
GreatAmerica Financial Svcs.	\$ 407.50	COPIER SERVICE AGREEMENT
H & H Electric, Llc	\$ 292.00	R & B IMPROVEMENTS
Heartland Embroidery, Inc.	\$ 278.64	UNIFORMS
Heilbrun's Farm Industrial Supply	\$ 2,761.25	NEW EQUIPMENT, PARTS
Herren Brothers True Value	\$ 201.29	PARTS
Hiway Brake & Alignment	\$ 57.54	VEHICLE REPAIRS
Hiway Super Service	\$ 88.00	EQUIPMENT REPAIRS
Hometown Country	\$ 94.98	TRAVEL EXPENSE
Honnen Equipment Company	\$ 533.78	PARTS
Hopkins Medical Products	\$ 216.80	MCH
Hout Fencing Of Wyoming, Inc.	\$ 26,325.00	2016 ROAD REHAB PROJECT
Janette Starck	\$ 61.48	TRAVEL EXPENSE
John Midkiff	\$ 181.90	TRAVEL EXPENSE
Kayla Courtright	\$ 160.50	TRAVEL EXPENSE
Laramie Range Water Treatment	\$ 1,175.00	BLDG/EQUIP MAINTENANCE
Lusk Herald	\$ 2,078.78	PUBLICATION
Lusk Mini Storage	\$ 45.00	DUES
Macjac, Inc.	\$ 170.00	RENTALS
MailFinance	\$ 1,197.00	POSTAGE METER
Matheson Tri-Gas Inc.	\$ 268.31	SUPPLIES

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McKesson	\$ 23.07	SUPPLIES
Mecklenburg Law Office, LLC.	\$ 320.00	COURT APPOINTED ATTORNEY
Mobile Concrete Inc.	\$ 54,285.46	GRAVEL, ROCK CRUSHING PROJECT
Monika D. Davies	\$ 500.00	OFFICE RENT
Moore Medical Corp	\$ 39.08	MEDICAL SUPPLIES
Nathaniel S. Hibben	\$ 908.86	TRIAL EXPENSES
Niobrara Co. Sheriff's Office	\$ 63.31	POSTAGE, SHOTS, EMPLOYEE MED
Niobrara County Attorney	\$ 250.24	SUPPLIES
Niobrara County Hospital District	\$ 15,443.92	1% OPTION TAX, INMATE MED
Niobrara County Library	\$ 1,725.00	DEFERRED COMP.
Niobrara Electric Association	\$ 40.60	RADIO TOWER
Office Depot	\$ 53.76	SUPPLIES
Peter W. Pier	\$ 78.00	SUPPLIES
Peterbilt Of Wyoming	\$ 384.43	PARTS
Platte Co. School Dist. #1	\$ 450.00	RANDOM DRUG TESTING FEE
Porter, Muirhead, Cornia, & Howard	\$ 10,800.00	AUDIT
Pre Resources Rockies, L.P.	\$ 666.85	O & M OIL
Proper Care, LLC	\$ 6,800.00	FAIRGROUNDS CONTRACT
Rancher's Feed & Supply, Inc.	\$ 125.40	BLDG/EQUIP MAINTENANCE
Rawhide Drug Company	\$ 122.34	INMATE MEDICAL
Richard A. Ladwig	\$ 160.50	TRAVEL EXPENSE
Safeguard Business Systems	\$ 103.79	SUPPLIES
Safety-Kleen Systems, Inc.	\$ 348.60	GAS & OIL
Sally Myer	\$ 998.41	TRAVEL EXPENSE, SUPPLIES, MCH
Shreds, LLC.	\$ 215.75	TRAVEL EXPENSE, SUPPLIES
Team Laboratory Chemical Corp.	\$ 468.50	FAIRGROUND MAINTENANCE
Torrington Office Supply	\$ 1,096.78	SUPPLIES, NEW EQUIP.
Townhouse Motel, LLC	\$ 4,800.00	COURTHOUSE CONTRACT
Town Of Lusk	\$ 2,862.06	UTILITIES
Tyler Technologies	\$ 214.69	COMPUTER EXPENSE
UW Extension - A/CPL 1003104V	\$ 646.20	UW CAR EXPENSE
Valley Motor Supply	\$ 1,537.69	PARTS
Valley Plumbing & Heating	\$ 970.67	MAINTENANCE
Verizon Wireless	\$ 1,111.47	TELEPHONE
Visa	\$ 2,539.75	TRAVEL, SUPPLIES, MAINT. NEW EQUIP.
Wal Mart Community	\$ 427.81	SUPPLIES, INMATE MEALS
WALT'S LATHE & MACHINE	\$ 3,230.44	PARTS, EQUIP. REPAIR
Wendi Dutcher	\$ 70.00	TRAVEL EXPENSE
Westco	\$ 4,085.84	GAS & OIL
Whitaker Oil D/B/A Outpost Truck Stop	\$ 3,043.68	FUEL
WY Department of Transportation	\$ 16.00	LICENSE PLATE FEE
WY Enterprise Technology Services	\$ 7.30	COMPUTER EXPENSE
Wyoming Behavioral Institute	\$ 1,370.00	INVOLUNTARY COMMITMENT
Wyoming Dept. Of Transportation	\$ 1,520.68	LANCE CREEK BROS CN14063
Wyoming Machinery Company	\$ 1,996.57	REPAIRS, RENTAL, PARTS
Wyoming Network, Inc.	\$ 230.00	I T EXPENSE
Wyoming Women's Center	\$ 1,986.00	INMATE MEALS
Xerox Corporation	\$ 134.51	XEROX COPIER SERVICE AGREEMENT
Grand Total	\$196,695.13	

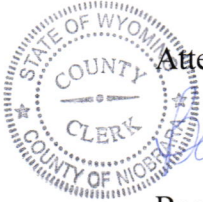
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There being no further business, the meeting adjourned.

NIOBRARA COUNTY COMMISSIONERS

Richard A. Ladwig

Richard A. Ladwig, Chairman



Attest:

Becky L. Freeman

Becky L. Freeman, Clerk