

April 21, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Mike Page led the Pledge of Allegiance.

At 9:00 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:15 AM the executive session ended. No action taken.

Herb Pemberton moved to approve the minutes of the last regular meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the following add/abate/refund orders: 2007-204. Mike Page seconded the motion. The motion passed 3-0.

Jesse Secrest, Cox Motor Co., addressed the Commission concerning the used truck that was approved last week for the Noxious Weed Dept. Secrest stated that he told John Maloney that the County would be eligible for price breaks on a new truck. Secrest did not receive a list of specifications for a new truck, so he did not know what to bid on. Secrest was available last Monday to answer questions, but was not called. Secrest also stated that the truck that was approved last week has many options that may not be needed on a Noxious Weed truck. Secrest then stated that a new truck from Cox Motors that lists for \$30,005.00 could be purchased by the County for \$20,650.00, due to government discounts. Secrest also stated that he is the only dealer in Linn County and pays taxes in Linn County, Beckman Motors does not pay taxes in Linn County.

Carmen Self presented the Quarterly Interest Report and the Delinquent Tax Report. Interest for the 1st quarter of 2008 was \$82,895.96 (down from \$108,248.24 last year). Delinquent Real Estate taxes as of 3/31/08 were \$417,427.10 and delinquent Personal Property taxes as of 3/31/08 were \$79,237.12.

Kristy Schmitz informed the Commission that she has hired Lu Ann Hargrove as a temporary (part-time) employee at \$7.38 per hour in the Register of Deeds office.

Marilyn Augur informed the Commission that we received approval for our Transit Grant in the amount of \$26,837.50 for 2009. It is a 50/50 grant.

John Maloney stated that he wanted to buy a used truck to save money for the Noxious Weed Dept. Maloney also presented pictures of nuisance properties at lake developments. Gary Thompson stated that the statute that allows County Code Courts does not apply to Linn County, but we could contact our Legislators and ask them to amend the statute to include Linn County.

Jason Sabine moved to take bids for a new truck for the Noxious Weed Dept. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to rescind the motion to buy the used truck from Beckman Motors. Jason Sabine seconded the motion. The motion passed 3-0.

Joe Maloney presented the Plot Plan for the landfill. The Commission instructed Maloney to contact Jim Schmitz for the required surveying. Maloney asked about a pay raise for Rick Post. The Commission stated that they are going to start talking about reworking the pay schedule this week, so they don't want to make any pay changes right now. Joe Maloney presented a copy of the maintenance log for the Solid Waste trucks. Herb Pemberton stated that Dan Morris brought copies of the Road Dist. #1 maintenance records today.

Sharon Geiss presented the YTD Report from Mid-America Nutrition. Geiss stated that attendance is steady in Linn County. There will be a satisfaction survey in May. Chuck Hampton from Parker is now on the Mid-America Nutrition Policy Board. Mid-America will submit bids for next years service to the East Central Kansas Area Agency on Aging in May. Geiss also stated that food prices are up about 9% and fuel prices are also up.

The Road Foremen reported on their March expenditures.

Dan Morris asked to hire Vic Roche & Matt Higgins for summer help at \$8.75 per hour. Herb Pemberton moved to hire Matt Higgins and Vic Roche as summer help for Road Dist. #1 at \$8.75 per hour. Mike Page seconded the motion. The motion passed 3-0. Morris also discussed a grant that employs people to work on items that are flood related, such as cutting brush around bridges. The Commission asked Morris to work on the grant.

Harry Wisdom presented a permit to bury water line requested by RWD #2 located at 13068 W 600 Road. Jason Sabine moved to approve the permit to bury water line as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

John Byington stated that our road oil prices are locked in for the year, but cover material is not.

Doug Barlet presented information on NIMS requirements. Barlet also discussed the proposed Automatic Aid Agreement. It has not been presented to the Cities yet. Jason Sabine moved to approve the form of the Automatic Aid Agreement. Herb Pemberton seconded the motion. The motion passed 3-0. Doug Barlet will present the proposed agreement to the Cities.

The Commission opened bids for completion of the La Cygne Fire Station. The Commission will review the bids and make a decision at a later time.

At 10:37 AM the Chairman asked for public comment. Rubie Scott stated that she was disappointed that none of the Commissioners commented on the Nutrition Program when Sharon Geiss was here. Scott stated that people are not satisfied with the meals they are receiving. Lonnie Martin asked if the Commission has considered what to do about our County roads. Martin stated that there is not enough rock on the roads. Helen Wright stated that the meals at the Senior Centers are not as good as they used to be. Bernita Robbins stated that we have the same cooks as when the County ran the meals, so the quality of the meals shouldn't have changes.

At 10:47 AM Jason Sabine moved to take a 13 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Blake Hudson, attorney for John Brownback discussed their petition for access road to landlocked property. Hudson stated that Brownback has been denied access. Gilkison did provide a letter giving restricted access. There is a case pending in District Court concerning the existing situation. Nate Harbur, attorney for the Gilkison Trust discussed their views on the issue of road easement. Harbur stated that access has been given to Brownback.

At 11:22 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:37 AM the executive session ended. As a result of the executive session, the Chairman asked Mr. Hudson if he had any rebuttal to Mr. Harbur's comments. Mr. Hudson stated that the issue is, will the fact that they have been given some kind of partial permission be enough to bar Mr. Brownback from proceeding with the petition to open the road. The Chairman then asked if Mr. Harbur had any other comments. Mr. Harbur stated that Mr. Brownback landlocked himself, by his own actions, and Mr. Harbur believes there is an easement by necessity. Gary Thompson asked what was the nature of the permission that is now in place for Mr. Brownback? Mr. Harbur stated that they are asking for 2 days notice from Mr. Brownback to access his land for husbandry purposes. Husbandry would be anything agricultural. They would agree to give Mr. Brownback the combination to the lock, if he would agree not to give it to 3rd parties. Gary Thompson asked Mr. Hudson if this track was on a separate deed. Mr. Hudson stated that it was not on a separate deed when purchased, but there is no practical access to north. Gary Thompson stated that Commission wants to give Harbur 10 days to file a written response to the brief filed by Mr. Hudson, then Mr. Hudson will be given 5 days to respond, and Commission will take this under advisement. Gary Thompson advised Commission not to discuss this issue with any of the parties. The responses need to be filed with County Clerk.

Jason Sabine moved to sign the Pest Control contract with Purinton Pest Control. Mike Page seconded the motion. The motion passed 3-0.

Gary Thompson also presented an agreement with Mercy Health System of Kansas, Inc. concerning the use of the land for building a medical clinic. Mercy agrees to start construction within one year on the land that will be deeded from Linn County. If construction does not start within one year, Linn County has the option to rescind the agreement. Mike Page moved to enter into agreement with Mercy concerning the land use. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:47 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session until Noon

to discuss personnel issues related to non-elected personnel with Doug Barlet. Mike Page seconded the motion. The motion passed 3-0. The Commission, Counselor, and Doug Barlet attended the executive session.

At Noon the executive session ended.

At Noon, Jason Sabine moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 12:15 PM the executive session ended.

At 12:17 PM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission and Counselor attended this portion of the executive session.

At 12:27 PM the executive session ended. As a result of the executive session, the Chairman announced that they have decided to post a Deputy Fire Chief/Alternate Emergency Management Coordinator position to County Employees.

At 12:29 PM Jason Sabine moved to recess from the Board of Commission meeting into executive session until 1:00 PM to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Larry Robinson attended the executive session.

At 1:00 PM the executive session ended.

At 1:02 PM Jason Sabine moved to extend the above executive session for 30 minutes. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Larry Robinson attended this portion of the executive session.

At 1:20 PM Doug Barlet entered the executive session.

At 1:32 PM the executive session ended.

At 1:32 PM Jason Sabine moved to extend the above executive session 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Marilyn Augur attended this portion of the executive session.

At 1:36 PM Marilyn Augur left the executive session.

At 1:42 PM the executive session ended. As a result of the executive session, the Chairman announced that we are increasing Marilyn Augur's hours to 8 hours per day to take over bookkeeping duties with the Fire Dept.

Doug Barlet asked for permission to spend approximately \$5,000.00 for vehicle inspections and pump testing from Murphy Fire & Rescue. Jason Sabine moved to allow the expenditure. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission and Clerk discussed salary schedules. Jason Sabine stated that pay raises should be tied to evaluations and the employee's start date. Jason Sabine stated that Miami County has a good model to look at. The Commission suggested getting samples of salary schedules from at least 5 other Counties.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, April 28, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk