

COMMISSIONER PROCEEDINGS

November 27, 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, November 27, 2017. Chairman Al Joe Wallace called the meeting to order at 8:00 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: Cynthia Nelson, Barbara Kingery, Jim Wiebke, Howard Wehrman, Jennifer O'Hare, Michel O'Hare, Mona Gerstmann, Justine Dohl, Robert Crangle, Steve Schneider and Mike Weigel.
- Minutes Approved: Al Joe Wallace moved to approve and adopt the minutes of the November 20, 2017 regular meeting as corrected, seconded by Terry Finch. Motion carried. Voting as follows: Wallace – Aye; Finch – Aye; Pflugh – Nay.
- Contract Approved/
Nursing Home
Renovation: Terry Finch moved to sign the contract with Street Plumbing and Campbell & Johnson, seconded by Al Joe Wallace. Motion carried. Voting as follows: Wallace – Aye; Finch – Aye; Pflugh – Nay. (Standard Form of Agreement Between Owner and Contractor) Chairman Wallace appointed Terry Finch to represent the board on the project.
- Executive Session: Terry Finch moved to recess into executive session for twenty minutes with County Attorney O'Hare present, justification: for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship, statement: possible pending litigation in which information must be discussed between client and counselor prior to public discussion, seconded by Al Joe Wallace. Motion carried. Time entering 8:38 a.m. Time reconvening: 8:58 a.m.
- Reconvene: The chairman reconvened the meeting to regular session at 8:58 a.m. with no action taken.
- Executive Session: Al Joe Wallace moved to recess into executive session for ten minutes with County Attorney O'Hare present, justification: for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship, statement: possible pending litigation in which information must be discussed between client and counselor prior to public discussion, seconded by Terry Finch. Motion carried. Time entering 8:58 a.m. Time reconvening: 9:08 a.m.
- Reconvene: The chairman reconvened the meeting to regular session at 9:08 a.m. with no action taken.
- Highway Department: Director of Public Works Michel O'Hare presented the annual bridge inspection that is required for three bridges for the board to review. O'Hare related that crews are spot graveling in the NW corner of the county and have poured concrete on FAS 470.
- Executive Session: Al Joe Wallace moved to recess into executive session for ten minutes with County Attorney O'Hare present, justification: for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship, statement: possible pending litigation in which information must be discussed between client and counselor prior

to public discussion, seconded by Terry Finch. Motion carried. Time entering 9:31 a.m. Time reconvening: 9:41 a.m.

Reconvene: The chairman reconvened the meeting to regular session at 9:41 a.m. no action taken.

N 50th Rd Complaint: The chairman announced that the Lincoln County Commissioners and Steve Schneider will enter into mediation on N 50th Rd, expenses will be shared between both parties, and will occur as soon as possible.

Executive Session: Al Joe Wallace moved to recess into executive session for fifteen minutes with County Attorney O'Hare present, justification: for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship, statement: contract with the nursing home, seconded by Terry Finch. Motion carried. Time entering 9:43 a.m. Time reconvening: 9:58 a.m.

Reconvene: The chairman reconvened the meeting to regular session at 9:58 a.m. no action taken.

Nursing Home Back Rent: The Lincoln County Commissioners have authorized the County Attorney to proceed with the offer that was made by Lincoln Park Manor to make an addendum to the contract for \$400 per month in relation to the back rent due for 2016 and 2017.

Tax Abatement: Terry Finch moved to allow tax abatements 2017-08 through 2017-09 in the amount of \$710.24, seconded by Alexis Pflugh. Motion carried.

Motions: Alexis Pflugh discussed the following topics: gravel price increase; remainder of the unpaid rent at the nursing home; and County Attorney conflict of interest. Commissioner Wallace requested that gravel pits be placed on the December 4 agenda following Michel O'Hare. Alexis Pflugh moved to retain a minimum of \$12,250 in the general fund line item for nursing home maintenance to compensate for the remainder of debt for back rent owed as a roll over into 2018, seconded by Terry Finch. Alexis Pflugh moved to amend motion to add "back rent", seconded by Terry Finch. Motion carried. Amendment Vote: Finch – Aye; Pflugh – Aye; Wallace – Abstained. Motion Vote: Finch – Aye; Pflugh – Aye; Wallace – Nay. Alexis Pflugh moved to request an opinion from the County Attorney on compliance with K.S.A. 75-4301a and K.S.A. 75-4304. Motion died for a lack of second.

Adjourn: With no further business to come before the board the chairman adjourned the meeting at 10:26 a.m. until 8:00 a.m. Thursday, November 30, 2017 in the basement meeting room of the courthouse.