

COMMISSIONER PROCEEDINGS

November 25, 2019

- Call to Order:** The regular meeting of the Lincoln County Board of Commissioners was held Monday, November 25, 2019. Chairman Alexis Pflugh called the meeting to order at 11:00 a.m. at the Lincoln County Landfill/Transfer Station with Vice-Chairman Randy Lohmann and Member James Gabelmann present. County Clerk Dawn Harlow acted as recording secretary.
- Visitors:** Others present for portions of the meeting: Kerry Jackson, Dan Heina, Ray Harlow, James Miller, Cynthia Nelson, Sharon Dohe, Brendan Mackay, Tanner Yost, John Grace, Dena Rice, Howard Wehrmann and Jennifer O'Hare.
- Employee Meal:** The board met with and provided a meal to landfill/transfer station, noxious weed and recycling center employees. The group discussed whether it would be feasible to relocate the recycling center to the landfill, discontinuing the county operated recycling program, and department needs. Alexis Pflugh moved to approve James Miller to work at the recycling center beginning January 1, seconded by James Gabelmann. Motion carried.
- Recess:** The chairman recessed the meeting to the Lincoln County Courthouse commission meeting room at 12:40 p.m. The chairman reconvened the meeting to regular session in the commission meeting room at 1:00 p.m.
- Reconvene:**
- Minutes Approved:** James Gabelmann moved to approve the minutes as presented, seconded by Alexis Pflugh. Motion carried. (November 18, 2019)
- WEB Fund Distribution:** Clerk Harlow related that she had been informed that the Chamber was not awarded a grant and that it was requested that the board move forward with the WEB fund recommendation. Randy Lohmann moved to approve the WEB fund disbursement in the amount of \$6,107 to the Lincoln Area Chamber of Commerce, seconded by James Gabelmann. Motion carried.
- Hospital:** The board discussed the Hospital Board of Trustees meeting held November 19. Commissioner Pflugh related that Hospital Administrator Steve Granzow will be attending a future meeting to request operating funds from the Windpower Economic Benefit Fund. Pflugh also related that Granzow had estimated the cost of fulfilling the board's KORA (Kansas Open Records Request) request at \$12,000.
- Highway Department:** Director of Highway Department Brendan Mackay discussed options for relocating the closed road on N 150th Rd due to the landslide that is currently active. Mackay presented options to allow the department to remain on four ten hour work days. Mackay discussed the IT managed services proposals and believes Wilson Communications would be the better option for their department. Mackay provided the taxes on gravel pits currently leased by the county and presented an amended gravel removal/purchase agreement for the board to review, which would advance royalties to landowners and guarantee payments will be made during the month which gravel has been removed. James Gabelmann moved to approved section 5 with the regulatory proposed changes subject to review by the County Attorney for legality, seconded by Alexis Pflugh. Motion carried. James Gabelmann moved to let the highway department go to a 4 10-hour work week with the chief modifying the schedule as he sees fit, choosing option 4 of the proposal, seconded by Randy Lohmann. Motion carried. Mackay requested an executive session. The board requested that Mackay return at 4 p.m. Mackay

related that the dealer has received the excavator and will go through it prior to delivering it. Tanner Yost, Kirkham Michael Tanner related that OS 65 is a five span timber bridge, explained how the weight limit is determined and provided historical information. Yost related that the RFP is completed for tuck pointing the four bridges located in the Denmark area, after discussion, the project will be advertised in the beginning of January and the board will open bids January 27 at 2 p.m.

Update: Cynthia Nelson updated the board on legislation that was proposed by the Silver-Haired Legislature, provided a draft copy of the North Central-Flint Hills Area Agency on Aging 2019 Public Policy Goals, information regarding dental care for seniors, and a copy of a 20-year study on population that was completed by Wichita State University.

**Nursing Home:
Executive Session:** John Grace and Dana Rice, Lincoln Park Manor requested an executive session to discuss financial matters. Alexis Pflugh moved to recess into executive session for forty-five minutes to discuss Lincoln Park Manor financial information pursuant to K.S.A. 75-4319(2)(b)(4) to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships with the board of county commissioners, John Grace, Dana Rice and County Attorney Jennifer O'Hare to reconvene in commission meeting room, seconded by Randy Lohmann. Motion carried. Time in: 3:08 p.m. Time out: 3:53 p.m.

Reconvene: The chairman reconvened the meeting to regular session at 3:53 p.m. with no action taken.

Executive Session: James Gabelmann moved to recess into executive session for five minutes to discuss Lincoln Park Manor financial information pursuant to K.S.A. 75-4319(2)(b)(4) to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships with the board of county commissioners, John Grace, Dana Rice and County Attorney Jennifer O'Hare to reconvene in commission meeting room, seconded by Randy Lohmann. Motion carried. Time in: 3:55 p.m. Time out: 4:00 p.m.

Reconvene: The chairman reconvened the meeting to regular session at 4:00 p.m. with no action taken.

Announcement regarding Nursing Home and Motions: The chairman announced the following: the county has budgeted for maintenance of the nursing home facility \$120,000 in 2019 and \$100,000 in 2020; that the current lease with Lincoln Park Manor is set to expire on May 23, 2020; during the executive session that the board reached an agreement to seek bids for the sale of the building through an RFP process and that will include a clause that the building will not be able to be sold in the future for anything other than a nursing home, the County will prepare the RFP within 60 days, and the RFP will include a three year maintenance agreement; during the executive session Grace discussed purchases that need made at the county's expenses including the following: installation of a security system, new call system, and installation of a wonder guard system; Grace had estimated approximate amount of back rent at \$60,000; that Grace had agreed to extend the lease for six months to give the county more time to determine a future direction. James Gabelmann moved to extend the lease between the County and Lincoln Park Manor, as is through November 22, 2020, and attach Exhibit B to the lease, seconded by Alexis Pflugh. Motion carried. James Gabelmann moved to ask the county attorney to prepare an RFP, to consider the following things, and instructed the County Attorney to provide the following details for the motion: RFP will be prepared and submitted within 60 days; potential businesses will have 30 days to respond; building to be sold is known as Lincoln Park Manor; will include Exhibit B that will be attached to the extension of the lease agreement; will include a three year maintenance agreement; and will include a clause that the any future sale of the

building will be limited to use as a nursing home, seconded by Randy Lohmann. Motion carried. (No annual dollar amount was given for the three year maintenance agreement) Alexis Pflugh moved to reserve the remainder of the 2019 budget line item for Lincoln Park Manor estimated at ~~\$40,000~~ \$26,800 to be absorbed by the county to recover a portion of the approximate debt of \$60,000, seconded by James Gabelmann. Alexis Pflugh moved to amend motion to replace the amount to \$26,800, seconded by James Gabelmann. Motion carried. Voting as follows: Pflugh – Aye; Gabelmann – Aye; Lohmann – Nay. Rice provided the amount to replace the current call system in the amount of \$13,142.71 from Alliance Monitoring. The board approved replacing the call system. Grace contended that portions of the back rent are not owed as he claims the County inhibited them from gaining residents during the renovation project, which they requested to be completed, that there was no air conditioning in certain parts of the building at various times. The board requested that Grace provide them with a listing of days affected by these issues as well as census information for the facility from 2018 through current. (Exhibit B to the Lincoln Park Manor lease is a list of responsibilities of the landlord and the tenant)

Executive Session: County Attorney O’Hare requested an executive session. Alexis Pflugh moved to recess into executive session for ten minutes for the purpose of discussing Lincoln Park Manor landlord negotiations pursuant to K.S.A. 75-4319(2)(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship with the board, County Attorney (O’Hare) and County Clerk (Harlow), seconded by James Gabelmann. Motion carried. Time in 4:31 p.m. Time out 4:41 p.m.

Reconvene: The chairman reconvened the meeting to regular session at 4:41 p.m. with no action taken.

Executive Session: Brendan Mackay requested an executive session. Alexis Pflugh moved to enter into executive session for fifteen minutes to discuss employee Highway Department disciplinary action, pursuant to K.S.A. 75-4319(2)(b)(1) to discuss personnel matters of nonelected personnel, to reconvene in the commission meeting room with the commission, Acting HR (Clerk Harlow) and Director of Highway Department (Mackay), seconded by Randy Lohmann. Motion carried. Time in: 4:44 p.m. Time out: 4:59 p.m.

Reconvene: The chairman reconvened the meeting to regular session at 4:49 p.m. with no action taken.

Executive Session: Alexis Pflugh moved to recess into executive session for five minutes for the purpose of reviewing highway department interview results, pursuant to K.S.A. 75-4319(2)(b)(1) to discuss personnel matters of non-elected personnel, with Director of Highway Department (Mackay) and Acting HR (Clerk Harlow), seconded by Randy Lohmann. Motion carried. Time in: 5:02 p.m. Time out: 5:07 p.m.

Reconvene: The chairman reconvened the meeting to regular session at 5:07 p.m. with no action taken.

Tax Abatements: Alexis Pflugh moved to approve tax abatements 2019-06 thru 2019-10, seconded by James Gabelmann. Motion carried.

Accounts Payable & Payroll Approved: James Gabelmann moved to approve accounts payable in the amount of \$544,494.14, with the correction of first half property tax for Lincoln Park Manor coming from nursing home maintenance line item, seconded Alexis Pflugh. Motion carried. Alexis Pflugh moved to

approve gross payroll in the amount of \$203,541.71, seconded by James Gabelmann. Motion carried.

Adjourn:

The chairman adjourned the meeting at 5:54 p.m. until 10:00 a.m. Monday, December 2, 2019 in the commission meeting room of the courthouse.