

COMMISSIONER PROCEEDINGS

April 20, 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, April 20, 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: Sarah Hageman, Brendan Mackay, and Caleb Holeman.
- Correspondence: Correspondence: KWORCC flyer notifying that KWORDS will be delivered electronically; tax abatements; proclamation declaring child abuse prevention month for April 2020; letter from County Attorney O'Hare notifying the board that the Attorney General's Office is investigating a Kansas Open Meetings Act violation complaint and they have requested the board respond to the complaint by May 21; carbon copy of the letter from County Attorney O'Hare to Lisa Mendoza requesting an extension for time; letter from County Attorney O'Hare notifying the board that an extension had been granted and a response is due on or before May 1; and pictures from Ambulance Director Derek Walter of the ambulance remount project.
- Motions: Alexis Pflugh moved to approve tax abatement 2019-20 and 2019-21 in the amount of \$46.68, seconded by James Gabelmann. Motion carried. James Gabelmann moved to have the chairman sign the Child Abuse Prevention Proclamation for April 2020, seconded by Alexis Pflugh. Motion carried. James Gabelmann moved to approve the 6 April minutes, seconded by Alexis Pflugh. Motion carried.
- KOMA Complaint: Commissioner Pflugh suggested that the board self-report an open meeting violation when they approved changing Director of Highway Department Brendan Mackay's work schedule to Friday afternoons on call. Pflugh related that the violation reported to the Attorney General's office is not legitimate as board members were discussing past actions on the Lincoln County Concerned Citizens (LC3) Facebook page.
- Discussion Items: Commissioner Lohmann Randy related that the board needed to discuss the following: Nursing home issue, and the Emergency Manager position and duties as Commissioner Gabelmann will resign as emergency manager effective June 1.
- Assessment Update: Clerk Harlow reported that TreanorHL had completed the field survey for the courthouse assessment project.
- Executive Session: Human Resource Officer Sarah Hageman requested an executive session to discuss employee status changes for ten minutes. Randy Lohmann moved to recess into executive session for ten minutes for the purpose of discussing employee status changes, pursuant to K.S.A. 75-4319(2)(b)(1) to discuss personnel matters of non-elected personnel to reconvene in the courthouse commission meeting room with Human Resource Officer Sarah Hageman and the board, seconded by Alexis Pflugh Motion carried. Time in: 10:27 a.m. Time out: 10:37 a.m.
- Reconvene: The chairman reconvened the meeting to regular session at 10:37 a.m. with no action taken.

Resignation Accepted: James Gabelmann moved to accept the letter of resignation dated 16 March 2020 from Jerry Philbrick, for his retirement, effective May 29, seconded by Alexis Pflugh. Motion carried. The board advised Hageman to place an ad for the County Bus driver position. The board discussed separating the Human Resource Office from the County Clerk's Office effective May 1.

Emergency Management: The board discussed the Emergency Management position: Commissioner Gabelmann related that the position is a full-time position; Commissioner Pflugh related that the board has not had the opportunity to talk to the emergency managers that work in multiple counties and ~~thinks~~ **noted** that the fire departments requested the county pay the emergency manager to be a storm spotter and if so they should pay from their funds if they think one is needed; Gabelmann responded that storm spotting is completed by volunteers and that it is the County's responsibility to manage storm spotting; Pflugh noted that the budget does not allow for a full-time position, requested approval from the board to obtain job descriptions for counties that are sharing an emergency manager, and related that she would like to consider hiring Caleb Holeman, increasing his pay to a salary to avoid overtime; Gabelmann questioned whether the Highway Department could spare Holeman for the amount of time needed during emergencies, especially if Holeman had been the EM during COVID-19 as is he (Gabelmann) is working a lot of hours during this emergency. Clerk Harlow related that the Department of Labor should be asked whether the position would be considered exempt under FLSA before they make that decision as it is her opinion that you cannot combine a non-exempt position and an exempt position and pay a salary to avoid overtime laws. No decision was made this date.

Executive Session: Randy Lohmann moved to recess into executive session for fifteen minutes for the purpose of discussing employee complaints, pursuant to K.S.A. 75-4319(2)(b)(1) to discuss personnel matters to reconvene in the commission meeting room with the commission, Human Resource Officer Hageman, Director of Highway Department Brendan Mackay, Highway Department Office Manager Caleb Holeman and County Clerk Harlow present, seconded by James Gabelmann. Motion carried. Time in: 11:05 a.m. Time out: 11:20 a.m.

Reconvene: The chairman reconvened **d** the meeting to regular session at 11:20 p.m. with no action taken.

Highway Department: The board discussed employee complaint forms and how they should be utilized. Alexis Pflugh moved to approve the procedure of keeping the Highway Department Office open on Friday afternoons by using the call forwarding system from the highway department office to the county provided highway department cell phone, seconded by Randy Lohmann. Motion carried. The group discussed the hours of the office manager. The group discussed the Time Clock Policy and Clerk Harlow suggested that departments follow the policy now that there is a full-time Human Resource Officer by remitting change sheets to HR for modifications of employee time, the board approved. Alexis Pflugh moved to formally establish the Office Manager hours Monday through Thursday 7:30 a.m. to 5 p.m. and Friday 7:30 a.m. – 11:30 a.m., seconded by James Gabelmann. Motion carried. Director of Highway Department Brendan Mackay and Caleb Holeman answered board questions regarding highway department activities. Commissioner Pflugh asked why the highway department was still taking trash to Salina; Commissioner Lohmann related that he had told Landfill/Transfer Station Operator that the department was responsible for hauling trash to Salina; and Mackay complained that the department head was contacting his staff and telling them what to do, and that the truck and trailer did not pass an inspection when stopped by DOT.

Courthouse Maintenance: John Paul Ellis requested that the board schedule an hour in June to tour the courthouse lawn to look at trees and review bids received.

Recess: The chairman recessed the meeting for five minutes. The chairman reconvened the meeting to regular session.

Executive Session: Alexis Pflugh moved to recess into executive session for five minutes for the purpose of discussing employee discipline, justification 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 with HR Sarah Hageman and the commissioners, seconded by Randy Lohmann. Motion carried. Time in: 12:04 p.m. Time out: 12:09 p.m.

Reconvene: The chairman reconvened the meeting to regular session at 12:09 p.m. with no action taken.

Highway Department: James Gabelmann moved that the highway department does not furnish drivers to haul trash, seconded by Alexis Pflugh. Motion carried. (Effectively immediately) Mackay inquired about the plans for the truck that was shared between the two departments. The board tabled a decision on the shared truck. Mackay provided a letter of support for replacement of off-system bridge OS 65 from the City of Sylvan Grove; a list of projects and bridges with estimated costs, a list of bridges having issues and a list of every bridge in the county; cost to move materials at recycling center is \$30 per trip; provided a cost to purchase a skid steer and mini excavator, the current machines warranties are expired. Alexis Pflugh moved to approve the bids from Bobcat of Salina for both the skid steer and excavator, in the amount of \$21,471 and \$12,644, seconded by James Gabelmann. Motion carried. Mackay provided a bid from GPS Insight to monitor and track equipment. Mackay provided policies from other counties regarding citizens' request for field entrances. Mackay inquired about whether a decision had been made regarding pay increases. Mackay requested the six month raise for Caleb Holeman in the amount of \$.50 cents for the

Purchase Approved: completion of the first six months of employment. Alexis Pflugh moved to approve the highway department director's application of each employees suggested pay rates to the adopted pay scale for the department, seconded by Randy Lohmann. Motion carried. Hageman requested the opportunity to meet with Mackay to ensure that employees are correctly classified as several employees moved up several steps from their current rate of pay and one went up almost \$2.00 per hour, Mackay related that the highest increase was \$1.47. Commissioner Pflugh related that it was not necessary for Mackay to meet with Hageman as Mackay had already explained the placement of each employee on the pay scale during the review of evaluations and the board approved the placement during an executive session. Alexis Pflugh moved to approve the new pay rates for the highway department employees, effective March 26, 2020, seconded by Randy Lohmann. Motion failed. Voting as follows: Pflugh – Aye; Lohmann – Nay; Gabelmann – Nay. Clerk Harlow suggested that they consider April 26, 2020 so that Hageman had the opportunity to present pay scales provided to her by other departments. Mackay requested his six month evaluation. Randy Lohmann moved to approve the effective date of April 26, 2020, seconded by James Gablemann. Motion carried.

Pay Scale Implemented:

Health Department: Health Nurse/Administrator Ladonna Reinert reported on COVID-19 activities: ESF8 and LEPC meetings on Thursday's at 8 .m.; there are 18-19 meals delivered daily from the Senior Center to the City of Sylvan; Lincoln volunteer firefighters are delivering groceries to individuals who cannot get out on Tuesday and Fridays; found hand sanitizer and should be receiving soon; commodities distribution will be April 21 and April 22 at the Lincoln Senior Center and the Sylvan

Grove City Hall; health department has been awarded \$13,000 from the federal money to use on expenses, and EMS has received a grant as well; nursing home is doing okay and is following guidelines per regulations; and EMS is doing okay however they are utilizing a lot of PPE equipment. Lincoln County has no active cases. Reinert related that if the Governor lifts the stay at home order that businesses may not return back to normal by their choice, some businesses might be able to reopen but will need to abide by the 6 foot apart and less than 10 people.

- Member Departs: Commissioner Gabelmann left the meeting at 12:55 p.m.
- Recess: The chairman recessed the meeting for lunch at 1:00 p.m. until 1:30 p.m.
- Reconvene: The chairman reconvened the meeting to regular session at 1:30 p.m. with Commissioner Gabelmann present.
- EM Update: Commissioner Gabelmann updated the board on the conference call with Emergency Managers.
- KOMA complaint: The board discussed the KOMA complaint received. Gabelmann inquired whether Clerk Harlow was aware of board members attending KOMA training. Clerk Harlow related that she was not aware of specific training by board members. Gabelmann requested that Clerk Harlow provide the following materials that were requested by the Attorney General from January 18 through current: meeting requests, special meeting requests, meeting notifications, policy for meeting notifications and requests. Commissioner Pflugh stated that there was not a violation of KOMA as the board was only addressing past action by the board. The board discussed whether board members would write individual responses or a combined responses. The board discussed their constitutional rights to free speech, and whether commissioners are or are not allowed to speak to each other. Lohmann related that he would read over the information again and write a response and Pflugh could write a response and then they can review on Monday and combine responses. Pflugh related that she would write a response for the board and email to the other commissioners for review and modifications can be made at the April 27 meeting.
- Adjourn: The chairman adjourned the meeting at 1:53 p.m. until 10:00 a.m. Monday, April 27, 2020 in the commission meeting room of the courthouse.