

NIOBRARA COUNTY COMMISSIONERS' MEETING  
NIOBRARA COUNTY, WYOMING  
December 17, 2019

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The County Commissioners' meeting was called to order on this date at 9:02 a.m. with Chairman Patrick H. Wade, Vice-Chair John Midkiff, Commissioner Elaine Griffith, and County Clerk Becky L. Freeman, present.

Chairman Wade led the group in the Pledge of Allegiance.

County Attorney- Anne Wasserburger, County Attorney, met with the Commissioners and discussed the Wyoming County Commissioners Association County Employer Group Workers Compensation Agreement. She said there are still concerns from attorneys over a multitude of issues, and her main concerns were the by-laws and costs and benefits. The group will try to visit with WCCA Executive Director Jeremiah Rieman regarding these issues before proceeding.

She also addressed an issue she had with the local towing company not towing a confiscated vehicle to the county lot. The towing company refused to tow the vehicle to the county lot and said they would only tow to their private lot. This action is of concern to her because it could raise doubts about the chain of custody in any criminal investigation if the vehicle isn't kept in a locked facility.

She suggested using an out of town towing company whenever there is a criminal investigation involved until our local towing company changes their policy.

She wanted to emphasize that it isn't a matter of trust or anything personal with the towing company; it is about law enforcement having control over evidence.

Road and Bridge- Fred Thomas, Road and Bridge Foreman met with the Commissioners to discuss county business. Also in attendance were Brian Wakefield, Engineer, and Joshua Harkins, Project Manager both with BenchMark of Torrington.

2019 Road Rehab Bid Opening- Bids were received for the 2019 Road Rehabilitation Project from the following companies: Timberline Services Inc. - \$203,751.60; Rocky Mountain Sand and Gravel- \$388,577.00; and Alexander Construction- \$351,801.00. The project is to gravel approximately two miles on the North end of Cheyenne River Road.

Mr. Wakefield said all bids appear to be in order with the apparent low bidder being Timberline Services, Inc.

The group also discussed roads that were impacted by the Elk Creek Pipeline. There are approximately 8.1 miles of road which need to be repaired. All construction will start from the highways. Due to the distance between roads and to try and keep costs down, it was suggested that two separate projects be established. Project "A" could be bid with gravel coming from the Manville Pit on Cheyenne River, Gun Club, Hat Creek and Boner Roads, and Project "B" could be bid on the above roads with contractor supplied gravel. Funding for this project will come from the \$325,000 cash settlement with ONEOK.

Mr. Thomas said that Hat Creek and Gun Club Roads would need prep work, and he would like to do that before the project begins.

1% Specific Purpose Excise Tax- Rola Ross, Town of Manville Mayor, Doug Lytle, Town of Lusk Mayor, Todd Skrukrud, Town of Lusk Public Works Director, Linda Frye, Town of Lusk Clerk/Treasurer, Bruce Perryman with AVI Engineering, Todd Bishop with Kaiser Financial and Keri Thompson, Niobrara County Treasurer met to continue discussions on projects for the continuation of the 1% tax. Tara Hutchison with *The Lusk Herald* was also present.

Mayor Lytle explained that the project of replacing water and sewer lines would cost approximately 72 million dollars. They have applied for funding through the USDA and have been approved and qualify for a 75% principle forgiveness, which would bring the amount needed from the tax to approximately 18-20 million dollars; however, this amount could change

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if they received approval for funding from the State Land and Investment Board. If this funding is approved at the meeting in June, the amount to appear on the ballot could be closer to 7 million.

Mayor Ross would also like to replace water lines in Manville. He thinks he would need approximately \$288,000 as match money utilizing similar funding sources as the Town of Lusk.

The group discussed timelines for notifications and publications. After much discussion, it appears that the question will appear on the ballot at the Primary Election. The group will meet again to review the language for the ballot question and ensure things are in order and meet the intent of tax/bond questions.

2019 Road Rehabilitation Project- Brian Wakefield advised the Commissioners that all figures added up, and they could award the bid. Commissioner Griffith moved to grant the 2019 Road Rehabilitation Project bid to Timberline Services, Inc. with a bid amount of \$203,751.60. Vice-Chairman Midkiff seconded, motion carried.

Ken Dockweiler representing Belle Fourche Pipeline Company met with the Commissioners and Foreman Fred Thomas to update them on the Bridger Pipeline. He said that 25 miles of right-of-way has been built down by Guernsey and there are 10 miles of pipe strung and five miles of pipe welded. They have phone calls with the contractor every week. He asked the Commissioners and Mr. Thomas to contact him if any problems arise which could not be settled with the contractor.

He also advised that he is still working on landowner meetings.

Chairman Wade asked Mr. Dockweiler if Bridger Pipeline would be willing to assist the county in doing some graveling on Cheyenne River Road. The County would provide the material and Bridger would pay for trucking and laying down material. Mr. Dockweiler said he would look into it.

Consent Agenda- Vice-Chairman Midkiff moved to approve the consent agenda. Commissioner Griffith seconded, motion carried. Items on the consent agenda were the minutes of the December 3, 2019 meeting.

The Commissioners held a brief phone conference with Matt Riggin, Sr. Project Manager for Resolute Engineering, regarding the cash settlement offered by ONEOK instead of performing road work on road impacted by the pipeline. Mr. Riggin said the agreement he sent via email was incorrect, but the offer of \$325,000 is still good. He will send a revised agreement for the Commissioners to sign.

Resolution 19-15- 2020 Commissioner Meeting Dates- Commissioner Griffith moved to approve **RESOLUTION 19-15**

**A RESOLUTION DESIGNATING MEETING DATES FOR THE NIOBRARA COUNTY COMMISSIONERS FOR 2020**

**WHEREAS**, it is the intent of the Niobrara County Commissioners to meet twice each month during Calendar Year 2020, or when it is necessary to meet for the transaction of urgent county business, and;

**WHEREAS**, the meetings shall be conducted during the day at the Commissioners' Chambers in the Niobrara County Courthouse, Lusk, Wyoming, and;

**WHEREAS**, W.S. § 18-3-502 authorizes the County Commissioners to designate such meeting times by resolution of the Board;

**NOW THEREFORE**, be it resolved that the Commissioners of Niobrara County, Wyoming, hereby designate the following Calendar Year 2020 meeting dates:

| <b>Month</b> | <b>1st Meeting</b> | <b>2nd Meeting</b> |
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|-----------|----------------------------|----------------------------|
| January   | 7                          | 21                         |
| February  | 4                          | 18                         |
| March     | 3                          | 17                         |
| April     | 7                          | 21                         |
| May       | 5                          | 19                         |
| June      | 2                          | 16                         |
| July      | 7                          | 21                         |
| Aug       | 4                          | 17 - Primary Elec. Aug. 18 |
| September | 1                          | 15                         |
| October   | 6                          | 20                         |
| November  | 2- General Election Nov. 3 | 17                         |
| December  | 1                          | 15                         |

Approved, Passed and Adopted this 17<sup>th</sup> day of December, 2019.

NIOBRARA COUNTY COMMISSIONERS

/s/ Patrick Wade, Chairman

/s/ John Midkiff, Vice-Chairman

/s/ Elaine Griffith, Commissioner

Attest:

/s/ Becky L. Freeman, County Clerk

Vice-Chairman Midkiff seconded, motion carried.

Fair Board Member Reappointment- Commissioner Griffith moved to reappoint the following individuals to the Niobrara County Fair Board: Tandy Dockery for a 5-year term, ending December 31, 2024, Corky Fosher for a 4-year term ending December 31, 2023, Ron Nelson for a 3-year term, retroactive from January 1, 2019, and ending December 31, 2021, and Ryan Nelson for a 2-year term, retroactive from January 1, 2019, and ending December 31, 2020. Vice-Chairman Midkiff seconded, motion carried. The differing terms were set so that staggered terms could be re-established.

Catering Permit- Vice-Chairman Midkiff moved to approve a 24-hour catering permit for Spirits to sell alcohol at the Niobrara County School District Christmas party being held on December 18, 2019. Commissioner Griffith seconded, motion carried.

Copier Connection Full Service Agreement- Commissioner Griffith moved to sign the full-service agreement for the Canon copier located in the courthouse. Vice-Chairman Midkiff seconded, motion carried.

There being no further business, the meeting adjourned.


NIOBRARA COUNTY COMMISSIONERS



Patrick Wade, Chairman



Attest:

  
Becky L. Freeman, County Clerk