

NIOBRARA COUNTY COMMISSIONERS' MEETING
NIOBRARA COUNTY, WYOMING
March 21, 2017

The Niobrara County Commissioners' meeting was called to order on this date at 9:03 a.m. with Chairman Richard A. Ladwig, Commissioners Patrick H. Wade, John Midkiff and County Clerk Becky L. Freeman, present.

Road & Bridge – Representatives from Wyoming Machinery met with the Commissioners and Road & Bridge Foreman Fred Thomas to present purchase options for a Caterpillar 140 K motor grader alone and with a Snow Wing. There was discussion regarding the ability of the county to make payments if the funds become available and the representatives said there is a non-appropriations clause that provides for that scenario.

Fred went on to discuss the status of the 2016 Road Rehabilitation Project, pits, and equipment.

County Attorney- Doyle Davies, Deputy County Attorney, Tandy Dockery and Corky Foshier, Fair board members, Denise E. Smith, Chrisanna Lund and Kellie Chichester, Extension Office Representatives, met with the Commissioners and discussed event insurance requirements for events held at the fairgrounds. Bill Miller and Mark Pring of the Local Government Liability Pool (LGLP), the County's liability insurance provider, joined the meeting by phone.

The main concern for the requirement of event insurance stems from the upcoming eclipse activities that will be held at the fairgrounds and the potential for liability due to the number of people that might be attending. LGLP recommends that if the fair board is renting or leasing the premises to a third party, they should be requiring proof of liability insurance from the renters.

The Chamber of Commerce is the sponsoring entity for this event and is planning to rent spaces to vendors for food as well as having a band, a dance and other presentations. LGLP said that any vendor the Chamber has come in needs to have liability insurance. There were questions about why there needs to be event insurance when the County has liability insurance and LGLP said that if the County is not sponsoring the event, then our insurance won't cover spectators. Pat asked if there was a way to set it up so that when someone reserves the fairgrounds, something could be set up with an insurance company to make it simple and cost effective for individuals. Bill said that usually these people have off premise coverage or their home owner's insurance might provide coverage. Also, would it be okay to have someone who regularly rents the fairgrounds or is a vendor/caterer, provide liability insurance once a year? LGLP thought this would be okay.

They also discussed volunteers and board members and coverage for them. Bill said that they must know the scope of their duties and as long as acting within that scope, if they have liability insurance, they should be covered.

The group continued discussions and it was suggested that a new policy regarding rental and insurance requirements be drafted.

Land Use Plan- Lisa Shaw and Doyle Davies met with the Commissioners and discussed the County's existing Land Use Plan. This plan was developed in 1996 and needs to be updated to make the plan as strong as possible to allow Niobrara County to directly engage with the federal agencies as part of the National Environmental Policy Act, the Federal Land Policy and Management Act, the Endangered Species Act, and other statutes granting local governments the ability to coordinate, participate as a cooperating agency, and require a consistency review with a local land use plan. Pat said he had visited with an attorney that specializes in land use regarding the existing plan and she returned a sample form from another entity that the County could use. She also offered to look at the existing plan and suggest updates. The goal is to have the Conservation District's Long Range plan and the County's Land Use Plan match so that there isn't conflicting language between the plans. Because Lisa has to update her plan by 2020, she said that if her board approves, she would be willing to take on the task of merging the information from all three documents into a working document.

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Jackie Bredthauer, Chamber of Commerce Director, met with the Commissioners and discussed the event insurance. They told her about the requirements for vendors and said that the Chamber should be covered for \$1,000,000.00.

Delta Dental Contract- Pat moved to sign the updated contract between Niobrara County and Delta Dental for continued dental coverage. John seconded, motion carried.

Fairgrounds, Courthouse, Library and Jail O & M Funds - John moved to authorize the Treasurer to transfer One Hundred Thirty-Nine Thousand Dollars (\$139,200.00) from the Fairgrounds, Library, Courthouse (FLC) Operations & Maintenance (O & M) accounts to the General Fund to be used as follows: \$81,600.00 to fund the fairgrounds maintenance contract with Proper Care, LLC. and \$57,600.00 to fund the courthouse, library and justice center maintenance contract with The Town House Motel, LLC. Pat seconded, motion carried.

John moved to authorize the Treasurer to transfer Eighty-Six Thousand Dollars (\$86,000.00) from the Jail O & M account to the General Fund to pay a portion of the cost for the Dispatch Console. Pat seconded, motion carried.

WY-4227-PW38 Grant De-Obligation- As a result of the 2015 flood, Niobrara County was awarded \$3,049.46 in Federal and State funding to put towards the purchase of a new vehicle to replace the one lost in the flood. Niobrara County did not replace the vehicle and is therefore de-obligating the funds and returning them to the State of Wyoming. Pat moved to de-obligate \$3,049.36 on PW 38. John seconded, motion carried.

Resolution 17-05- Appointment of Special Prosecutor- Pat moved to adopt the following Resolution: **RESOLUTION 17-05-A RESOLUTION APPOINTING A SPECIAL PROSECUTOR**

WHEREAS, The Board of County Commissioners of Niobrara County, Wyoming has been advised by the Niobrara County Attorney that his office has a conflict of interest and/or the perception of a conflict of interest in the matter of a complaint regarding a Niobrara County elected official; and

WHEREAS, the Niobrara County Attorney has requested the appointment of a Special Prosecutor in the matter; and

WHEREAS, the appointment of a Special Prosecutor by the Niobrara County Commissioners is authorized by W.S. 18-3-302; and

WHEREAS, it is the belief of the Niobrara County Commissioners that such appointment is authorized and desirable.

NOW THEREFORE, BE IT RESOLVED, that the Niobrara County Commissioners hereby appoint Christyne Martens and Katie Adams, from the Wyoming Attorney General's Office duly licensed and practicing attorneys in the State of Wyoming, as Special Prosecutors for and on behalf of Niobrara County, Wyoming, to represent the interests of Niobrara County, Wyoming.

BE IT FURTHER ORDERED THAT the Special Prosecutor shall be reimbursed for any necessary expenses and shall be compensated at the County rate for mileage incurred in the matter.

APPROVED AND ADOPTED this 21st day of March, 2017.

/s/ Richard A. Ladwig, Chairman

/s/ Patrick H. Wade, Vice-Chairman

/s/ John Midkiff, Commissioner

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

John seconded. Motion carried.

Consent Agenda- Pat moved to approve the consent agenda. John seconded, motion carried. Items on the consent agenda were the minutes of the March 7, 2017 meeting and a Notice of Valuation

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Change for Three Forks Resources, LLC. from the 2014 tax year resulting in an increase of taxes of \$93.16.

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, County Clerk