

Kiowa County Commissioners meeting minutes - December 29, 2022

The Regular meeting of the Kiowa County Commissioners was called to order on December 29, 2022, at 9:22 a.m. by Chairman Donald Oswald. Commissioner Oswald opened the meeting with prayer and the Pledge of Allegiance.

Those in attendance:

- Donald Oswald, Chairman
- Howard "Butch" Robertson, Commissioner Mike Lening, Commissioner
- Delisa Weeks, County Clerk
- Tina Adamson, County Administrator

Cindy McCloud, KCEDF Coordinator; visited with the BOCC about the public informational meeting that was held on December 16, 2022 in Sheridan Lake. The main topic was in regard to Linly Stum, who owns 67 acres southeast of Sheridan Lake. Stum explained he would like to put an RV campground for the possible influx of people the east end of the County when the wind and solar projects begin. Stum was questioned as to what kind of funding was available for this type of project.

McCloud explained that one of the buyers of the housing project has backed out and KCEDF will be trying to find a buyer for the house being constructed.

McCloud thanked the BOCC for their time at 9:51 a.m. and exited the meeting.

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

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

Agenda: Oswald moved, and Robertson seconded the motion to approve the agenda as amended with one addition. New Business: Category Change for County. Motion carried.

Jerry Allen, Planning and Zoning Consultant; entered the meeting to discuss the Alternative Energy Development in Kiowa County. Mr. Allen said the County needs to have a road use agreement in place before any alternative energy projects begin. Allen explained with the agreement the County may hold the developer responsible for road surface damages. The BOCC confirmed that the Road and Bridge Department will be involved when the projects begin.

Mr. Allen explained that he travels to the different alternative energy sites in Cheyenne County just so he can monitor what is taking place and he will do the same for Kiowa County. The BOCC agreed they will travel with Mr. Allen to the sites.

Allen has been reviewing the applications the County has received and the progress each company is taking through the permitting.

Allen informed the BOCC that his fees will increase from \$50.00 to \$75.00 per hour. Robertson moved, and Lening seconded the motion to pay Mr. Allen \$75.00 per hour as needed. Motion carried.

Nick Johnson, County Maintenance Foreman entered the meeting at 10:38 a.m. to discuss the flooring issues with the new tile that has been glued down. The glue company said the glue should have adhered to the original floor. Johnson explained that the floor is so uneven and now if they try to pull up the flooring some of the old tiles will break and chip away and then have a possibility of asbestos exposure. Johnson agrees that there should be no more flooring laid until someone with more flooring knowledge can evaluate the current situation. Oswald moved, and Robertson seconded the motion to have the Cummings Flooring consultant look at the floor and provide suggestions to repair/replace current flooring. Motion carried.

Andrew McCracken, AJ McCracken, and Russ Watson entered the meeting at 11:04 a.m.

Russ Watson entered the meeting to discuss the old senior center. He asked if there would be consideration of making the building an activity center for the youth. Watson said he would visit with the surrounding areas to see how their activity centers operate. Watson exited the meeting at 11:13 a.m.

Andrew McCracken entered the meeting to discuss the project for Hwy 96. McCracken requested approval to travel down County Road 49 empty weight back to their plant in Bent County. The BOCC will discuss the matter and get back with Arie Brothers. The McCracken's exited the meeting at 11:32 a.m.

OLD BUSINESS:

Grant Updates: Administrator Adamson explained that this next year 57 of the 64 counties will receive funding under LATCF. Oswald moved to approve the Local Assistance and Tribal Consistency Fund of \$100,000.00 dispersible in two years, Robertson seconded the motion. Motion carried.

Oswald moved, to **accept the bid from the Gingerich Building Company** and Robertson seconded the motion. Motion carried. This will be a 35 X 60-foot building to be constructed at the fairgrounds where the former dog pound was located.

Oswald moved, and Robertson seconded the motion recess for lunch at 11:56 a.m. Motion carried.

The regular meeting reconvened at 1:07 p.m.

Dennis Pearson, Social Service Director, entered the meeting to request signatures for the CDHS Certificate of Personnel & Merit System. Oswald moved and Robertson seconded the motion to sign the Merit System Document. Motion carried.

Robertson moved, and Lening seconded the motion to **sign the Memorandum of Understanding for Child Care Assistance**. Motion carried.

Southeast Mental Health and Valley Wide Health System have combined and will become Valley Wide Health System. They will continue providing mental health services. This will take place in the Spring of 2023.

Pearson exited the meeting at 1:30 p.m.

David Engelhardt and Cindy McLoud entered as members of the audience at 1:15 p.m.

Bryan Williams (Sheriff Elect), Jake Marlow (Undersheriff) and current Sheriff, Forrest Frazee entered the meeting at 1:15 p.m. Discussion ensued over what the insurance company describes as "Light Duty"

for an employee of the Sheriff's Office. Adamson explained the employee has limitations due to an accident from months ago. Worker's Comp paid one month of his salary and the rest of the time the County has paid his salary even with him being considered impaired. The insurance company will categorize this injury as an impairment. Adamson said she wants to do what is best for the County and the employees but feels like this may be a liability issue. The BOCC said they were aware of the issue. No action taken. Williams, Sheriff Elect said he understood the concerns but feels that the employee has been doing a fine job even with some limitations. Williams, Marlow and Frazee exited the meeting at 2:04 p.m.

Diana Flory, County Treasurer; entered the meeting at 2:05 p.m. to discuss how and where the BOCC would like to set up the funding for the funds the County has received from Excel Energy. There were different suggestions but no action taken at this time. Flory exited the meeting at 2:15 p.m.

David Engelhardt entered the meeting to discuss the flooring. Engelhardt suggested that we do not lay anymore flooring using glue. He suggests the regular vinyl or a thinner tile. He exited the meeting at 1:40 p.m.

Planning & Zoning Update: Invenergy is working on 4 projects. Adamson has not received any permitting applications from them at this point.

Insurance Update: Adamson said the insurance will cover the stolen county vehicle and the tools that were in it.

NEW BUSINESS:

Vehicle Policies: No action taken

Tri County Farms Building Permit: Robertson moved, and Lening seconded the motion to approve the building for Tri County Farms located S12-T18-R49SW.

TV Tower Maintenance: Ryan Sneller, Tower Maintenance Contractor had to repair the tower on Christmas Eve.

Category Change: The BOCC had the option to change category classification for the County. Oswald moved to remain the same category as the past 8 years. Lening second the motion. Motion carried.

Robertson moved, and Oswald seconded the motion to move into executive session for personnel matters at 3:54 p.m. Motion carried.

Oswald moved at 5:05 p.m. to move out of executive session and resume the open meeting. Lening seconded and the motion carried.

Oswald moved to require a written note of limitation or release to full duty from the doctor for the injured employee. The employee must also sign a waiver to continue working impaired. Lening seconded and the motion carried.

The next regular meeting will be held on January 10, 2023 at 9:00 a.m.

With no further items to be discussed, Robertson moved, and Lening seconded the motion to adjourn the meeting at 5:15 p.m.