

COMMISSIONER PROCEEDINGS

May 22, 2017

- 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 22, 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: Doug Wilson, Joan Wilson, Katy Black, Jeannie Fern, Howard Wehrman, David Dohe, Mona Gerstmann, Debora Zachgo, Robert Howe, Mary Powell, Gerry Miller, Bev Fisher, Norman Mannel, Glenn Stegman, Larry Spear, Carol Stegman, Jennifer O'Hare, Mark Mingenback, John Grace, Robert Crangle, Christen Robinson, Betty Crawford, Kelly Larson, Becky Rathbun, Carol Stegman, Katie Good, Allan Serrien, Steve Granzow, Delbert Wacker, Brock Mueller, Greg Babcock, Jonathan Schale, Beth Chard, Sue Brown, Robbin Lehman, Rhonda Rivers, Heather Voeltz and John Baetz.
- Recess:** The chairman recessed the meeting to the basement meeting room at 8:04 a.m.
- Reconvene:** The chairman reconvened the meeting to regular session at 8:07 a.m. in the basement meeting room.
- Emergency Management:** Emergency Manager David Dohe presented a bid to replace the tie rods on the department's truck. After reviewing the bid, the board requested that Dohe obtain additional bids from other local vendors. Dohe reported that the Saline River and Spillman Creek have crested and requested that the board consider adopting a Declaration of Emergency due to flooding.
- Minutes Approved:** Alexis Pflugh moved to approve and adopt the minutes of the May 15, 2017 regular meeting as corrected, seconded by Terry Finch. Motion carried.
- Correspondence:** The following correspondence was received: Thank You from the Lincoln County-Sylvan Grove Fair Board for WEB fund money received to purchase picnic tables; and final invoice from Campbell & Johnson P.A., in which Chairman Wallace related that a generator for the nursing home will be required this fall and suggested that the board consider Campbell & Johnson, P.A. to assist with the project.
- Potential Building Use:** Commissioner Wallace discussed the possibilities for use of the nursing home facility, as additional county office space, if John Grace's proposal moves forward and the current facility is changed to assisted living only. The board authorized Commissioner Wallace to visit with Campbell & Johnson, P.A. in regards potentially assisting with the generator project.
- Old Business:** Clerk Harlow provided additional information regarding K.S.A. 19-704 regarding the county counselor. Harlow related that if a special election were to be asked regarding the future of the nursing home, that the estimated cost would be between \$8,000 - \$12,000, depending on whether the election was an in-person election or a mail ballot election.
- Motion:** Alexis Pflugh moved to adopt an agenda based upon parliamentary procedure. Motion died for a lack of a second.
- Resolution 2017-12:** Emergency Manager Dohe presented a resolution to declare a local disaster emergency. Alexis Pflugh moved to approve and adopt Resolution 2017-12, proclaiming a State of Local Disaster

Emergency for Lincoln County, Kansas, effective for seven days, seconded by Terry Finch. Motion carried.

Old Business: Commissioner Pflugh addressed old business by reading a letter from County Attorney O'Hare dated February 8, 2017 in which O'Hare cites K.S.A. 19-247, defining the role of County Counselor and inviting the board to make a motion if they would like her to attend meetings more frequently. Pflugh further related, ~~in her opinion~~, that since Lincoln County has not formally appointed the County Counselor position, then K.S.A. 19-247, does not apply. Discussion ensued on: WEB fund conflict of interest and the nursing home lease.

Highway Department: Road and Bridge Supervisor Robert Howe with Human Resource Officer Debora Zachgo requested approval to change the status for Dalton Wirth from an intern position to a part-time per-need equipment operator, and requested a starting wage of \$12.30 per hour. Alexis Pflugh moved approve the status change for Dalton Wirth from intern to part-time per-need, starting salary \$12.30 per hour, effective May 15, 2017, seconded by Terry Finch. Motion carried. Howe provided information on the following subjects: Off-System Bridge OS 145 (Kobbeman bridge), O'Hare is currently meeting with KDOT in regards to issues with the concrete; Off-System Bridge OS 33 (Pepper Bridge), it is finished however there are a few issues that still need to be addressed; damage by the recent rains and flooding; and answered questions regarding the motor graders. Howe reported that Lance Wolting has been transferred from equipment operator to mechanic/maintenance and requested that the board approve the transfer as well as a customary fifty cent per hour salary increase that is given to the shop employees. Terry Finch moved to approved the status change for Lance Wolting and to grant a fifty cent per hour salary increase, effective May 8, 2017, seconded by Al Joe Wallace. Motion carried. Wallace – Aye; Finch – Aye; Pflugh-Abstained.

Recess: Chairman Wallace recessed the meeting for fifteen minutes from 9:34 a.m. – 9:49 a.m.

Reconvene: The chairman reconvened the meeting to regular session at 9:49 a.m.

Old Business: Commissioner Pflugh addressed old business: K.S.A. 19-702. Alexis Pflugh moved to seek counsel on WEB fund conflict of interest, seconded by Al Joe Wallace. Motion carried. Wallace – Aye; Finch – Abstained; Pflugh – Aye. Commissioner Wallace inquired if Commissioner Pflugh had the letter from the County Attorney regarding conflict of interest and if so would she read the letter, in which she read the letter dated May 5, 2017 aloud. Commissioner Wallace related that he did not believe a conflict of interest existed as none of the commissioners have a financial interest in the WEB fund.

Inquiry: Mary Powell requested approval to fence a portion of the right-of-way along her property line so that she can have her goats mow the right-of-way. Board members related that they would not be able to provide approval, as she would be obstructing the right-of-way and could create a liability issue if the county approved.

Nursing Home: Commissioner Pflugh inquired with County Attorney Jennifer O'Hare on the following subjects: whether the county has conducted a credit check on John Grace, **response no**; background check on John Grace, **response no**; whether any financial documents have been received, **response no**; whether Lincoln Park Manor has been sold to John Grace, **response she had provided all information that she had**; if the public can require the county to collect back rent by petition or lawsuit, **response undetermined at this time**; and whether the lease terms can be changed from the proposal. Terry Finch moved to recess into executive session to the

commission meeting room for thirty minutes from 10:30 – 11:00 a.m. for the purpose deemed privileged in the attorney-client relationship with County Attorney Jennifer O’Hare and County Clerk Harlow present, Seconded by Al Joe Wallace. Motion carried. Voting as follows: Wallace – Aye; Finch – Aye; Pflugh – Nay.

Reconvene:

Executive Session: The chairman reconvened the meeting to regular session at 11:00 a.m.

Reconvene: Alexis Pflugh moved to recess into executive session for ten minutes from 11:01 a.m. – 11:11 a.m. for the purpose deemed privileged in the attorney-client relationship with County Attorney O’Hare and County Clerk Harlow present, seconded by Terry Finch. Motion carried.

Recess: The chairman reconvened the meeting to regular session at 11:11 a.m. in the basement meeting room.

Reconvene: The chairman recessed the meeting to the courtroom at 11:13 a.m.

Nursing Home: The chairman reconvened the meeting at 11:17 a.m. in the courtroom.

Executive Session: The chairman inquired about whether Lincoln Park Manor has been sold at this time. Attorney Crangle related that the business has not been sold to John Grace, however once a lease agreement is approved and signed, then the ownership will be transferred officially to John Grace. The chairman allowed public comment in regards to the operation of the nursing home facility.

Reconvene: Al Joe Wallace moved to recess into executive session, in the jury room, for fifteen minutes from 11:28 a.m. – 11:43 a.m. for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships with Christen Robinson, John Grace, Attorney Robert Crangle, County Attorney O’Hare and County Clerk Harlow present, seconded by Terry Finch. Motion carried.

Executive Session: The chairman reconvened the meeting to regular session at 11:43 a.m.

Reconvene: Terry Finch moved to recess into executive session, in the jury room, for fifteen minutes from 11:43 a.m. – 11:58 a.m. for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships with Christen Robinson, John Grace, Attorney Robert Crangle, County Attorney O’Hare and County Clerk Harlow present, seconded by Al Joe Wallace. Motion carried. County Attorney O’Hare left the executive session at 11:51 a.m.

Nursing Home/
Lease Agreement
Approved: The chairman reconvened the meeting to regular session at 11:58 a.m. in the courtroom.

Adjourn: Board members addressed the public in attendance in regards to the negotiations. Al Joe Wallace moved to enter into a three-year lease agreement with Lincoln Park Manor, effective May 23, 2017 – May 23, 2020, seconded by Terry Finch. Motion carried. Voting as follows: Wallace – Aye; Finch – Aye; Pflugh – Nay.

With no further business to come before the board the chairman adjourned the meeting at 12:18 p.m. until 8:00 a.m. Tuesday, May 30, 2017 in the commission meeting room of the courthouse.