

## UNOFFICIAL MINUTES FOR JUNE 12, 2014

The Regular Meeting of the Kiowa County Commissioners was called to order at 9:00 a.m. by Chairman Richard Scott on June 12, 2014. Oswald opened the meeting with prayer and Pledge of Allegiance. Those attending were:

Richard Scott, Commissioner  
William E. Koehler, Commissioner  
Donald Oswald, Commissioner  
Debra C. Lening, County Clerk  
Peggy Dunlap, Administrator

Cindy McLoud was present as a visitor.

Minutes from the May 29, 2014 Regular Meeting was presented. Koehler made a motion, seconded by Oswald, to approve the Minutes as presented. All Commissioners voted affirmative.

The vouchers were reviewed. One voucher was questioned. Oswald made the motion, seconded by Koehler to approved and sign all but one of the vouchers. All Commissioners voted affirmative.

The agenda was reviewed. Scott made the motion, seconded by Oswald, to approve the agenda as presented. All Commissioners voted affirmative.

The railroad issues were discussed. There is no legitimate offer to buy the railroad. There was discussion regarding Rails to Trails, and who would maintain the trail if it was established. There was question as to whether or not the Prairie Horizon Bike Trail organization would help get the bicyclists off of the highways and make it safer for everyone. A letter is being drawn up to send to Cynthia Brown with the Surface Transportation Board (STB). Oswald made the motion, seconded by Koehler, to send a letter of abandonment recommendations to Cynthia Brown. All Commissioners voted affirmative. The discussion was tabled until later in the meeting.

Road and Bridge foremen Jack Howard and Rick Spady met with the Commissioners regarding a 2008 truck tractor that appears to have everything they have been looking for. It is in Texas and will be delivered to Amarillo for the foremen to inspect. Koehler made the motion, seconded by Oswald, to authorize Rick Spady to go look at the truck tractor in Amarillo and if it meets the needs, to buy it. All Commissioners voted affirmative.

There was discussion regarding the Ferris Pit reclamation. Oswald made the motion, seconded by Koehler, to send a letter to the landowner, Paul Zimmerman, regarding reclamation of the pit. All Commissioners voted affirmative.

The railroad discussion continued. A letter was also drawn up to send to the V&S Railroad attorney. Koehler made the motion, seconded by Oswald, to send a response letter to Fritz Kahn, V&S Attorney, for recommendations for the abandonment process. All Commissioners voted affirmative. Copies of the letters will be sent to Otero, Crowley and Pueblo Counties.

Undersheriff Jeff Meyers met with the Commissioners to discuss several issues. Meyers reported that the National Parks Service funding contract was reduced due to budget crunches from \$24,900 to \$15,000 for law enforcement at the Sand Creek site. The Commissioners want to know what this means as far as service to NPS. They also stated that this would impact the Sheriff's budget for staffing, as the \$24,900 covered the majority of an additional deputy. He also reported that the Sheriff's office is in the process of hiring a deputy. They are advertising in several media to try and find qualified applicants. Meyers reported that they are almost out of the weather radios and need to look for a grant to buy more. The Commissioners said there might be Emergency Management funds to buy more radios. This will be investigated. The Commissioners feel it is crucial to have the radios available to the citizens. The Sheriff's office has two part time reserve deputies working for the department. These two need to complete 40 hours to recertify their post certificate to be able to serve as a reservist in Kiowa County. Meyers assured Dunlap that they would not be working enough hours to require benefits.

A sheriff's office voucher was discussed with Undersheriff Meyers. Koehler feels that this is a conflict of interest for the Sheriff to be buying ammunition from John Rouse. Undersheriff Meyers told the Commissioners that the reason they purchased the ammo from Rouse was because he bought a large bulk order prior to the prices going up and was selling the ammo to the Sheriff's office at his cost, which saved the County approximately \$400 in the process. Dunlap stated that the public will see that Rouse has a check for \$800 and they will question the Commissioners about that and the Commissioners will have to substantiate that to the public.

The Library Board opening letter of recommendation was received. This opening would finish filling a term to 2016. Administrator Dunlap stated that there was also a note from Krissy Ray regarding the recommendation. Scott asked if there were other applicants for the board opening. Dunlap went to the Library to inquire and reported back with a note. Scott made the motion to follow the recommendation of the Library Board and appoint Tina Meyers to fill the opening on the board. The motion died for lack of a second. The Commissioners will tell the Library Board to reconsider.

The Brandon dumpsters will remain at their current location for now.

The museum doors were discussed. No bids have been obtained yet.

Regarding the Sheriff's voucher in question, Koehler stated again that he felt it was a conflict of interest. Oswald stated it was ugly in many ways. Oswald stated that, conflict aside, the Sheriff's office is actually following the recommendation of the BOCC by buying locally if purchase is within 10%. After further discussion, Oswald made the motion, seconded by Scott, to approve and sign the voucher to John Rouse. Scott and Oswald vote aye; Koehler voted nay. The motion carried. Oswald stated he doesn't want this to occur again.

The Veterans Memorial bids were again reviewed with the one bid being clarified (itemized). Roland Sorensen entered the meeting for the discussion. After further review and discussion, Oswald made the motion, seconded by Scott, to accept the lesser bid for the Veterans Memorial base from Milton Watts Construction in the amount of \$5,220.00, requesting a completion date by August 15<sup>th</sup>. All Commissioners voted affirmative. There was also discussion regarding the flag pole for the memorial.

A county lodging tax was again discussed. Administrator Dunlap received information from Prowers County regarding their lodging tax. After further discussion, the lodging tax was postponed indefinitely.

The blowing dirt issue is ongoing. Letters still need to be sent.

The yard light rental agreement for the Horseshoe Park was reviewed. Oswald made the motion, seconded by Koehler, to sign the yard light rental agreement with Southeast Colorado Powers Association for the Horseshoe Park. All Commissioners voted affirmative.

The Brownfields Grant was not awarded to Kiowa County for the EPA work on the Maine Street (Rialto) Hotel building for abatement and demolition (\$113,000.00). The Commissioners will draft a letter to the senators, congressmen, and state representatives to see if they can help find some funds. The Commissioners will check to see what the asbestos abatement amount alone will be.

The Commissioner's office doors and AC problems were discussed. They will contact Parker Heating and Air to come look at the AC problem. Koehler thinks the thermostats need to be moved to the hall way instead of in the offices. There was discussion about installing a half-door on the Assistant Administrator's office like the one at the Sheriff's office so that there is less interaction with the public.

There was a request from DSS for the transit van for special trips and special days to extend through the summer and again when school starts. After discussing, Oswald made the motion, seconded by Koehler, to deny the special transportation request from DSS for the transit van. All Commissioners voted affirmative. The Commissioners stated the case worker would have to make other arrangements for transportation.

The Regular Meeting for August will be August 13<sup>th</sup> and 28<sup>th</sup>. The County picnic will be August 13<sup>th</sup>.

The Treasurer's report was reviewed.

The Clerk's report was reviewed and filed.

The Commissioners report was reviewed.

The TV tower report was reviewed.

DSS Director Dennis Pearson met with the Commissioners with the monthly DSS reports. He reported that his office received the C-Stat Distinguished Performance Award from the State. This is the State's "report card" for the office for meeting certain criteria in certain areas for the calendar year of 2013. Pearson said it due to the hard work of his staff that they received this award. Pearson discussed the Medicaid report numbers. Pearson reported that Medicaid paid out \$52,658.40 in May on behalf of Kiowa County residents.

A third party provider, Maximus, has been processing many of the Medicaid applications state-wide to help DSS offices keep up with the heavy volume. The problem is that things are not being processed accurately and people are contacting the County DSS offices trying to fix the problem, but if the County didn't process the application, they can't fix it; Maximus has to fix it. This has become very problematic and the County DSS office wants to take this processing back and do it themselves. The money that was going to Maximus would now come back to the County for processing these applications again. Koehler made the motion, seconded by Oswald, that Medicaid applications be processed at the County DSS level instead of a third party (Maximus). All Commissioners voted affirmative.

Pearson reported that Charlotte Phillips will be returning to work next Tuesday. She will be short 68.75 hours unless granted additional convalescent time. Oswald made the motion, seconded by Koehler, to deny the request for additional convalescent time. All Commissioners voted affirmative.

Bill Wilcox entered the meeting as a visitor at 1:30 p.m.

Pearson reported that the audit went very well. He also reported that the County Fatality Review Team meeting went well. It has to be in place but they hope they never have to use the team.

The transit van request was discussed. Pearson said some of his clients are missing doctor appointments because they can't get their appointment on the day the transit van goes out of town and said it is very frustrating for them. Pearson was just making the Commissioners aware of the problem. Pearson also

reported that Superintendent Glenn Smith was over looking at the day care facility today to have a fire inspection done. The upstairs area will have to be licensed. It can no longer be grandfathered in. The preschool license would transfer from the school to the day care area. The fire inspector couldn't come today so they will have to reschedule.

Pearson stated again that his office needs an additional full time person and asked if the Commissioners had been able to discuss this matter. This was discussed last month and Pearson stated it is really imperative that they find someone as soon as possible to benefit the department. He would like for this person to have at least two years of college if at all possible. The Commissioners will address this matter in a work session.

Commissioners will have a work session on June 17<sup>th</sup> at 9:00 a.m.

There was one time-off request for approval. Oswald made the motion, seconded by Koehler, to approve the time-off request for Carla Gifford. All Commissioners voted affirmative. Dunlap also reported that Krissy Ray will be taking off a couple of morning per week and one afternoon per week and will be using vacation time for the 100 hours of clinicals.

There will be a State 10U & 12U Softball Tournament in Eads July 10<sup>th</sup> – 13<sup>th</sup>. Betsy Barnett sent an email explaining that the hosting community is required to have a tournament picnic. She stated that they would like to use the courthouse east lawn for this event. The Chamber will do the cooking and serving. She is expecting 150-220 players plus their families for this event. The BBQ will be around 5:00 p.m. or 6:00 p.m. on Thursday, July 10<sup>th</sup>. They would like to use that lawn area, the county picnic tables, the courthouse kitchen to heat up the sloppy joes and put the food together, and they would like to set up port-a-potties on the driveway. They will order them and pay for them, so it's just their presence that they would like approved. Barnett stated that with the Maine Street Bash the next day, they will take the port-a-potties and tables to Maine Street during set up starting at 1:00 p.m. on Friday. The Commissioners discussed this matter. Dunlap stated that if they use the downstairs room, Summer Reading is using the meeting room and would have to pick up all of their materials before the Chamber could use the kitchen as there is no lock on the door to the meeting room so anyone could access the room. There was concern about supervision of people coming and going downstairs. Oswald stated he had no problem with the lawn being used and the port-a-potties if they were brought in after business hours. Koehler stated he didn't think it was fair to maintenance to create that mess with that amount of people. Oswald stated there could be issues with watering the lawn with that many people being on it. He said the timing for watering would have to be checked to make sure it didn't come on when the BBQ was going on. Koehler said having access to the building would mean people would be running in and out to use the restrooms in the courthouse. Oswald suggested the Chamber could use the kitchen to heat up the food and then be out of the building at 4:30 p.m. and the doors would be locked so no one could be in the building. Discussion was recessed for the next scheduled appointment.

Jeanne Sorensen entered the meeting as a visitor at 2:07 p.m.

Alexa Roberts, Janet Frederick, and Cindy McLoud met with the Commissioners regarding the Department of Local Affairs (DOLA) grant being offered for the Murdock Building Project in the amount of \$856,000. Belinda Zink and Lee Merkel feel that State Historic will commit an additional \$200,000 in funds (a total of \$400,000 from State Historic Funds all together). Frederick stated that \$1.2 million total is needed to complete the project other than the tenant finishes and mechanical work. The County commitment amount would be \$300,000 in matching funds. Frederick said they would help find the funds for the \$300,000 match. She stated that this is a once in a lifetime opportunity and we need to take full advantage of it to get this project completed. DOLA doesn't make this type of offer very often. This will be a two year project and will get to July, 2016 finishing up the outside of the building, all of the framework, and basically do everything except for some of the mechanical and the tenant finishes. Frederick said if the County will commit, then they will go to Philanthropy Days to talk to other funders to ask them to help finish this project. Frederick stated that there is a chance that they could have the building completely done by the end of 2016. Roberts stated that then if they were under the GSA Lease then Parks could also go ahead and contribute to the project, and those tenant finishes on Park Services side are reimbursable to the County. So even if the funds are raised from somewhere else, the County gets reimbursed for these finishes. Frederick said they would ask the El Pomar Foundation for funds. Oswald stated El Pomar has blown Kiowa County off on every project. Frederick said they could possibly use El Pomar discretionary funds and they wouldn't have to go through the grant process for that. She is committed to going after these funds. She stated that the Gates Foundation has said they are very interested, also. The County has already committed \$15,000 for this year to this project, so an additional \$285,000 would need to be budgeted for 2015. Frederick stressed again that the County would not have to come up with this money themselves, that she would help find the funding. Oswald stated again that if the County commits to \$300,000 and they don't find other funds to fulfill that, the County had to come up with it. Frederick said another way to look at this is the sooner that building is finished, the sooner the County starts getting significant lease payments to help make up for any deficit. The Commissioners stated they would like a ballpark figure of what the revenue from those lease payments would look like. Frederick said she would get an estimate figure for them. Frederick stated that GSA's preference was for a renovated historic structure rather than a new built structure when possible. Koehler stated they had cut the private individual out of this picture. If the private person wanted to go build a building to rent to NPS, they've already committed to this other project and cut the private person out. Roberts stated that is why GSA won't commit to a sole source until they've looked at the other possibilities. Koehler said there is no bid process for office space. Roberts said they are not going to circumvent that process. But if there isn't anything else that is suitable, they might be able to. Koehler said they didn't ask if there was any company that would come in and build something. Frederick said if the County chose to not finish the Murdock Building, that's probably what would happen. Koehler said that should have been out there from the start. Roberts said it technically still is, as GSA hasn't committed to anything at this time. Frederick said NPS was looking at this as a partnership to save a building on Maine Street and the Commissioners had come to them to see if they would be interested in a partnership

for the senior citizen center and the Park Service. Frederick said without this partnership, getting the senior center would have been a lot more difficult otherwise. Scott said that what Koehler said may all be true but there's nothing that can be done at this time other than just quit this building project, and he said he wasn't in favor of doing that. Frederick said that the building they are in now, the "firm" five year lease is up and they are now going year to year on the lease, waiting for this Murdock Project to be completed. They are quickly outgrowing the building they're in now and there is no other space available that would be suitable. Scott asked for clarification regarding budgeting for the \$300,000, as they've already committed \$15,000 for 2014. He asked if they could spread the remaining \$285,000 out over 2015 and 2016. Frederick stated for DOLA it would have to be committed through 2015. There was discussion regarding the County's large fund balance and Scott stated that there is no "contingency fund" per se; those "large" fund balances are all committed to other areas and not just laying around to be used however. Frederick said she understood that, having worked with the County budget previously. She reiterated that she would commit to helping raise the needed funds. Scott said this project was an albatross and he would like to see the project completed so they could move on to the next project and that speaking only for himself, he would be willing to dip into the fund balance at little to get this thing moving. He said Sand Creek is about the only tourism thing the County has going and if we're going to get people out here, we need to have people pulling into the Visitor's Center on Maine Street and that can't happen until this project is completed. Frederick said that the funders would be more willing to commit funds if they see that the County is committed to completing the project. Koehler said they need a commitment from Parks to see what they're going to do (an amount) before the County commits more. Frederick said she would try to have a broad ballpark figure by this afternoon for them. Oswald said he knew where he could find the money but no one would like it – less employees and less health insurance. Scott said the County has a fund balance that they should be able to spend from. McLoud reminded the Commissioners that the Town of Eads committed funds annually for the Theater project but had never had to spend a dime because the committee went after grant funds and had money making projects to make up the funds needed and they would do the same for this project. She said in worse case scenario - What if this talented team of grant writers could not get grants for some reason this time? – the County would have to have a supplemental appropriation for those funds spent. Oswald said he has to take money from somewhere to move it over here for the supplemental appropriation and if you don't have it, that's not possible. Scott said this \$300,000 would not be coming from the 2014 budget; it would be coming from the 2015 budget, which has not been figured yet so this could be a completely different picture for next year. The commitment needs to be over a two year period and it doesn't matter where the funds come from. The County will have to make room in the budget for the \$300,000 but the actual money can come from multiple areas. Discussion continued and Scott stated he would go on record to say he would commit to the additional \$285,000 in the 2015 budget (with \$15,000 already committed for 2014). Oswald stated that he finds it challenging and that's the best he can do. Koehler said, "In other words, you'd forget the fair grounds and forget the building downtown that needs torn down?" Scott said, "Yes I would! That's exactly right and I would get this done because I'm going to start getting some revenue back off of this project someday and I'm not doing anything with the others. I'd like to get this one done and then go on to something else. But all I'm doing right now is spinning my wheels." Koehler said it was very similar to what the town did with the streets. Money was diverted to other projects and not for what it was intended for. Jeanne Sorensen said that as a business owner, the longer this is delayed, the worse it is for other businesses downtown. Koehler said downtown was shot until something happens. Sorensen said that they have people come through here all the time and they look at the buildings. She said she's between two buildings that are falling apart and she's trying to keep hers up. But if she has two buildings coming down around her, they think she's falling apart, too. She said she realizes it's a lot of money, but that building (the Murdock Building) needs to be finished. The Murdock building is being seen by people as they come up Maine Street before they ever see the Rialto. Roberts stated that having the Rialto torn down isn't going to be generating revenue or bringing people to town. Meanwhile, Frederick said DOLA was meeting today and she needs to let Lee Merkel know if the County will commit or not. If not, they will go back to the smaller grants again and do one phase at a time over the next 10 years or more to finish the project. After further discussion, Scott made the motion, seconded by Oswald, to convey their intent to \$285,000 in the 2015 Budget on the basis that DOLA comes up with \$856,000 and the State Historical Fund comes up with \$200,000. Scott and Oswald voted aye; Koehler voted nay until he knows what the 2015 Budget looks like. The motion carried.

Jeanne Sorensen discussed the railroad issue that is in this week's Kiowa County Press. She just wanted to know if the Commissioners had addressed this and they stated they had already sent a letter.

There was further discussion regarding the Softball Tournament. The Commissioners wondered why they didn't use the fair grounds instead of the courthouse lawn. They could use the old barns for shade. Per the letter from Barnett, they wanted to use the courthouse lawn because it is the biggest and best shady area they could find. Oswald made the motion, seconded by Koehler, to allow the tournament organizers to use the east courthouse lawn, but nothing inside the courthouse (no cooking inside, no bathrooms inside). Also, they can not put the port-a-potties in place before 4:30 p.m. that day (July 10<sup>th</sup>) and they must be moved before work begins at 8:00 a.m. the next morning (July 11<sup>th</sup>). They can use the lawn and the county picnic tables and they will be responsible for cleaning up the lawn. All Commissioners voted affirmative.

Koehler made the motion, seconded by Oswald, to sign the CCOERA (Retirement) participation agreement effective June 1<sup>st</sup>, 2014. All Commissioners voted affirmative.

Oswald made the motion, seconded by Koehler, to approve and sign the CSBG Request for Reimbursement for discretionary funds that were not used last year in the amount of \$2,494.00. All Commissioners voted affirmative.

The pavilion wash rack repairs will cost approximately \$200 to \$300 to fix. The Commissioners will authorize Mike Crain to do the repairs.

The cell phone tower application was reviewed. The Commissioners stated that the application needs to go the Zoning and Planning prior to coming before the Commissioners.

The next Regular Meeting will be June 26<sup>th</sup>.

With no further business, Oswald made the motion, seconded by Koehler, to adjourn at 3:15 p.m. All Commissioners voted affirmative.