

COMMISSIONER PROCEEDINGS

December 11, 2017

- Call to Order: The regular meeting of the Lincoln County Board of Commissioners was held in the basement meeting room of the courthouse Monday, December 11, 2017. Chairman Al Joe Wallace called the meeting to order at 10:00 a.m. with Vice-Chairman Terry Finch and Member Alexis Pflugh present. County Clerk Dawn Harlow was in attendance.
- Visitors: Others present for portions of the meeting: Howard Wehrman, Cynthia Nelson, Sondra Lyne, Ladonna Reinert, Steve Schneider, Robert Schroeder, Jim Wiebke, Bev Fisher, Jeannie Fern, Debora Zachgo, Nancy Walter, Michel O'Hare, Robert Howe, David Dohe, Jennifer O'Hare, Thomas Bershcheidt and John Baetz.
- Correspondence: Correspondence: Saline County Environmental Services billing for the 2018 LEPG (Local Environmental Protection Grant) cooperative agreement; League of Municipalities billing for 2018 membership dues; and bills for the nursing home.
- Minutes approved: Terry Finch moved to approve and adopt the minutes of the December 4, 2017 regular meeting as corrected, seconded by Alexis Pflugh. Motion carried.
- Health Department: Health Nurse/Administrator Ladonna Reinert presented a bid to purchase a carport from S&S Auto Body in the amount of \$1,200. Terry Finch moved to authorize Ladonna Reinert to sign a contract for a carport, seconded by Al Joe Wallace. Motion carried. Reinert requested an executive session to discuss personnel matters of non-elected personnel concerning leave time. Al Joe Wallace moved to recess into executive session for ten minutes for the purpose of discussing: Statement: to discuss information concerning personnel matters of non-elected personnel in regards to leave for an employee; Justification: pursuant to K.S.A. 75-4319 (2)(b) (1) to discuss personnel matters of nonelected personnel with Health Nurse Ladonna Reinert and County Clerk Harlow present; Time entering 10:27 a.m. Time reconvening 10:37 a.m. Reconvening Location: basement meeting room, seconded by Terry Finch. Motion carried.
- Reconvene: The chairman reconvened the meeting to regular session at 10:37 a.m. in the basement meeting room with no action taken.
- Human Resources: Human Resource Officer Debora Zachgo inquired about changes regarding the performance reviews and job descriptions provided at previous meetings. The board made no additional modifications to the performance review and requested changes to the job descriptions.
- Chamber of Commerce: Nancy Walter, Lincoln Area Chamber of Commerce inquired if the board plans to contribute to the Chamber and Tourism committee in 2018, and identified activities for the ensuing year. The board related that \$1,000 was budgeted for the Chamber and Tourism committee for 2018.
- Solid Waste Contract Approved: Clerk Harlow provided the Solid Waste Collection contract with RanDan, Inc for five years, effective January 1, 2018 and expiring December 31, 2022 for the board's approval. Terry Finch moved to approve the contract with RanDan, Inc, seconded by Al Joe Wallace. Motion carried. Voting as follows: Wallace – Aye; Finch – Aye; Pflugh – Nay.

**Highway Department:** Director of Public Works Michel O’Hare reported that he had contacted adjacent landowners in regards to the request to close the 1000 block of E Milo Dr and that one landowner utilizes the road and would not be in favor of closing the road; and hopes to have an additional bid to drive piling and set beams and caps within the next couple of weeks. Road and Bridge Supervisor Robert Howe related that crews are working on installing signs; and poured cement on the toe wall of a box culvert on E Rye Dr. Pflugh inquired about the status of the Mobile 311 program; measuring gravel pits; and plans for remaining road rock purchased from APAC.

**Gravel Pits:** The board discussed taxation of the gravel pits, lease agreements, acreage and mapping of the pits. Alexis Pflugh moved for the Public Works Director to furnish the commission with an updated and detailed map of Lincoln County contracted gravel pits. Motion died for a lack of second.

**Emergency Management:** Emergency Manager David Dohe requested approval to attend the Foundations of Emergency Management Basic Academy. Terry Finch moved to allow David Dohe to attend four two-day training sessions, to complete education requirements for 2018, seconded by Al Joe Wallace. Motion carried. Dohe provided information regarding the Kansas All-Hazards Incident Management Team. Dohe inquired if the board would like to enact a burn ban due to the extreme fire conditions. Terry Finch moved to approve and adopt Resolution 2017-21, declaring a State of Disaster Emergency Proclamation for Lincoln County, Kansas prohibiting controlled burns, seconded by Alexis Pflugh. Motion carried.

**Courthouse Display Cases:** County Clerk Harlow related that the Historical Society would like to exchange items in the display cases and requested that the board consent to the exchange. Clerk Harlow related that all items in the display cases are owned by the Historical Society. The board approved the request. Clerk Harlow inquired about the Christmas Holiday and whether there would be any additional days off for employees. The board determined that due to Christmas landing on Monday, no additional holiday days will be approved. Clerk Harlow inquired if the board will be giving employees a Christmas gift, noting that the last two years all employees received \$25 in Chamber Bucks and a ham or turkey in years prior to that. Terry Finch moved to give employees \$25 in Chamber Bucks for a Christmas bonus, seconded by Alexis Pflugh. Motion carried. County Clerk Harlow related that she believes the Kansas Open Meetings Act was violated at the November 27, 2017 regular meeting and presented a form for the board to utilize when determining if an executive session is required, and to ensure that the motion includes all requirements for K.S.A. 75-4319, to prevent future violations.

**Recess:** The chairman recessed the meeting at 12:03 p.m. until 12:50 p.m.

**Reconvene:** The chairman reconvened the meeting to regular session at 12:50 p.m.

**Motion:** Commissioner Pflugh inquired if the board had an opportunity to review the Attorney General’s opinions that she had presented at a previous meeting. Alexis Pflugh moved to seek an attorney general opinion on K.S.A. 75-4301a and K.S.A. 75-4304 to make sure we are not violating a conflict of interest law by paying a private contract to O’Hare Law LLC without itemized receipts. Motion died for a lack of a second.

**Mediation:** The board met with Thomas Bershcheidt, Attorney At Law, who was contracted to mediate a settlement on road improvements to portions of the 2200 block of N 45<sup>th</sup> and N 50<sup>th</sup> Rd.

Mediation (Cont.): Bershcheidt explained the mediation process and what can be expected to occur during the process. Bershcheidt related that the mediation is supposed to be confidential, however since the board is in session and meeting as a governing body it offers several dilemmas, one of which is that every person present could be a witness if an agreement is not reached and the matter would go to court, for that reason Bershcheidt requested that Clerk Harlow provide a list of all individuals present for the mediation. Those present for the mediation: Commissioner Al Joe Wallace, Commissioner Terry Finch, Commissioner Alexis Pflugh, County Attorney Jennifer O'Hare, County Clerk Dawn Harlow; others present: Howard Wehrman, John Baetz, Jim Wiebke, Cynthia Nelson, Sondra Lyne, Bev Fisher and Jeannie Fern.

Recess: The chairman recessed the meeting at 2:08 p.m. until 2:30 p.m.

Reconvene: The chairman reconvened the meeting at 2:30 p.m.

Mediation (Cont.): Bershcheidt mediated between the two parties several times. At the conclusion of the mediation, Al Joe Wallace moved to instruct County Attorney O'Hare to move forward with an agreement that has been negotiated with the mediator and Steve Schneider, seconded by Terry Finch. Motion carried.

Adjourn: With no further business to come before the board the chairman adjourned the meeting at 3:59 p.m. until 10:00 a.m. Monday, December 18, 2017 in the ~~commission~~ **basement** meeting room of the courthouse.