

NIOBRARA COUNTY COMMISSIONERS' SPECIAL MEETING
NIOBRARA COUNTY, WYOMING
February 19, 2019

The County Commissioners' meeting was called to order by Chairman Patrick Wade at 9:05 a.m. at the Niobrara County Courthouse in Lusk, WY. Vice-Chairman John Midkiff, Commissioner Elaine Griffith and County Clerk Becky L. Freeman were present.

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

He said that Wyoming Technology Transfer Center (T²) will set up a traffic counters on Cheyenne River Road as well as conduct a traffic accident study. This information will assist Niobrara County in justifying its request to WYDOT for Industrial Road Program (IRP) funding.

He said he had talked to the Weston County Road & Bridge Foreman about Cheyenne River Road and the IRP application Niobrara County is planning to submit and asked him if Weston County would be interested in doing a project on Cheyenne River Road located in Weston County in conjunction with Niobrara County. The foreman said he would be interested and would keep Mr. Thomas informed.

Chairman Wade said that WYDOT Transportation Commissioner Mike Larson had contacted him to let him know that there is money available in the IRP.

The group then discussed the status of the County's request for millings from WYDOT. Mr. Thomas said that he would like six loads of millings at 25 tons/load. This would equate to 150 tons at a cost \$11.00 /ton for a max total cost of \$1,650.00.

Based on this information Vice-Chair Midkiff moved, seconded by Commissioner Griffith, to authorize the purchase of 150 tons of leftover millings from WYDOT at the above noted rate. Motion Carried.

Chairman Wade discussed snow fence and said there is a company that installs snow fence at no cost to the County or landowner. He said that after a certain amount of time, the company reclaims the old wood from the snow fence and repurposes it and put new wood on the existing fence. He suggested that we explore this option and contact landowners to see if there is an interest. He said that we would want to make sure the County is held harmless and that the landowner and County don't incur any liabilities. We would also need to secure easements.

Kerry Steward, Prevention Coalition Specialist, met with the Commissioners to update them on the prevention coalition.

She said she will spend the next 90 days putting together the strategic plan. She noted that some serious issues are underage drinking and vaping.

She left brochures on vaping and dangers associated with it. She has posters and business cards listing the suicide hotline phone number.

The coalition would also like to do a focus group with interested youth to see where they could be most successful in countering drug and alcohol abuse. There isn't a date set yet, but they want to try before school is out.

Joe McDaniel met with the Commissioners to discuss other potential avenues for communication options instead of CenturyLink.

Shawn Leimser stopped in and introduced Chris Davis with Border States and said he sold electrical and lighting fixtures. Mr. Leimser said Mr. Davis could provide lighting supplies, particularly LED lighting and could perform an energy efficiency study to determine exactly what we need. The Commissioner directed Clerk Freeman to complete a credit application with Border States.

County Attorney- Anne Wasserburger, Niobrara County Attorney, met with the Commissioners and discussed county business, criminal activity and potential upcoming jury trials.

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TriHydro Presentation- Joey Waldmann and Ali Tavelli with TriHydro, met with the Commissioners and Attorney Wasserburger and updated them on the cleanup efforts of Phillips 66 Former Lance Creek Station. Also in attendance was Heidi Sturman from the Conservation District. They gave an update on what has happened these last two years since they last met with the Commissioners.

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

When the equipment was removed, TriHydro began sampling soil and reviewed historical release records. Four or five rounds of soil sampling and several years of groundwater testing identified areas where levels of contamination exceed residential cleanup standards.

Mrs. Tavelli said this UCA is between Phillips 66 and the County and that the DEQ is not involved at this point.

Heidi Sturman asked if there were any water wells out there and Mr. Waldmann said no and that there isn't a well registered with the State within a mile.

It was further explained that the County decides whether or not they approve the UCA and draft the paperwork then the County and DEQ would enforce the restrictions on what can be done on that land.

Denise E. Smith met with the Commissioners and introduced Scott Cotton, Ag Educator for Converse, Natrona, Niobrara Counties, Hannah Swanbom, Acting Co Coordinator in Converse County, and Mary Kay Wardlaw- Associate Director UW Extension. Also in attendance was Kellie Chichester, UW Extension Educator 4-H/Youth Development.

Mary Kay Wardlaw gave an update of what is going on in the extension world and discussed personnel changes and funding issues.

Scott Cotton presented brochures and asked for the Commissioners input on things they would like to see here.

He noted that grasshoppers could be an issue this year.

Hannah Swanbom said she is working on childcare concerns and need in the county.

Kellie Chichester discussed the Challenge Shoot being held March 17 at the Shooting Sports complex, said she is working with kids ages 5-13 on quilt blocks and said there has been a huge boom in Cloverbuds.

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Denise Smith said they will have another 4-H intern for the summer and that position is paid by the University. She also mentioned that the Extension Office is trying to gain more of a social media presence. The bee project continues to grow and they are going to try and grow giant pumpkins.

James Santistevan, Emergency Management Coordinator, met with the Commissioners and presented a draft Region 2 Hazard Mitigation Plan Resolution that will need to be approved at the next commissioner meeting.

Shawn Leimser returned to the meeting and the group discussed maintenance items needing attention.

Mr. Leimser said the pipes in the fairgrounds kitchen broke due to cold weather and he would like to move the pipes to prevent that in the future.

They asked what he thought about repainting stalls in restrooms; should we re-chrome and repaint. Mr. Leimser said he could do it. There are also faucets that need to be replaced and he said he could do it.

The next item they discussed was the furnace storage tank. The existing tank has minor leaks and Mr. Leimser thought it would be a good idea to have an additional tank available in the event of the current tank failing. He would also like to have the tank off the ground.

Memorandum of Understanding (MOU) between Niobrara County and Converse County- It was moved by Commissioner Griffith and seconded by Vice-Chairman Midkiff to approve and sign the MOU between the County of Niobrara, Wyoming and the County of Converse, for Law Enforcement Extraterritorial Assistance. Motion carried.

WDOC Contract Amendment One – It was moved by Commissioner Griffith and seconded by Vice-Chairman Midkiff to approve and sign Amendment One to the Contract between the State of Wyoming Dept. of Corrections and Niobrara County. Motion carried. This contract adds a provision to the original contract stating that the County shall comply with the Final Rule of the Prison Rape Elimination Act (PREA) of June 20, 2012.

Consent Agenda- Vice Chairman Midkiff moved and Commissioner Griffith seconded to approve the consent agenda. Items on the consent agenda were the minutes of the February 5, 2019 meeting and February 8, 2019 special meeting.


There being no further business, the meeting adjourned.



Patrick H. Wade, Chairman



Attest:


Becky L. Freeman, County Clerk