

COMMISSIONER PROCEEDINGS

May 18, 2020

- Call to Order: The regular meeting of the Lincoln County Board of Commissioners was held in the commission meeting room of the courthouse Monday, May 18, 2020. Chairman Randy Lohmann called the meeting to order at 10:00 a.m. with Vice-Chairman James Gabelmann and Member Alexis Pflugh present. County Clerk Dawn Harlow was in attendance as recording secretary.
- Visitors: Others present for portions of the meeting: Leann Bishop, Jonathan Schale, Diane Walters, Dena Rice, Harold Flaherty, Brendan Mackay, Sheila Nelson-Stout, Susan Sprague, Patrick Wallerius, Sara Hageman, Rhonda Wright, and Kelly Larson.
- Resolution 2020-12: James Gabelmann presented a resolution extending the emergency declaration for an additional 60 days. Randy Lohmann moved to approve Resolution 2020-12, extending the emergency declaration from March 17, effective May 18, 2020, seconded by James Gabelmann. Motion carried. (COVID-19 Public Health Emergency Resolution)
- County Treasurer: County Treasurer Leann Bishop related that 2019 property tax collection is 95.7% with approximately \$250,000 outstanding. Bishop discussed that there are conversations being held about changing the due date for the fall tax collection and waiving penalties and interest. Bishop discussed her budget and wages.
- Hospital: Commissioner Pflugh suggested that the commission uniformly request the hospital budget. Commissioner Lohmann related that he would request the budget.
- Nursing Home: Lincoln Park Manor Administrator Diane Walters with Dena Rice and Jonathan Schale presented bids to purchase mag locks and a wander guard system. Schale discussed the basement door and that the installer related that installation of drain tile would prevent future water damage to the new door. Schale related that Cummins had reported that if the county chooses to replace the batteries themselves on the generator that the maintenance agreement will not cover them, and they will not be inspected. The board approved allowing Cummins to replace the batteries at the next maintenance check. Rice related that they need a bariatric bed, as they are currently renting a bed. The board related that they would not consider paying for items not considered a building expense until rent payments are paid. James Gabelmann moved to approve the \$38,000 plus for the door guard and wander guard from Alliance, seconded by Randy Lohmann. Motion carried.
- City of Beverly: City of Beverly Mayor Harold Flaherty, with Director of Highway Department Brendan Mackay, inquired if the board had decided on selling the city one of the county's spare blades. Alexis Pflugh moved to approve the sale of the highway department spare KOMATSU blade to the city of Beverly in the amount of \$15,000 over five years at \$3,000 per year, seconded by Randy Lohmann. Motion carried.
- OCCK: OCCK representatives Sheila Nelson-Stout, Susan Sprague, and Patrick Wallerius presented the organizations 2021 budget request. The group discussed OCCK programs which include implementing and providing equipment for telehealth services for clients and transportation services.

Highway Department: Director of Highway Department Brendan Mackay requested approval to build a driving pad and entrance for a new residence south of Sylvan Grove on N 60th Rd and to purchase a tire for a utility trailer. Wallace Sheldon has requested a higher rate of compensation for the land needed to move N 150th Rd as well as loss of crop planted. Randy Lohmann moved to pay what Mr. Sheldon wants for a total of \$3,548.62, to pay higher cost for land and loss of wheat, seconded by James Gabelmann. Motion carried. Mackay related that the approved culvert policy needs added to the website. Alexis Pflugh moved to approve highway department access to the director of the highway department, seconded by Randy Lohmann. Motion carried. Mackay requested an executive session to discuss non-elected personnel. Randy Lohmann moved to recess into executive session for fifteen minutes for the purpose of discussing highway department evaluations, pursuant to K.S.A. 75-4319(2)(b)(1) to discuss personnel matters of non-elected personnel to reconvene in the commission meeting room upon conclusion, with the highway department director (Mackay) and the commissioners, seconded by Alexis Pflugh. Motion carried. Time in: 12:28 p.m. Time out: 12:43 p.m.

Executive Session:

Reconvene:
Actions: The chairman reconvened the meeting to regular session at 12:43 p.m. Alexis Pflugh moved to approve the position change of Garry Fuller to mechanic, seconded by Randy Lohmann. Motion carried. (Effective May 18, 2020) Randy Lohmann moved to approve the raises that we had listed in all of the departments, effective April 26, 2020, seconded by Alexis Pflugh. Motion carried. Voting as follows: Lohmann – Aye; Pflugh – Aye; Gabelmann – Nay. Added May 29, 2020: the raises that were approved for each employee were assigned by their department head.

Member Departs: Vice-Chairman James Gabelmann departed the meeting at 12:54 p.m.

Motions: Alexis Pflugh moved to approve the pay increase for Garry Fuller at step 2 mechanic at \$16.05 starting May 18, 2020, seconded by Randy Lohmann. Motion carried. Alexis Pflugh moved to approve the annual increase in wages for the Director of Highway Department Brendan Mackay to \$62,500, effective April 26, 2020, seconded by Randy Lohmann. Motion carried. (included the \$.50 raise that was previously approved, and this will be a new annual amount)

Correspondence: Correspondence: an email from Sean Petersen regarding road repairs that were made within Wilson Lake Estates created a ditch along his property line that he does not wish to exist and wanted us to level it out and it still has not been repaired.

Member Returns: James Gabelmann returned to the meeting at 1:30 p.m.

Health Department: Health Nurse/Administrator Ladonna Reinert requested clarification of the wage increase just approved. Reinert, Clerk Harlow, County Treasurer Bishop, and County Appraiser Rhonda Wright inquired why the highway department received raises based upon a pay scale, which is higher than the fifty-cent per capita increase budgeted while other departments are limited to the fifty cent per capita increase as instructed during the January 6, 2020 department head meeting and questioned whether the action is discriminatory as their departments are female. Human Resource Officer Sarah Hageman issued a concern with giving raises utilizing a pay scale for one department and a per capita increase for another department. Alexis Pflugh moved to approve the raises as they were presented by the other department heads, all the departments according to the evaluations. The group questioned the motion as the pay raises for all department were already approved and requested that all departments pay increases be based upon the pay scales that were submitted and approved.

Highway Department: Director of Highway Department Brendan Mackay inquired about the amount of leave time accrued as he is required to work 50 hours per week and if should accrue more leave time than those who work 40 hours per week. Commissioner Lohmann inquired about the Brian Meitler complaint. Mackay related that he cannot find that the roads are county roads. Clerk Harlow suggested that he review the plat in the Register of Deeds office.

Handbook: Human Resource Officer Sarah Hageman presented the revisions to the handbook for sections that they had previously reviewed.

Emergency Management: The board discussed the emergency management position. Human Resource Officer Hageman related that Susan Lange, Department of Labor, had told her that if we combine exempt and non-exempt positions and the non-exempt employee took on the duties of the exempt position then the DOL would question why the position was classified as exempt in the past and could create issues. Clerk Harlow related that the situation is like the Ambulance Director position, if the exempt employee is replacing and performing the duties of a non-exempt position then the individual cannot be considered exempt. Hageman suggested that the emergency manager could also take on the role of Safety Officer which would benefit the county. Randy Lohmann moved to put an advertisement for Emergency Manager in whatever media our HR thinks is applicable, and we have a job description that will make it full-time or part-time, seconded by Alexis Pflugh. Motion carried.

Transportation Bus: The board discussed the Transportation Bus position.

Minutes Approved: James Gabelmann moved to approve minutes, seconded by Randy Lohmann. Motion carried. (May 11, 2020)

CDBG-CV Grant Opportunity: Clerk Harlow and Economic Development Director Kelly Larson discussed the CDBG-CV grant application and inquired if the board would be interested in applying for funds. Alexis Pflugh moved to advertise a public hearing for a CDBG-CV grant as soon as possible, seconded by Randy Lohmann. Motion carried.

Correspondence: Correspondence: the board received the RFP from County Attorney Jennifer O’Hare; and a letter from the County Attorney concerning the KOMA complaint and requesting that the board find alternative counsel regarding the KOMA complaint and notify Ms. Mendoza with the Kansas Attorney General’s Office of the name of the attorney representing the board.

Nursing Home and Motion: Commissioner Pflugh related that she has contacted two separate companies that specialize in nursing home real estate, as brokers, and will provide them with the RFP so that they can see the scope of the work. Alexis Pflugh moved to request a response from County Attorney Jennifer O’Hare to the three questions that were asked in reference to the KOMA violation inquiry #1 Why did you create a personal response outside of and in addition to the commission’s unified response which was indicated as the preferred option for response to the AG and approved by the board unanimously? #2 Did you request the BOCC’s approval of your additional information to be added to the documents we prepared for the response before you sent it? #3 Did you question any individual commissioners or verify the validity of your responses to the Attorney General with the BOCC body, your client? Seconded by James Gabelmann. Motion carried. Voting as follows: Lohmann – Aye; Pflugh – Aye; Gabelmann – Abstained.

- Meeting Cancelled: The board cancelled the Tuesday, May 26, 2020 regular meeting.
- KORA Requests: The board reviewed the Kansas Open Records Requests received. The board will provide Freedom of Information Officer Dawn Harlow with the requested information by June 8. Clerk Harlow will notify both KORA requestors that the open records request will be completed by the end of business day on June 9.
- Correspondence: Correspondence: The board reviewed the proposal received to repair the courthouse clock tower. The board will seek additional bids for the repairs. The board reviewed bills for Lincoln Park Manor. Owner/Producer Crop Information for county owned property. Randy Lohmann moved to sign the Owner/Producer Crop Information for ARC again for the landowner for the property that Mr. Helus is farming, seconded by James Gabelmann. Motion carried. A letter from Arletta Morse expressing interest in serving on the Hospital Board of Trustees. James Gabelmann moved to appoint Arletta Morse to the Hospital Board, seconded by Randy Lohmann. Motion carried.
- Ad Approved: Randy Lohmann moved to approve the ad in the Live Lincoln County magazine, seconded by Alexis Pflugh. Motion carried.
- Adjourn: The chairman adjourned the meeting at 4:54 p.m. until 10:00 a.m. Friday, May 29, 2020, in the commission meeting room of the courthouse.