

The Kiowa County Commissioner's regular meeting was called to order on July 25, 2019 at 9:00 a.m. by Chairman Richard Scott. Oswald opened the meeting with a prayer and the Pledge of allegiance. Those in attendance:

Richard Scott, Chairman

Donald Oswald, Commissioner

Howard "Butch" Robertson, Commissioner

Delisa Weeks, County Clerk

Tina Adamson, County Administrator

Cathy Garcia, Representative for Senator Cory Gardner's Office entered the meeting at 9:00 a.m. to review information that Senator Gardner is acting on such as the "states act" in regards to marijuana and water infrastructure projects. Discussion followed.

Riley Frazee, Regional Emergency Manager entered the meeting with Kiowa County Emergency Manager, Theresa Witte; to discuss Debris Management at 09:30 a.m. Frazee had discussion over a program through FEMA in regards to a complete removal of debris in a catastrophic event. Riley said it would be beneficial to the county to have a 30 day complete debris removal plan which would be more cost effective for our county. There would be different requirements that would need to be met such as priority road clearance and temporary debris sites for the landfill. The Commissioners will set a time to review what requirements need to be met to have a Hazard Mitigation Plan. They will work with Witte to get this plan in place. Frazee, Witte and Cathy Garcia exited the meeting at 10:07 a.m.

Oswald moved and Robertson seconded the motion to recess the regular meeting and move into the Kiowa County Assessors Abatement Hearing at 10:08 a.m. Motion carried. Those in attendance were Assessor, Marci Miller and Treasurer, Diana Flory. Assessor Miller presented the abatement application from Kaiser Enterprises LLC. They are requesting abatement for their 2018 taxes in the amount of \$3,650.36. Oswald moved and Robertson seconded the motion to abate the 2018 taxes in the amount of \$3,650.36 for Kaiser Enterprises, LLC. Motion carried. Miller thanked the BOCC and exited the meeting at 10:19 a.m.

Ronnie Farmer, Auditor for Kiowa County; entered the meeting at 10:20 a.m. to review the Kiowa County 2018 Audit. Farmer suggested that the BOCC purchase a depreciation program for the Administration Office. After review and discussion of the audit report, Oswald moved and Robertson seconded the motion to retain Ronnie Farmer as the 2019 Auditor for Kiowa County. Motion carried. Farmer exited the meeting at 11:15 a.m.

OLD BUSINESS:

Minutes: Oswald moved and Robertson seconded the motion to approve the minutes as presented. Motion carried.

Vouchers: Robertson moved and Oswald seconded the motion to approve the vouchers as presented. Motion carried.

Agenda: Scott moved and Robertson seconded the motion to approve the agenda as presented. Motion carried.

Grant Updates/SECOG Mini Grants: SECOG Mini Grants were reviewed and discussion over invoicing took place.

Belinda Zink, Architect for Zink and Associates provided updated plans for the single point entrance to the county courthouse.

Maintenance Foreman Nick Johnson and Road Foreman Jack Howard entered the meeting at 11:29 a.m. to attend a possible employee hire interview. Scott moved to recess the regular meeting and move into executive session at 11:30 a.m. due to Statute 24-6-402 (4) (f) Personnel Matters. Robertson seconded the motion. Motion carried.

Oswald moved and Robertson seconded the motion to move out of the executive session and back into regular session at 12:08 p.m. Motion carried. Oswald moved and Robertson seconded the motion to recess for lunch at 12:09 p.m. Motion carried. The regular meeting reconvened at 1:00 p.m.

Dennis Pearson, Director of Social Services entered the meeting at 1:00 p.m. to provide a monthly update for his department and also asked for consideration in giving the Child Welfare Caseworker a raise. Discussion followed. Pearson did want to clarify that the County sets the salary for the Child Welfare Caseworker but the State pays 100% of the Caseworker's salary. The Commissioners agreed they will visit about this issue.

Road & Bridge employee, JD Van Campen and Road Foreman, Rick Spady entered the meeting to discuss a weed program that would be run by the County. The Commissioner's have reviewed Lincoln County's Weed Budget and would like to have a similar plan for Kiowa County. After lengthy discussion it was agreed that one person could run the whole program. This employee would work 9 months out of the year and would need to hold a weed applicator license. The BOCC will be reviewing more information as it becomes available to the cost factor of having a weed control program in Kiowa County.

Landfill/Recycling Update: Assistant, Shellie Engelhardt had contacted most local businesses and they are on board with holding their cardboard and then someone with the landfill will be by to pick up the cardboard and transport it to Sheridan Lake to have it baled.

Oswald moved and Scott seconded the motion to purchase a school bus from RE-1 School District for \$1,750.00. Motion carried. The approval to purchase a bus from the RE-1 School District from the July 11th meeting did not happen due to miscommunication. The amount was incorrect so therefore no purchase was made at that time.

Scott moved and Oswald seconded the motion to hire Caleb White for the landfill position. Motion carried.

Weed Control: Extension Agent, Tearle Lessenden; visited with the BOCC about purchasing bindweed mites and put them in areas such as the fairgrounds to see if this would help control the bindweed problem. He said a person can purchase bindweed mites at 10 packages for \$100.00. Lessenden will look further into this and get back in contact with the commissioners.

Disc Golf Course: Discussion followed over a Nine Hole Disc Golf Course being put in at the fairgrounds. The BOCC decided they will apply for a mini grant in the spring and use the Disc Golf Course as the source of application for the mini grant.

Railroad Update: Adamson received an application to remove the cross arms at Sheridan Lake and Eads. There will be no flashing lights at either railroad crossing in Eads. Scott moved to request that the flashing lights remain in effect in Eads on Maine Street. He has great concern for the safety of the people using Maine Street for their direction of travel and no flashing lights. Oswald seconded the motion. Motion carried.

Parks & Public Lands Ordinance: Oswald moved to adopt Ordinance 2019-1 and Robertson seconded the motion. Motion carried.

Fair Board members Mike Johnson and Cindy Pitman entered the meeting at 3:32 p.m. to request the Kiowa County Riding Club be under the same insurance coverage as the Fair Board. Discussion followed. The BOCC questioned if there was a Fair Board member who was involved with the Kiowa County Riding Club. Dawn Back is the Chairperson for the Kiowa County Riding Club and a Fair Board member as well. Scott moved and Robertson seconded the motion to have the Kiowa County Riding Club to be included under the same insurance as the Fair Board. Motion carried. Johnson asked for an events committee and that they too are included under the insurance coverage. The BOCC said the events committee falls under the same if they are part of the Fair Board.

NEW BUSINESS: Reports and upcoming meetings were reviewed and signed.

Time Off Request Forms: Oswald moved and Robertson seconded the motion to approve the one time off request. Motion carried.

CHP Designation: Oswald moved and Robertson seconded the motion to add Dawna Peck as a representative to the County Health Pool. Motion carried.

Lower Arkansas Valley Water: Administrator Adamson will write a letter in regards to the poor water quality in the Lower Arkansas River and also to show support for the completion of the conduit for the Southeast Water Conservancy District.

Employee Fair Duties: Lisa Thomas, CMP Coordinator questioned the time-off policy for Fair. All County Employees have to work their designated tasks for fair or they will not be paid for time off during fair.

Transit Position: Oswald moved and Scott seconded the motion to hire Tim Weeks as a Transit Driver. Motion carried.

With no other business to discuss, Oswald moved and Robertson seconded the motion to adjourn the meeting at 4:48 p.m. Motion carried.

ORDINANCE No. 2019-1
Corrected

AN ORDINANCE OF KIOWA COUNTY, COLORADO ADOPTING REGULATIONS FOR THE REGULATION AND CONTROL OF KIOWA COUNTY, COLORADO PARKS, PUBLIC LANDS, AND PUBLIC FACILITIES.

WHEREAS, the Colorado Revised Statutes, §30-11-101(2), C.R.S. provides that "Counties have the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise provided by law."; and

WHEREAS, the Board of County Commissioners for Kiowa County, Colorado (the "Board"), has the authority pursuant to §§18-9-117(1)(e) and 30-11-107(1), C.R.S., to adopt rules and regulations for the regulation and control of Kiowa County Parks, Public Lands and Public Facilities; and

WHEREAS, pursuant to §30-11-101(2), C.R.S., the Board has the authority to adopt the penalty assessment procedure provided in § 16-2-201, C.R.S., and a graduated fine schedule for violations of these rules and regulations; and

WHEREAS, the Board desires to adopt this Ordinance establishing consolidated Rules and Regulations for Kiowa County Parks, Public Lands and Public Facilities; and

WHEREAS, pursuant to §30-10-501, *et seq.*, C.R.S., Kiowa County, Colorado has the authority to designate the Kiowa County Sheriff to enforce the rules and regulations adopted by Kiowa County to control and regulate the use of Kiowa County Parks, Lands and Facilities by issuance of summons and complaint or penalty assessment; now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF KIOWA COUNTY, COLORADO by that Kiowa County land and facilities rules and regulations are promulgated and adopted as follows:

ARTICLE I
DEFINITIONS

- 1.1 "Park" or "Public Lands" or "Public Facilities" shall mean, wherever used in these rules and regulations, all public recreation lands and all trails, waters, buildings, structures, roads, parking lots, and facilities located on such lands owned or operated by Kiowa County that are managed or administered by Kiowa County.
- 1.2 "Open Space" shall mean, wherever used in these rules and regulations: (a) any Park, Public Lands or Facilities that Kiowa County owns in fee; and (b) all trails, waters, buildings, structures, roads, parking lots or facilities located on such Park, Public Lands or Public Facilities.
- 1.3 "Law Enforcement Officers" shall mean the Sheriff, Undersheriff, and his deputies.

1.4 "County Official" shall mean a designee by the Board.

ARTICLE II
GENERAL PROVISIONS

2.1 GENERAL PURPOSE. To regulate and control lands and facilities, owned and/or operated by Kiowa County, Colorado ("Kiowa County") by adopting the rules and regulations listed herein.

2.2 ENFORCEMENT. This Ordinance shall be enforced by the Law Enforcement Officers for Kiowa County.

2.3 VIOLATION. It shall be unlawful for any person to violate any provision of these rules and Regulations in or on any Kiowa County Park, Public Lands or Public Facilities.

2.4 PENALTIES. Any person who violates any of these rules and regulations in or on any Kiowa County lands or facilities commits a Class 2 Petty Offense and, upon conviction thereof, shall be punished by a Fine of Fifty Dollars (\$50.00) for each separate violation. The penalty assessment procedure provided in § 16-2-201, C.R.S., may be followed by the issuing officer for any such violation of these rules and regulations. In the event an individual is charged with subsequent Offenses, the fine shall increase to One Hundred Dollars (\$100.00), for a second violation, and shall increase by One Hundred Dollars (\$100.00) for each violation thereafter, up to a Maximum of Three Hundred Dollars (\$300.00). The foregoing penalties are in addition to any penalties which may apply to enforcement of these rules as misdemeanors pursuant to § 18- 9-117, C.R.S., when said rules and regulations have been prominently posted as provided in § 18-9-117, C.R.S.

2.5 SCOPE. These rules and regulations shall apply to all Kiowa County-owned or operated lands and facilities within Kiowa County, Colorado. These rules and regulations shall in no way limit application and enforcement of any resolution, ordinance, or lawful order of Kiowa County, any municipality located within Kiowa County, or the statutes of the State of Colorado, but shall be in addition thereto.

2.6 DISPOSITION OF FINES. All fines and forfeitures for the violation of these rules and regulations and all monies collected by Kiowa County for violation thereof shall be paid to the Kiowa County Treasurer.

2.7 SEVERABILITY. If any part or parts of these rules and regulations are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of these rules and regulations. The Board hereby declares that it would have passed this ordinance, these rules and regulations, and each part or parts thereof, irrespective of the fact that any one part or parts are declared invalid.

ARTICLE III
PROHIBITIONS

- 3.1 It shall be unlawful, unless otherwise approved in writing by the Board of Commissioners for Kiowa County, Colorado, for any person:
- (a) To enter, use or occupy any Park or Public Lands, or any portion thereof, during the time such lands, or any portion thereof, are closed to entry, use or occupancy, including seasonal closures.
 - (b)
 - (i) To remove, destroy, mutilate, deface or damage any building, structure, facility, fence, sign, marker, rock, vegetation, or other object located on Parks or Public Lands;
 - (ii) To construct, place, or maintain any kind of road, trail, structure, signs, markers, fence, enclosure, communication equipment or other improvements on Park or Public Lands without written permission from the Board of County Commissioners for Kiowa County, Colorado;
 - (iii) To excavate, dig, or disturb the ground of any Park or Public Lands, including but not limited to any rock, soil, sediment or vegetable matter without the written permission of the Board of County Commissioners for Kiowa County, Colorado.
 - (c)
 - (i) To deposit or leave any refuse, trash, litter, household, construction debris, or commercial garbage or trash, including but not limited to brush, lawn trimmings, and Christmas trees, in or upon any Park or Public Lands except by depositing such refuse, trash, debris or litter in designated refuse receptacles;
 - (ii) To leave any refuse or rubbish generated on Parks or Public Lands except when deposited in designated receptacles;
 - (iii) To use County-owned trash receptacles at the park for depositing large quantities of personal, residential, or commercial trash.
 - (d)
 - (i) To build, start, or light any fire of any nature on any Park or Public Lands except in outdoor fireplace grills or camp stoves within designated areas;
 - (ii) To build, start, or light any fire of any nature in an outdoor fireplace grill or camp stove, or any other place whatsoever, even within designated areas, on Park or Public Lands at any time that a resolution banning such fires due to fire danger in Kiowa County;
 - (iii) To burn any material in a careless manner, or to leave any fire unattended, or to fail to completely extinguish any fire, on any Park or Public Lands;

- (iv) To collect firewood on any Park or Public Lands, except with the written permission of the Board of County Commissioners for Kiowa County, Colorado.
- (e) (i) To feed, hunt, trap, catch, molest, take, harass, harm, or kill any wild animal, bird, fish, reptile or amphibian or to disturb their habitat, on any Park or Public Lands except:
 - (a) In designated areas where hunting is allowed by written permission from the Board of County Commissioners for Kiowa County, Colorado in accordance with rules and regulations administered by the Colorado Division of Wildlife; or
 - (b) With written permission from the Board of County Commissioners for Kiowa County, Colorado and approval from Colorado Department of Wildlife for purposes of scientific studies, research, wildlife census, education, or interpretation;
- (ii) To allow domestic pets to harm, kill, chase, or otherwise harass any wild animal, bird, fish, reptile or amphibian on any Park or Public Lands;
- (iii) To relocate or release animals, fish, birds, or insects onto any Park or Public Lands without the written permission of the Board of County Commissioners for Kiowa County, Colorado and approval from Colorado Department of Wildlife.
- (f) (i) To possess, use, cock, aim, or discharge any firearm, including but not limited to B-B guns, pellet guns, paint ball guns, and air guns on any Park or Public Lands;
- (ii) To possess, use, draw, or discharge any archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts on any Park or Public Lands;
- (iii) To possess, use or discharge any device capable of discharging any projectile by any means whatsoever, including but not limited to slingshots and wrist rockets or any Park or Public Lands;
- (iv) To ignite or launch any model rocket or any Park or Public Lands;
- (v) To use, ignite, or fire any fireworks or explosives, on any Park or Public Lands, except in designated areas when authorized in writing by the Board of County Commissioners for Kiowa County, Colorado.

- (g) (i) To operate any motorized vehicle on any Park or Public Lands, except on designated roadways and parking lots, which are open to public use. Emergency, maintenance, and patrol vehicles are specifically excepted;
- (ii) To operate without written authorization by the Board of County Commissioners for Kiowa County, Colorado, a motorized vehicle upon any roadway located on Park or Public Lands that is designated as a "service road."
- (h) To park vehicles or trailers on any Parks or Public Lands where prohibited or in such a manner as to create a hazard to vehicular, pedestrian, equestrian, or bicycle traffic, except at an approved special event.
- (i) To camp overnight, or to park a trailer or camper for overnight camping purposes, on any Park or Public Lands, except if authorized in writing by the Board of County Commissioners for Kiowa County, Colorado.
- (j) To enter, use or occupy Park and Public Lands between the hours of 10:00 p.m. and 5:00 a.m., except when such entry, use or occupancy is authorized in writing by the Board of County Commissioners for Kiowa County, Colorado.
- (k) (i) To molest, harm, chase or otherwise harass any livestock on any Park or Public lands;
- (ii) To allow domestic pets to molest, harm, chase or otherwise harass any livestock upon any Park or Public Lands;
- (iii.) To turn livestock onto or to negligently or intentionally allow livestock to graze upon any Park or Public Lands without written permission of the Board of County Commissioners for Kiowa County, Colorado.
- (l) To conduct any commercial activity, or provide any service, product or activity for which a fee is charged, on any Park or Public Lands, except when such activity is authorized in writing by the Board of County Commissioners for Kiowa County, Colorado.
- (m) (i) To fail to restrain any dog, cat, horse, or other domestic animal that one owns or that is in one's custody, care, or control, by use of a leash, cord, or rope not to exceed 10 feet in length, on any Park or Public Lands except in designated areas;
- (ii) To leave unattended on any Park or Public Lands any dog, cat, horse, or other domestic animal that one owns or that is in one's custody, care, or control.

- (n) For any person to consume any alcoholic beverage, on any Park or Public Lands or in any Public Facility except when authorized by the Board of County Commissioners for Kiowa County, Colorado.
- (m) To interfere or attempt to interfere with any Kiowa County official, volunteer or sheriff personnel while in the performance of their official duties, or to give false or misleading information with the intent to mislead said person in the performance of their duties.

ARTICLE IV
ADDITIONAL PROVISIONS

- 4.1 Violation of any of these rules and regulations shall be grounds for eviction from the property.
- 4.2 These regulations shall not be applicable to nor prohibit any act by an officer, employee, or contractor Kiowa County who is engaged in the performance of any act within the scope of his or her employment.
- 4.3 Organized events for recreational, athletic, social, training, or educational purposes are allowed only express authorization of the Board of County Commissioners for Kiowa County, Colorado.
- 4.4 Any person entering any Park or Public Lands accepts full responsibility of any and all risks that may be present or may develop during their presence on such lands.

INTRODUCED, READ AND ADOPTED ON FIRST READING on July 25,
2019, and ordered published in the Kiowa County Independent.

ATTEST:



Delisa Weeks, Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
KIOWA COUNTY, COLORADO

Richard Scott, Chairman

Howard "Butch" Robertson

Donald Oswald