

January 3, 2005

The Board of Linn County Commission met in a regular session. Those present were Tom Foerschler, Chairman; Herb Pemberton, Vice Chairman; Delbert Cannon, Member; Don Proffitt, County Clerk; David Lamb, Deputy County Clerk and Gary Thompson, County Counselor.

Herb Pemberton motioned to approve the minutes of the last regular meeting as printed. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission approved the following pays/special pays: General, \$79,144.95; Employee Benefit, \$77,905.55; Appraiser, \$15,934.95; Rural Fire, \$5,502.85; Road & Bridge, \$208,380.18; 911 Telephone Tax, \$1,124.15; S.R.O., \$2,216.07; Hospital Board, \$30,218.39; Crime Victim Assistance, \$709.26; Elderly, \$9,358.78.

Delbert Cannon motioned to purchase a Power Mac 600 Plasma Cutter from Kirkland Supply for \$1,642.00 for Road Dist. #2. Tom Foerschler seconded the motion. The motion passed 3-0.

Dist. #3 Foreman Harry Wisdom informed the Commission that Larry Leonard is retiring this month. The Commission instructed Wisdom to post the position to County employees.

At 9:14 AM Delbert Cannon motioned to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, and Dale Deer attended the executive session.

At 9:24 AM the executive session ended. As a result of the executive session, Delbert Cannon motioned to hire Albert Doan as a Solid Waste Truck Driver/Equipment Operator at Range 4, Step E (\$10.20/hr) and to increase Jesse Spears and Charles Bright to Range 4, Step E due to their experience. Herb Pemberton seconded the motion. The motion passed 3-0. Doan will take a pre-employment physical and be on normal County probation for six months.

Herb Pemberton motioned to approve rebuilding 2 burned out motors for compactors and purchasing 1 new motor. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to purchase 10 Bridgestone tires for \$2,510.00 for Solid Waste. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:35 AM bids were opened for the Jan. 10th dinner. Bids received were: Everybody's, \$6.75 per plate; Opie's, \$5.25 per plate; and Jayhawk Inn, \$7.25 per plate. Herb Pemberton motioned to accept the low bid of \$5.25 per plate from Opie's. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Purchase Orders #2004-11 & #2004-12 for recorders for the Sheriff's office from Voice Products, Inc. The purchase from 2004 funds was approved at the Dec. 27th, 2004 Commission meeting. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:44 AM bids were opened for sewer line repairs at the Pleasanton Senior Center. Bids received were: BC Construction, \$1,495.00; and Leon's Plumbing, \$1,800.00. Delbert Cannon motioned to accept the low bid of \$1,495.00 from BC Construction. Herb Pemberton seconded the motion. The motion passed 3-0. The County Counselor will prepare a contract with BC Construction.

At 9:46 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor and Jim Ferrante attended the executive session.

At 10:01 AM the executive session ended. No action taken.

Herb Pemberton motioned to accept the recommendation of the Planning Commission and to approve CUP #1104297 for Wade Agricultural Products for a portable asphalt plant and/or portable concrete plant. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve Lot Splits #05-173 & #05-174 and requested by Homer & Hazel McCammon located NE of Parker and to accept the accompanying road easement. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Resolution #2005-01 setting wages for 2005. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of Resolution #2005-01:

RESOLUTION NO 2005-01		RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS		UNDERSHERIFF		\$2,522.82 - \$2,718.24
		LINN COUNTY, KANSAS		SHERIFF'S DEPUTY		\$1,739.32 - \$2,275.86
Made this 3rd day of January, 2005.				HEAD JAILER		\$2,178.16
BE IT RESOLVED that the following wages be allowed for the year 2005:				JAILER		\$1,600.74 - \$2,098.20
				DISPATCHER		\$1,646.84 - \$2,153.60
				CLERK IN-SHERIFF'S OFFICE		\$1,417.75 - \$1,875.12
				RECEPTIONIST		\$1,859.34 - \$2,039.58
				PRISONER'S COOK		\$1,417.75 - \$1,875.12
				SRO		\$1,739.32 - \$2,275.86
				TRAFFIC CONTROL COORDINATOR		\$2,499.72
				TRAFFIC CONTROL ASSISTANT		\$1,600.74 - \$2,098.20
				SOLID WASTE FOREMAN		\$2,092.89 - \$2,499.72
				SOLID WASTE EQUIP OPER MECHANIC		\$1,739.32 - \$2,275.86
				SOLID WASTE EQUIP. OPERATOR		\$1,600.74 - \$2,098.20
				DEPUTY TREASURER		\$2,158.60
				DEPUTY TAX CLERK		\$2,158.60
				CLERK IN-TREASURER'S OFFICE		\$1,556.34 - \$2,039.58
FULL TIME EMPLOYEES		MONTHLY SALARY		PART TIME EMPLOYEES		
COUNTY COMMISSIONER		\$7,524.36		REG. OF DEEDS		\$6.25 - \$6.77
COUNTY ATTORNEY		\$3,583.48		CO. ATTORNEY		\$6.25 - \$7.54
COUNTY CLERK		\$3,146.42		SHERIFF'S DEPUTY		\$6.50 - \$9.19
COUNTY REGISTER OF DEEDS		\$2,583.22		DISPATCHER		\$8.00 - \$8.66
COUNTY SHERIFF		\$3,007.84		DISTRICT COURT MICROFILMER		\$7.00 - \$8.12
COUNTY TREASURER		\$3,062.22		ZONING/ECN. DEV.		\$6.25 - \$6.77
COUNTY APPRAISER		\$3,558.46		PARK		\$6.25 - \$6.87
COUNTY COUNSELOR		\$1,899.70		SOLID WASTE		\$6.50 - \$7.02
ECONOMIC DEVELOPMENT DIRECTOR		\$1,072.80		COMPACTOR OPERATOR		\$6.25 - \$6.77
FIRE/EMERGENCY PREPAREDNESS DIRECTOR		\$2,727.14		SUBSTITUTE COMP. OPER.		\$6.00 - \$6.33
NUTRITION DIRECTOR		\$2,499.72		L.P.N.		\$11.02 - \$12.97
NOxious WEED DIRECTOR		\$2,387.60		R.N./P.R.N.		\$14.06 - \$17.58
PARK MANAGER		\$2,483.74		OFFICE ASSIST./P.R.N.		\$6.50 - \$7.02
PHYSICIAN		\$11,781.24		COOK		\$6.50 - \$7.39
ZONING ADMINISTRATOR		\$6,436.64		SITE MANAGER		\$6.50 - \$7.02
DEPUTY APPRAISER		\$2,685.92		SUBSTITUTE SITE MANAGER		\$6.25 - \$6.77
CAMA SPECIALIST		\$2,219.02		ELECTION WORKERS		\$6.66
COMMERCIAL CHIEF APPRAISER		\$2,005.02		FIREFIGHTERS		\$20.00 per call - \$9.50
COMPUTER MAPPING TECHNICIAN		\$2,107.08				per hour after 3 hours
SALES COORDINATOR SUPERVISOR		\$1,817.50 - \$1,896.08				
PERSONAL/REAL DATA COLLECTOR		\$1,846.94 - \$1,866.10				
ADMIN. ASSISTANT/CO. ATTORNEY		\$1,739.32 - \$1,964.98				
OFFICE SECRETARY		\$1,556.34 - \$1,757.08				
VICTIM WITNESS COORDINATOR		\$1,946.94 - \$1,969.10				
DEPUTY COUNTY CLERK		\$2,160.06				
DEPUTY ELECTION OFFICER		\$2,158.60				
SYSTEM ADMINISTRATOR/PAYROLL CLERK		\$1,739.32 - \$2,115.96				
CLERK IN-ACCTS. PAYABLE		\$1,646.94 - \$2,055.58				
CLINIC MANAGER		\$2,273.86				
R.N.		\$14.79 - \$18.62 per hour				
L.P.N.		\$12.03 - \$13.29 per hour				
CLINIC RECEPTIONIST		\$6.18 - \$9.03 per hour				
SALUUFF		\$1,739.32 - \$2,219.02				
FIRE SECRETARY		\$1,417.76 - \$1,878.12				
CUSTODIAN/MAINTENANCE		\$1,556.34 - \$1,826.28				
NIGHT JANITOR		\$1,963.40 - \$1,259.89				
MOTOR VEHICLE CLERK		\$1,556.34 - \$2,030.58				
DEPUTY CLERK NUTRITION		\$2,029.58				
FOOD SERVICE MANAGER		\$8.45 - \$11.12 per hour				
FULL TIME COOK		\$8.18 - \$9.03 per hour				
MEDICAL VAN DRIVER		\$6.18 - \$9.03 per hour				
PARK EMPLOYEE		\$8.18 - \$10.29 per hour				
MARINA CLERK		\$8.18 - \$10.03 per hour				
DEPUTY REG. OF DEEDS		\$2,665.58				
ROAD FOREMAN		\$2,012.62 - \$2,499.72				
ADMINISTRATIVE ASSISTANT		\$1,739.32 - \$2,014.70				
SHOP SUPERVISOR		\$1,739.32 - \$2,220.80				
ASSIST. FOREMAN/ASPHALT		\$2,222.80				
ASSIST. ROAD FOREMAN		\$2,160.00				
EQUIPMENT MAINTENANCE OPERATOR		\$1,600.74 - \$2,088.20				
TRUCK DRIVER		\$1,600.74 - \$2,088.20				

ATTEST:



*County Clerk salary includes 5% Election Officer salary.

**County Treasurer salary includes \$100.00 Investment Officer salary and \$400.00 Motor Vehicle salary.

Tom Foerschler, Chairman
Herb Pemberton, Vice-Chairman
Delbert Cannon, Member

Brenda Brennan informed the Commission that she had 6 Hospital Board members that recommended giving her the 2 ½% cost of living allowance that non-contract employees received for 2005 and 1 Hospital Board member that did not recommend giving her the COLA.

At 10:21 AM Herb Pemberton motioned to recess from the Board of Commissions meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, Robert Stocking, and Brenda Brennan attended the executive session.

At 10:26 AM the executive session ended. At 10:26 AM Delbert Cannon motioned to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:36 AM the executive session ended. No action taken.

Delbert Cannon motioned to move the January 17th regular Commission meeting to January 18th due to January 17th being a County holiday. Herb Pemberton seconded the motion. The motion passed 3-0.

David Lamb reminded the Commission of the retirement reception for Don Proffitt and Sharon Barnes on January 7th, from 2:00 to 4:00 PM, and the employee recognition dinner and swearing in ceremony for elected officials on January 10th at Noon.

With nothing further on the agenda Delbert Cannon motioned to adjourn until 9:00 AM Monday, January 10th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

January 10, 2005

The Board of Linn County Commission met in a regular session. Those present were Tom Foerschler, Chairman; Herb Pemberton, Vice Chairman; Delbert Cannon, Member; Don Proffitt, County Clerk; David Lamb, Deputy County Clerk and Gary Thompson, County Counselor.

Delbert Cannon moved to approve the minutes of the last regular meeting as printed. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission approved the following add/abate/refund orders: 2004-105 & 106.

At 9:07 AM Herb Pemberton moved to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Larry Hall, Jim Ferrante, John Black and Harry Wisdom attended the executive session.

At 9:17 AM the executive session ended. As a result of the executive session, Herb Pemberton moved to increase Paul Hamilton’s wages from Range 6, Step B to Range 6, Step C (\$10.54/hr.) due to his previous experience. Delbert Cannon seconded the motion. The motion passed 3-0.

Dale Deer presented two bids for replacing his truck transmission. Bids received were: Midway Ford, \$2,780.00 and Inland Parts, \$2,650.00. Midway Ford could change the transmission immediately, but with Inland Parts the truck would be out of service for at least a week. Delbert Cannon moved to purchase the transmission from Midway Ford for \$2,780.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to accept the resignation of Kim Logan as Centerville Township Treasurer and to appoint Brenda Conner to the position. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon moved to approve the Cereal Malt Beverage License renewal for La Cygne Powerstop, Inc. Herb Pemberton seconded the motion. The motion passed 2-1.

Delbert Cannon moved to approve the Annual Township reports for Scott Township, Potosi Township, and Paris Township. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the 2004 Year End Park Report.

Herb Pemberton moved to approve an Emergency Vehicle Designation for Clifford P. McKee on a 2001 Ford Excursion. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:36 AM Herb Pemberton moved to recess from the Board of Commissions meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, and Larry Hall attended the executive session.

At 9:51 AM the executive session ended. No action taken.

Oscar Holway wants to get some streets chip & sealed in Blue Mound. He will work out the details with John Byington.

Robert Stocking informed the Commission that the Hospital Board voted 5-0 to recommend that Brenda Brennan receive the 2 ½% Cost of Living Allowance. Herb Pemberton moved to accept the recommendation of the Hospital Board and give Brenda Brennan the 2 ½% COLA. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:05 AM Delbert Cannon moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:15 AM Treasurer Ellie Davey presented the 2004 4th Quarter and 2004 Yearly Interest Report. Total earnings for the year were \$114,507.67. The Budget estimate for earnings was \$100,000.00.

On the advice of County Counselor Gary Thompson, Herb Pemberton moved to settle a labor dispute with Richard George for \$900.00. Delbert Cannon seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Tuesday, January 18th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

January 18, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk and Gary Thompson, County Counselor.

Jim Ferrante moved to appoint Herb Pemberton as Commission Chairman and Larry Hall as Vice-Chairman. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following pays/special pays: General, \$153,589.48; Employee Benefit, \$48,210.94; Appraiser, \$8,931.69; Rural Fire, \$6,566.76; Road & Bridge, \$32,520.02; 911 Telephone Tax, \$1,651.77; S.R.O., \$1,282.47; Hospital Board, \$21,773.63; Crime Victim Assistance, \$745.47; Elderly, \$9,380.12.

Jim Ferrante voted to reinstate using the Employee Suggestion Box and the Communications Council. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to have Gary Thompson amend the contract with Nation Rock with the changes presented by Larry Hall. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve permits to bury water lines requested by Diversified Contractors located at 2200 Rd. & 7 Highway and at 2100 Rd. & 530 Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve a permit to bury telephone cable requested by Sprint United located at 23062 Farlin Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

John Black informed the Commission of a log jam near a bridge at 1550 & Randall Rd. Larry Hall moved to allow John Black to contact Brad Austin about removing the log jam. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to purchase a fuel tank from Snow Oil for Solid Waste for \$700.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Bernard Streeter informed the Commission of Federal Grant Funds available to Linn County. The Commission instructed Streeter to inform the departments that could utilize the grants.

Jim Ferrante moved to approve an agreement for signals at a railroad crossing on 125 Rd. south of Prescott. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to authorize Larry Robinson and Danny Morris to attend the Project 69-54-K7890-01 Highway Meeting in Chanute on Feb. 1st. Jim Ferrante seconded the motion. The motion passed 3-0.

Robert Stocking informed the Commission that the Hospital Board voted to request that the spending limit without Commission approval for the Hospital Board be increased to \$1,000.00. Larry Hall moved to extend the spending limit without Commission approval for the Hospital Board from \$500.00 to \$1,000.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Stocking also informed the Commission that the Hospital Board recommends Vera Borum to fill the At-Large vacancy on the Hospital Board. No action taken.

At 10:07 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Dale Deer attended the executive session.

At 10:22 AM the executive session ended. As a result of the executive session Larry Hall moved to approve Resolution #05-04 amending Resolution #04-05 concerning Commercial Trash Haulers. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-04:

RESOLUTION NO. 05-04

A RESOLUTION AMENDING RESOLUTION NO. 04-05 MAKING IT CLEAR THAT THE LICENSE REQUIRED THEREIN MUST BE RENEWED ANNUALLY.

1. Section One of Resolution No. 04-05 is hereby amended to read in its entirety as follows:

No commercial trash hauler shall deposit solid waste in any county compactor or at the Linn County Transfer Station unless that hauler is currently licensed as a commercial trash hauler within Linn County. Procedures for said licensing shall be established by Solid Waste staff and shall be made available to all interested parties. Licenses shall be issued to applicants upon their complying with requirements found herein and with procedures established by the Solid Waste staff and licenses shall expire on January 30 of each calendar year. A yearly license processing fee of Ten Dollars (\$10.00) shall be assessed all applicants for such license.

2. Section Nine of Resolution No. 04-05 is hereby amended to read in its entirety as follows:

Any Commercial Trash Hauler licensed with Linn County as of December 31, 2003, shall not be required to register again in 2004 as a result of the implementation of this Resolution, but will be subject to the terms of Section One of this resolution in all future years and will be subject to all other requirements of this resolution.

3. Section Three of Resolution No. 04-05 is hereby amended by the addition of the following paragraph:

Any commercial trash hauler dumping construction/demolition debris, hazardous waste or any other type of debris or trash not legally or practicably disposable through the normal solid waste system and site, shall be assessed a fee for the time used by the solid waste staff to sort said unacceptable material from the solid waste material. Said fee shall be assessed at a rate of $\$7.00$ per hour and shall be billed to the hauler pursuant to Section 4 of this Resolution. Haulers dumping such mixed loads shall give the Solid Waste staff 48 hours notice prior to delivering such mixed load so that Solid Waste staff may have appropriate staffing available to do said sorting.

4. Section Five of Resolution No. 04-05 is hereby amended by the addition of the following paragraph:

For the purpose of this Section, an individual shall be presumed to be a legal resident of Linn County if all of the following conditions are met: (a) the individual has a physical residence established in Linn County; (b) the individual has utility service in his/her name in Linn County; (c) the vehicles the individual uses to

operate in Linn County are tagged and licensed in Linn County.

5. Section Six of Resolution No. 04-05 is hereby amended by the addition of the following paragraph:


For the purpose of this Section, an entity shall be presumed to have its primary place of business located in Linn County if all of the following conditions are met: (a) the entity has a mailing address in Linn County; (b) the entity pays property tax in Linn County; and (c) the vehicles the entity uses to operate in Linn County are tagged and licensed in Linn County.

6. This Resolution shall become effective upon its passage and publication in the official newspaper of Linn County, Kansas.

PASSED AND APPROVED THIS 18TH DAY OF JANUARY, 2005.

Herb Pemberton
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST:
Gary Thompson
COUNTY CLERK



Jim Ferrante moved to approve signing a work for hire agreement and to approve & sign an addendum to the work for hire agreement with BC Construction for the sewer line repairs at the Pleasanton Senior Center. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to sign the Direct and Counter-Cyclical Program contract with the USDA on the County owned ground farmed by Garland Ginther. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve Resolution #05-02 appointing David Lamb as KPERS Designated Agent and Resolution #05-03 appointing David Lamb as Freedom of Information Officer. Jim Ferrante seconded the motion. The motion passed 3-0. Following are copies of Resolutions #05-02 and 05-03:

RESOLUTION #05-02

APPOINTMENT OF KPERS DESIGNATED AGENT:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF LINN COUNTY KANSAS

WHEREAS, KSA 74-4902(i) provides that an individual, preferably the County Clerk, should be designated as "Agent" for the KPERS Program;

THEREFORE, BE IT RESOLVED that David L. Lamb is designated as the Agent for Linn County, Kansas effective January 18th, 2005.

APPROVED AND ADOPTED THIS 18th DAY OF JANUARY, 2005.

BOARD OF COUNTY COMMISSIONERS,
LINN COUNTY, KANSAS

Herbert Pemberton
Herbert Pemberton, Chairman

Larry Hall
Larry Hall, Member

James R. Ferrante
James Ferrante, Member

ATTEST:
David L. Lamb
David L. Lamb, County Clerk

RESOLUTION #05-03

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF LINN COUNTY KANSAS

A RESOLUTION APPOINTING A FREEDOM OF INFORMATION OFFICER FOR THE COUNTY OF LINN, AND PROVIDING FOR THE COUNTY OFFICER'S DUTIES.

WHEREAS, the Kansas Legislature adopted Sub. HB 2864 requiring that all public agencies covered by the Open Records Act appoint a Local Freedom of Information Officer; and

WHEREAS, the Board of County Commissioners believes the appointment of a Freedom of Information Officer to assist the public with its open records needs is good for public service and facilitates the public policy of open government.

NOW THEREFORE, BE IT RESOLVED by the Board of Linn County Commissioners meeting in regular session this 18th day of January, 2005:

Section 1: Appointment. David L. Lamb is hereby appointed as the Freedom of Information Officer for Linn County and is charged with all the statutory duties prescribed by Sub. HB 2864 and set forth in Section 2.

Section 2: Duties. The Freedom of Information Officer or the officer's designee shall:

- a. Prepare and provide educational materials and information concerning the open records act;
- b. be available to assist the County and members of the general public to resolve disputes relating to the open records act;
- c. respond to inquiries relating to the open records act;
- d. establish the requirements for the content, size, shape and other physical characteristics of a brochure required to be displayed or distributed or otherwise make available to the public under the open records act. In establishing such requirements for the content of the brochure, the local Freedom of Information officer shall include plainly written basic information about the rights of a requester, the responsibilities of a public agency, and the procedures for inspecting and obtaining a copy of public records under the open records act.

APPROVED AND ADOPTED THIS 18th DAY OF JANUARY, 2005.

BOARD OF COUNTY COMMISSIONERS,
LINN COUNTY, KANSAS

Herbert Pemberton
Herbert Pemberton, Chairman

Larry Hall
Larry Hall, Member

James R. Ferrante
James Ferrante, Member

ATTEST:
David L. Lamb
David L. Lamb, County Clerk

Jim Ferrante moved to appoint David Lamb as Personnel Officer, EEO & Affirmative Action Officer, Sexual Harassment Officer, and ADA Compliance Officer. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to accept the 2004 Annual Township Reports for Liberty Township, Mound City Township, Blue Mound Township, Valley Township, and the cemetery reports for Mound City Cemetery District, Cemetery Dist. #4, and Cemetery Dist. #5. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to pay the KCAMP premium for Property & Liability insurance and the KWORCC premium for Worker's Comp. insurance for 2005. Larry Hall seconded the motion. The motion passed 3-0.

David Lamb asked the Commission about paying the KAC annual dues. No action taken.

David Lamb also asked the Commission about having the Custodial Dept. report to the Commission instead of to the Clerk due to the County's Nepotism Policy. No action taken.

Marilyn Augur asked the Commission about getting commercial dishwashers for the Senior Centers. The Commission asked Augur to get prices for purchasing six dishwashers.

The Commission also mentioned that the Centerville Senior Center roof is leaking and needs to be repaired. Augur was aware of the problem.

At 11:31 AM Larry Hall moved to recess from the Board of Commissions meeting into executive session for 20 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:51 AM the executive session ended. At 11:52 AM Jim Ferrante moved to continue the above executive session for 15 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:07 PM the executive session ended. No action taken.

Herb Pemberton moved to appoint Jamie Chambers & Casey Jones to the Economic Development Committee. Larry Hall seconded the motion. The motion passed 3-0.

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Monday, January 24th. Jim Ferrante seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

January 24, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following add/abate/refund orders: 2004-107 through 113.

Harry Wisdom informed the Commission that he has several applications for the mechanic position in Road Dist. #3. The Commission reviewed the applications and instructed Wisdom to interview candidates for the position.

Dale Deer informed the Commission of a problem with the Parker Transfer Station. He received a notice from KDHE. The Commission instructed Deer to develop a list of rules and regulations for the compactor sites and to get back with the Commission and Counselor next week.

Larry Hall presented a suggested format for the Commission meetings for the Road departments.

Larry Robinson presented information on a proposed new entrance to Lake Chaparral. A property owner across the road is opposed to the location.

Larry Hall moved to allow Bernard Streeter to go out for bids for a new copy machine. Jim Ferrante seconded the motion. The motion passed 3-0.

Bernard Streeter commended Scott Stainbrook, Danny Troth, and all responding personnel for their work at Tanglewood Lake last week, rescuing a 5 year old that fell through the ice.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Sprint United located at 1050 Rd. & K7 Highway. Larry Hall seconded the motion. The motion passed 3-0.

At 9:50 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Fire Coordinator Bernard Streeter attended the executive session.

At 9:55 AM the executive session ended. No action taken.

At 9:56 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Bernard Streeter attended the executive session.

At 10:01 AM the executive session ended. No action taken.

Jim Ferrante moved to approve 8 Solid Waste Permits for: Kathryn Hester, Sandstone Farm Trust; Waste Management; David Ayers; Donna Doan; Sullivan's Service; David Cummings; L&K Service; and Jessee Spears. Larry Hall seconded the motion. The motion passed 3-0.

Sheriff Marvin Stites asked the Commission to reconsider the starting wage for Jailers.

Sheriff Stites also asked about increasing Deputy Murrow's salary to \$12.16/hr. This would be the same rate as another Deputy hired 2 months before Murrow. Larry Hall moved to increase Deputy Murrow's salary to \$12.16/hr. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:14 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Sheriff Stites attended the executive session.

At 10:19 AM the executive session ended. As a result of the executive session the Commission instructed the Counselor to write a letter of understanding concerning the School Resource Officer.

Rick Sandness, Sandness Electric, asked the Commission about working on the 4-H Building electric service. The Commission asked Sandness to look at the project and give the Commission an estimate for finishing the job. Larry Hall moved to authorize Sandness up to 5 hours at \$35.00/hr. to work up the estimate. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:40 AM the Commission took a 10 minute break.

At 10:50 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and County Surveyor Jim Schmitz attended the executive session.

At 10:55 AM the executive session ended. No action taken.

At 10:55 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:00 AM the executive session ended. No action taken.

Jim Ferrante moved to reappoint Eldon Lanham & Charlene Sims to the Linn County Planning Commission. Larry Hall seconded the

motion. The motion passed 3-0. Lanham’s term will expire in July 2007 and Sims term will expire in July 2006.

Jim Ferrante moved to accept the 2004 Township Reports from Stanton Township & Sheridan Township. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk David Lamb informed the Commission that he had offered the System Administrator/Payroll Clerk position in the Clerk’s office to John Copple. Copple’s salary will be Range 6, Step A, \$10.03 per hour. Copple will take a pre-employment physical & drug test and will be subject to standard six month probation.

Jim Ferrante stated that he was hoping we might not have to make that replacement in the Clerk’s office.

Larry Hall moved to postpone hiring at this time.

After discussion, at 11:32 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission and County Counselor attended the executive session.

At 11:42 AM the executive session ended. As a result of the executive session, Larry Hall’s motion was restated as follows: That filling the assistant position in the County Clerk’s office be postponed until a study of the process flow of the work, considering upgrades in technology, and current employee suggestions & concerns as to the need for additional employees could be evaluated. Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that he believed this position was necessary in his office, was the Clerk’s decision to make, and he planned on hiring Copple.

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Monday, January 31st. Jim Ferrante seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

January 31, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk and Gary Thompson, County Counselor.

Jim Ferrante and Larry Hall made corrections/additions to last week's minutes. Ferrante added "I was hoping we might not have to make that replacement in the Clerk's office." Hall corrected his motion "That filling the assistant position in the County Clerk's office be postponed until a study of the process flow of the work, considering upgrades in technology, and current employee suggestions & concerns as to the need for additional employees could be evaluated." Jim Ferrante moved to approve the minutes of the last regular meeting as corrected. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following pays/special pays: General, \$151,767.51; Employee Benefit, \$127,701.85; Appraiser, \$9,547.83; Rural Fire, \$83,915.06; Road & Bridge, \$61,456.88; S.R.O., \$2,893.96; Hospital Board, \$31,184.12; Crime Victim Assistance, \$745.47; Elderly, \$12,767.53.

The Commission approved the following add/abate/refund orders: 2004-114,115,116, & 118.

Rick Sandness informed the Commission that additional supplies he would need to finish the job at the 4-H Building would cost \$1,100.00, plus \$325.00 to CO-OP for running copper lines for the propane, and approximately \$1,000.00 for labor. Larry Hall moved to use copper lines for the propane and to accept Sandness's proposal, \$1,100.00 for parts, \$325.00 to CO-OP, and \$1,000.00 labor to Sandness. Jim Ferrante seconded the motion. The motion passed 3-0.

At the request of Dist. 1 Foreman Danny Morris, Jim Ferrante moved to replace a tube on 1900 Rd. between Hadsell & Gireau for \$2,711.20. Larry Hall seconded the motion. The motion passed 3-0. Morris wants to pay the bill out of the Special Bridge fund. Jim Ferrante moved to pay the bill out of Special Bridge. Larry Hall seconded the motion. The motion passed 3-0.

John Byington asked the Commission about the 50/50 Cost Share Program for blacktopping roads. There is \$25,000.00 in the 2005 budget for the program. The Commission agreed that they would like to continue the program.

Larry Hall moved to sign the contracts with Wade Quarries & Nation Rock for cover material. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Sprint United located at 1375 & Nelson Rd. Larry Hall seconded the motion. The motion passed 3-0.

Dist. 2 Foreman John Black informed the Commission that we need to take bids on replacing box culverts. Larry Hall asked the Road Foremen to work with Larry Robinson and determine which bridges need work.

Herb Pemberton moved to authorize each Commissioner to give directions/instructions to their road crew without coming to the Commission meeting. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the purchase of snow plow cutting edges in the amount of \$892.00. Larry Hall seconded the motion. The motion passed 3-0.

Dist. 3 Foreman Harry Wisdom informed the Commission that he interviewed 2 applicants for the mechanic position. Both applicants have years of experience and would like some credit for that experience. Jim Ferrante moved to hire Victor Shawn Myrick for the Dist. 3 mechanic position at Range 6, Step C, \$10.54/hr. Herb Pemberton seconded the motion. The motion passed 3-0. Myrick will take a pre-employment physical & drug test and will be subject to standard six month probation.

Herb Pemberton moved to increase Donnie Snow's wages by \$0.10/hr and to make him the Assistant Foreman in Dist. 3. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve sending the letter to the Cities concerning the transfer station sites as presented by County Counselor Gary Thompson. Jim Ferrante seconded the motion. The motion passed 3-0.

Catherine Rocky, Terracon, presented Supplemental Proposal #2 for the C&D Landfill. Larry Hall moved to approve & sign Supplemental Proposal #2 for the C&D Landfill. Jim Ferrante seconded the motion. The motion passed 3-0.

Lu Warren, 6th Judicial District Community Services, presented a Memorandum of Understanding and Interlocal Agreement for participation in the 6th Judicial District Community Services for review by the Commission & County Counselor.

Prescott Mayor Max Miller asked the Commission about chipping & sealing streets in Prescott. John Byington will work out details with Miller.

At 10:40 AM Larry Hall moved to take a 10 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Gary Thompson read the proposed policy regarding Linn County SRO. Jim Ferrante moved to send a letter with the policy to the SRO, School District, and to file a copy with the County Clerk. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to authorize Gary Thompson to initiate foreclosure proceedings as needed. Jim Ferrante seconded the motion. The motion passed 3-0.

Linn County Treasurer Ellie Davey asked the Commission about replacing her copier. Larry Hall moved to approve purchasing a new copier for \$900.00. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:06 AM Larry Hall moved to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Davey attended the executive session.

At 11:16 AM the executive session ended. No action taken.

The Commission reviewed the December 2004 Emergystat Monthly Report.

Richard Wilson asked Larry Hall about the County benefit package. Hall stated that he did turn down the package. Wilson asked about training, hiring, & staffing in the Clerk’s office. He also asked about rotating duties within the offices.

Register of Deeds Kristy Schmitz informed the Commission that the copy machine lease has run out. She stated that the machine is worn out. It averages 9000 copies per month. Schmitz has 4 bids for new copiers. Also she has talked to Fire Coordinator Bernard Streeter about using the old machine. The Commission instructed Schmitz to continue working out a deal.

Nutrition Director Marilyn Augur informed the Commission that it was time to reapply for the Federal Transit Administration Section 5311 Program Grant. Jim Ferrante moved to sign the required documents for the grant. Larry Hall seconded the motion. The motion passed 3-0. Jim Ferrante moved to authorize the required spending for the 50/50 grant. The 2006 grant amount is \$42,237.00 and the 2007 grant amount is \$44,431.00. Larry Hall seconded the motion. The motion passed 3-0.

Marilyn Augur presented bids for dishwashers for the Senior Sites. Augur informed the Commission that the East Central Kansas Area Agency on Aging would pay for \$8,000.00 of the total cost. Larry Hall moved to purchase 6 Jackson JPX300L dishwashers for a total cost of \$16,770.00, \$8,000.00 to be reimbursed by the East Central Kansas Area Agency on Aging. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to reimburse DC & Sons Construction \$1,956.58 for supplies for the 4-H Building electrical supplies. Larry Hall seconded the motion. The motion passed 3-0. Up to \$2,000.00 for supplies had been approved in December.

Larry Hall moved to accept the 2004 Annual Report from Lincoln Township. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Monday, February 7th. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

February 7, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following add/abate/refund orders: 2004-119 through 125.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Sprint United located at 1250 & Botkin Rd. Larry Hall seconded the motion. The motion passed 3-0.

The Commission discussed having a special meeting to develop a 5 Year Road & Bridge Plan.

Tim Free from Judy's Iron & Plumbing, Fort Scott presented information on culverts.

Larry Hall reported on his meeting with Lu Warren, 6th Judicial District Community Services. Hall recommended signing the Interlocal Agreement when the final draft is ready.

At 10:13 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, County Counselor, Ellie Davey, Andy Mayhugh, and Dan Smith attended the executive session.

At 10:28 AM the executive session ended. No action taken.

At 10:30 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Dr. Hunt, and Robert Stocking attended the executive session.

At 10:40 AM the executive session ended. No action taken at this time.

At 10:41 AM Herb Pemberton moved to take a 10 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

As a result of the previous executive session, Jim Ferrante moved to approve signing a letter authorizing Dr. Hunt to take occasional weekend employment with outside entities. Larry Hall seconded the motion. The motion passed 3-0.

Doug Martin addressed the Commission concerning office space, medical clinic space, etc. in the old nursing home building.

Register of Deeds Kristy Schmitz presented 4 bids for copiers. Larry Hall moved to purchase the Kyocera Mita 4035 Copier from Modern Copy Systems for \$5,500.00. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:09 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 20 minutes to discuss trade secrets of a corporation. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Dennis Arnold attended the executive session.

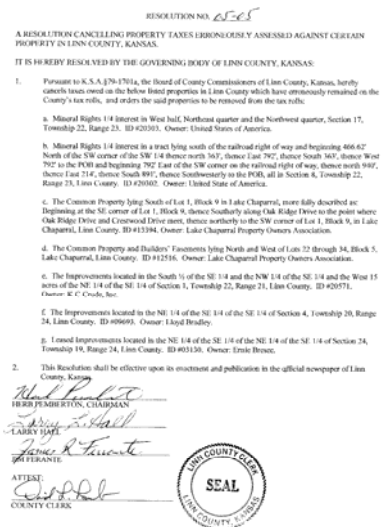
At 11:29 AM the executive session ended. No action taken.

Larry Hall moved to appoint Joe Pointer for the Hospital Board At-Large position that was vacated by Larry Hall, term expiring 12/31/05. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to pay the KAC dues for 2005. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to enter into & sign an Agreement to Grant Easement between Frank Felix & Sharon Lipari and Linn County Sewer District #1. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve Resolution #05-05 canceling property taxes erroneously assessed against certain property in Linn County. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-05:



Larry Hall moved to appoint Harvey Taylor, term expiring July 2006; Dave Berglund, term expiring July 2006; and Dave Jackson, term expiring July 2007; to the Linn County Planning Commission. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to move the February 21st Regular Commission Meeting to February 22nd due to the President’s Day Holiday on Feb. 21st. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:58 AM Larry Hall moved to recess from the Board of Commissions meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:13 PM the executive session ended. As a result of the executive session, Larry Hall moved to delegate authority to Jim Ferrante to supervise the Custodial staff until further notice, in effect acting as Department Head. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall wants to discuss time clocks at next week’s meeting. Hall also plans on making an appointment to the Planning Commission.

Larry Hall moved to meet the contractual requirements of County Appraiser Steve Thompson’s contract and give him the 2 ½% COLA effective 1/1/05. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Monday, February 14th. Jim Ferrante seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

February 14, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; Jennie Carbon, Deputy County Clerk and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following pays/special pays: General, \$255596.62; Employee Benefit, \$41,861.48; Appraiser, \$13,323.41; Rural Fire, \$11,942.85; Road & Bridge, \$94320.53; Law Enforcement Trust, \$30.40; 911 Telephone Tax, \$2,888.66; DARE, \$27.00; S.R.O., \$1,173.85; Hospital Board, \$45,433.21; Crime Victim Assistance, \$745.47; Elderly, \$27,076.33.

The Commission approved the following add/abate/refund orders: 2004-180, 181, &183.

Larry Hall moved to have John Byington check on a milling machine that will be used on various roads. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to sign a permit for solid waste collection for Arnold Ayers, Blue Mound. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve Lot Split #05-175 and to accept the accompanying road easement. Larry Hall seconded the motion. The motion passed 3-0.

At the request of Andy Mayhugh, Jim Ferrante moved to go out for bids to update the Linn County Comprehensive Plan with the cost to be shared with the Economic Development Dept. Larry Hall seconded the motion. The motion passed 3-0.

At 10:20 AM Jim Ferrante moved to take a 10 minutes break. Larry Hall seconded the motion. The motion passed 3-0.

Retired Miami County Commissioner Bill Butler discussed the need for a regional jail to serve Anderson, Franklin, Linn, & Miami Counties. Butler asked the Commission to contribute \$5,000.00 toward a feasibility study along with the other Counties. Larry Hall moved to contribute \$5,000.00 toward the study of a regional jail. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Robinson gave a slide presentation on the 5 Year Road & Bridge Plan. After discussion, Robinson was asked to prepare 3 separate project requests and bring them to the next Commission meeting.

Larry Hall moved to sign the Sheriff’s Monthly Reports for December 2004 and January 2005. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission reviewed the January 2005 Park Report of expenditures and income.

John Black presented bid specifications for box culverts. The Commission advised Black to make any necessary changes to the specs. Herb Pemberton moved to authorize Black to go out for bids. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Tuesday, February 22nd. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

February 22, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following add/abate/refund orders: 2004-184 & 185.

Larry Hall moved to approve purchasing blades/cutting edges for graders for all three districts. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to lease an Ingersoll-Rand roller from Victor L. Phillips for 3 months with the lease payments being applied toward purchase if the County decides to purchase the roller. After discussion Larry Hall withdrew his motion.

Jim Ferrante moved to purchase a 2002 Ingersoll-Rand PT125R Rubber Tired Roller for \$39,000.00 with a 400 hour power train warranty from Victor L. Phillips. Larry Hall seconded the motion. The motion passed 3-0.

Helen Wright, Linn County Council on Aging Chairperson presented a check in the amount of \$774.85 from a fundraiser to be used to help with the purchase of dishwashers for the Senior Sites.

At 9:56 AM the Commission opened bids for scrap metal removal from the Transfer Station and compactor sites. The only bid received was from Wes' Recycling Inc. in the amount of \$8,651.00 for the year. Jim Ferrante moved to accept the bid from Wes' Recycling Inc. for \$8,651.00. Larry Hall seconded the motion. The motion passed 3-0.

Rick Porter, Lake Region RC&D addressed the Commission concerning his organization.

The Commission discussed time clocks. Larry Hall suggested adopting standard procedures for each department to follow concerning their timekeeping records.

At 10:58 AM Herb Pemberton moved to recess from the Board of Commissions meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, & Undersheriff Jeff Staton attended the executive session.

At 11:03 AM the executive session ended. At 11:03 AM Jim Ferrante moved to extend the executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:13 AM the executive session ended. No action taken.

At the request of Fire Coordinator Bernard Streeter, Larry Hall moved to hire Wesley McClain as a firefighter at Station 920. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to allow 12 firefighters to attend out of county training in Topeka at a cost of \$3,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Streeter discussed pasture burning. Streeter, along with Extension Agent Mark Schuler is planning a Prescribed Burning Workshop for area land owners.

The Commission and Streeter also discussed firefighters EMT training. The Commission supports the idea and the Counselor is working on updating the contracts.

Noxious Weed Director John Maloney informed the Commission of the duties of his job.

The Commission discussed sending flowers to employees that are in the hospital with Gina Snyder. When Dr. Hunt was in the hospital last month, flowers were sent from the clinic and from the Hospital Board. Gina did not know the Hospital Board was sending flowers too. Jim Ferrante moved that all flower purchases go through the County Clerk's office. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to give Double K Construction a 30 day extension to complete the work on the Courthouse roof. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a Cereal Malt Beverage license for the Rockin' K Café, La Cygne. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to reschedule the canvass of the March 1 Primary Election from Friday, March 4th to Monday, March 7th. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow the Mine Creek FCE to hold their annual Easter Egg Hunt on the Courthouse lawn on March 26th. Larry Hall seconded the motion. The motion passed 3-0.

Larry Robinson reported on the State/Federal funding for our 5 Year Road & Bridge Plan. We still don't have any definite dollar amount.

Larry Hall moved to have a Public Hearing on the 5 Year Road & Bridge Plan at 11:00 AM on March 14th. Jim Ferrante seconded the motion. The motion passed 3-0.

At 12:41 PM Herb Pemberton moved to recess from the Board of Commissions meeting into executive session for 30 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 1:11 PM the executive session ended. At 1:12 PM Larry Hall moved to extend the executive session for 20 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session. At 1:21 PM Andy Mayhugh was called into the executive session.

At 1:32 PM the executive session ended. At 1:33 PM Jim Ferrante moved to extend the executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Andy Mayhugh attended this portion of the executive session.

At 1:43 PM the executive session ended. No action taken.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Monday, February 28th. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

February 28, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following pays/special pays: General, \$63,463.26; Employee Benefit, \$47,161.84; Appraiser, \$8,795.75; Rural Fire, \$14,629.37; Road & Bridge, \$30,120.64; S.R.O., \$2,234.34; Hospital Board, \$26,776.86; Crime Victim Assistance, \$745.47; Elderly, \$7,818.79.

The Commission approved the following add/abate/refund orders: 2004-188.

Dave Wagner, Mid States Materials, addressed the Commission concerning a new rock quarry. They would like to supply rock to the County.

Dist. #1 Foreman Dan Morris asked the Commission about hiring summer mowing help. Morris also asked about getting a building for storing road salt.

The Commission opened bids for bridge work. Bids received were from Thoele Foundations, La Cygne and Foote Construction, Pleasanton. Dist. #2 Foreman John Black will call to verify information on the bids and report to the Commission next week.

Dale Lemon, Parker informed the Commission that he is interested in blacktop cost sharing on a road near his house. The Commission informed Lemon that the County is taking applications and will then review all applications before a decision is made.

At the request of Dist. #3 Foreman Harry Wisdom, Jim Ferrante moved to hire Danny Abraham as a mechanic for Road Dist. #3 @ \$10.54 per hour (Range 6, Step C). Larry Hall seconded the motion. The motion passed 3-0. Abraham will take a pre-employment physical & drug test and will be subject to standard six month probation.

Economic Development Director Dennis Arnold addressed the Commission concerning the Southeast Kansas Regional Planning Commission. Arnold gave several examples of services the SEKRPC provides including grant writing and revolving loan funds. Arnold stated that the Cities can also use their services if the County is a member. Arnold is in favor of paying the annual dues to the SEKRPC. Larry Hall moved to pay the annual dues in the amount of \$3,835.50 to the SEKRPC. Jim Ferrante seconded the motion. The motion passed 3-0. Hall also stated that he would like to be on the SEKRPC committee.

At 9:55 AM Herb Pemberton moved to take a 5 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:00 AM the Board of Commissioners meeting reconvened.

At 10:00 AM the Commission presented Certificates of Recognition to the firefighters that participated in the ice rescue at Tanglewood Lakes. Firefighters present were: Dan Morris, Danny Troth, Scott Stainbrook, Rob Maloney, David Craven, Kathy Maloney, and Bernard Streeter. Steve Hisel and Dan Purinton were unable to attend. The Commission also thanked the Sheriff's Dept., Emergystat, and Don George for their help with the rescue.

Jim Ferrante moved to sign an Addendum to Work for Hire Agreement with Double K Construction giving Double K Construction an additional 30 days to complete the work on the courthouse roof. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to have the County Clerk review the employee suggestions for language and content before bringing them to the Commission meeting. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to authorize the Chairman to sign an Addendum to Work for Hire Agreement with Terracon concerning their work with the Solid Waste Dept. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to sign a letter to the Cities concerning scrap metal. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to reimburse Keith Bloomfield for his EMT training provided he signs an agreement to work for the County (Fire Dept.). Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to adopt the new policy for training reimbursement as presented by the County Counselor with one correction. Jim Ferrante seconded the motion. The motion passed 3-0. The County Counselor will prepare new contracts.

At 10:28 AM Herb Pemberton moved to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Undersheriff Jeff Staton attended the executive session.

At 10:38 AM the executive session ended. No action taken.

Zoning Administrator Andy Mayhugh presented Rezoning Case #Z0105181, Lot Split #15-176, and Resolution #05-06. The Planning Commission recommended approving the rezoning. Jim Ferrante stated that he would like to send the case back to the Planning Commission for further review. He thinks the property should remain zoned as agricultural. After discussion with Mayhugh, County Surveyor Jim Schmitz, and the County Counselor, Jim Ferrante moved to accept the recommendation of the Planning Commission and approve Rezoning Case #Z0105181 and Resolution #05-06. Larry Hall seconded the motion. The motion passed 3-0. Jim Ferrante moved to accept the right of way grant of road easement for Lot Split #15-176. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-06:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS
A RESOLUTION AMENDING ZONING ON SPECIFIC PROPERTY AND AMENDING
THE OFFICAL ZONING MAP

WHEREAS, pursuant to K.S.A. 12-759, the Linn County Planning Commission on February 8th, 2005, held a public hearing on Case Z0105181 (Nickell) and after consideration of all the factors recommended approval to the Linn County Commissioners by a vote of 5 to 0.

WHEREAS, on the 28th day of February, 2005, Case Z0105181 was heard before the Board of County Commissioners, Linn County, Kansas, as more particularly described below, and

WHEREAS, said case was heard before a duly called, qualified, and acting quorum of said Board of County Commissioners; and

WHEREAS, after due consideration of the issues presented and the overall land use plan for Linn County, Kansas, it is the desire of the Commissioners of Linn County, Kansas, to change, amend and modify the zoning classification of the real estate more fully described below, and to amend the official zoning map to reflect said change.

THEREFORE, be it resolved by the Board of County Commissioners of Linn County, Kansas, that the zoning classification of the following described real estate:

A tract of land in the North 1/4 of the West 1/4 of the Southwest 1/4 of Section 16, Township 30, Range 22, Linn County, Kansas, more particularly described as follows:
Beginning at the Northwest corner of the Southwest 1/4 of said Section 16, thence North 89 deg. 54'17" East 126.7 feet along the North line of said Southwest 1/4, thence South 0 deg. 17'09" East 400 feet, thence South 89 deg. 54'12" West 236.7 feet to a point on the West line of said Southwest 1/4, thence North 0 deg. 17'09" West 400 feet to the point of beginning. Containing 3.00 acres.

Shall be and is hereby changed to the classification of: "A/R" - Agriculture/Residential

This resolution was passed and approved by the Board of County Commissioners of Linn County, Kansas, by a majority vote of same on this 28th day of February, 2005.



ATTEST:

David Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas


Chairman


Member


Member

Larry Hall moved to approve Resolution #05-07 concerning overpayments in the Reg. of Deeds office. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-07:

RESOLUTION NO. 05-07

A RESOLUTION SETTING A REFUND POLICY FOR THE OVERPAYMENT OF FEES PAID TO THE REGISTER OF DEEDS OFFICE

WHEREAS, pursuant to K.S.A. 19-101, the Board of County Commissioners of Linn County, Kansas, is authorized to do all acts in relation to the necessary exercise of its administrative powers and to exercise powers of home rule granted by K.S.A. 19-101a; and

WHEREAS, pursuant to K.S.A. 19-101a, the Board may perform all powers of local legislation and administration it deems appropriate; and


WHEREAS, the Register of Deeds is required to collect certain fees in connections with the filing and recording of documents pursuant to K.S.A. 28-115, and to pay those fees over to the County Treasurer for deposit into the General Fund. However, that statute does not direct the Register of Deeds on the handling of overpayment of fees; and

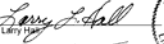
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Linn County, Kansas, that

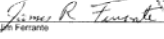
- Section 1. Any overpayment of fees collected by the Register of Deeds pursuant to K.S.A. 28-115, and amendments thereto, which exceeds \$5.00, shall be refunded to the person paying the fee. The Register of Deeds, upon determination of an overpayment in excess of \$5.00, shall prepare a check request form and submit the same to the person who overpaid the fee. The Register of Deeds, upon receipt of the completed check request form, shall refund the overpayment amount.
- Section 2. No refund shall be required if the overpayment is determined to be equal to or less than \$5.00, unless the person paying the fee requests that the refund be provided. Any request for refund must be submitted in writing to the Register of Deeds no later than 30 days following the date the document was submitted for filing or recording.
- Section 3. This Resolution shall be effective upon its enactment and publication in the official newspaper of Linn County, Kansas.


MOTION MADE, SECONDED AND ADOPTED this 28th day of February, 2005.


BOARD OF COUNTY COMMISSIONERS

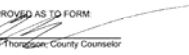

Herb Pemberton, Chairman


Larry Hall


Jim Ferrante



ATTEST

David L. Lamb, County Clerk

APPROVED AS TO FORM

Gary Thompson, County Counselor

Reg. of Deeds Kristy Schmitz informed the Commission that she would like to apply to issue passports in the Reg. of Deeds office. The Commission had no objections.

At 11:18 AM Larry Hall moved to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:28 AM the executive session ended. No action taken.

The Commission will have a lunch meeting with all Elected Officials and Department Heads on March 21, 2005 @ Noon.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, March 7th. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 7, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following add/abate/refund orders: 2004-189, 190, 191, & 193.

Jim Ferrante moved to approve permits to bury water lines requested by Diversified Contractors located at 21590 Campbell Road & at County Road 1077 & 1900 Road. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve a permit to bury telephone cable requested by Craw-Kan located at 1100 Road & State Line. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to allow John Black to purchase tubes for approximately \$2,712.90 for black plastic tubes and \$2,460.72 for steel tubes. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to use Thoele Foundations for 2 bridges in the north part of the County and Foote Construction for 2 bridges in the south part of the County at the prices listed in their bids. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Sprint United located at 15250 E 400 Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury water line requested by RWD #2 located at 8443 Paine Road. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to pay Martin Tractor \$641.19 for a turntable gear on Unit #321. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve and sign the agreement with Wes' Recycling for picking up scrap metal. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury water line requested by Bourbon Co. RWD #4 located at K31 Highway & Ingrahm Road. Larry Hall seconded the motion. The motion passed 3-0.

At 9:52 AM Larry Hall moved to recess for 1 minute. Jim Ferrante seconded the motion. The motion passed 3-0.

At 9:53 AM the Board of Commissioners meeting reconvened.

At 9:56 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, & Undersheriff Jeff Staton attended the executive session.

At 10:06 AM the executive session ended. At 10:06 AM Jim Ferrante moved to extend the executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:16 AM the executive session ended.

At 10:16 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Jeff Staton attended the executive session.

At 10:26 AM the executive session ended. No action taken as a result of the legal executive session.

As a result of the previous personnel executive session, the Commission created a new job description in the Sheriff's office, Receptionist/Clerk/Dispatcher. The new position will be in Range 5 on the Salary Schedule. The new position will be posted to County employees for 5 days.

Fire Coordinator Bernard Streeter and Station 970 Chief Dee Horttor reported on a motor problem on 970's grass truck. The Commission instructed Streeter to take the truck to a mechanic to diagnose the problem.

Larry Hall moved to authorize Streeter to purchase a pump for Station 960 for not more than \$1,500.00 from the Fire Special Equipment Fund. Jim Ferrante seconded the motion. The motion passed 3-0.

Streeter also asked the Commission about applying for a 95% grant for a Wellness/Fitness program for firefighters. Commissioner Hall asked for more information before making a decision.

Jim Ferrante moved to have the Commission Chairman sign the EMT Training Agreement with Keith Bloomfield. Larry Hall seconded the motion. The motion passed 3-0.

Don Madison, Rural Development; and Ken Shetlar, Shetlar, Griffith, & Shetlar; addressed the Commission concerning the Linn County Sewer Dist. #1 project.

At 10:55 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:10 AM the executive session ended. No action taken.

Larry Hall moved to approve the KCAMP Amended & Restated Bylaws & Interlocal Cooperation Agreement and the accompanying Resolution #05-08. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-08:

RESOLUTION NO. 05-08
OF Linn Co., STATE OF KANSAS

WHEREAS, the undersigned Municipality, has authority under the Kansas Municipal Group-Funded Pool Act, K.S.A. 12-2616, et seq., as amended, to participate in and form a municipal self-insurance pool for the insurance coverage for certain liabilities; and

WHEREAS, the Municipality has reviewed an agreement to cooperate with other Municipalities to form such a self-insurance pool entitled "Bylaws and Interlocal Cooperation Agreement for the Kansas County Association Multiline Pool" ("KCAMP")

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPALITY, THAT:

1. The Bylaws and Interlocal Cooperation Agreement for the Kansas County Association Multiline Pool ("the Agreement"), a copy of which document is attached hereto and incorporated by reference into this Resolution, is hereby approved.

2. The undersigned is hereby authorized and directed to sign the Agreement on behalf of the Municipality.

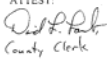
3. Neither this Resolution nor the Agreement approved hereby is intended to nor does it waive, nor shall it be construed as waiving, any immunity or limitation on liability provided to the Municipality, its officers or employees, by any law, including but not limited to any such immunity or limitation appearing in the Kansas Tort Claims Act or amendments thereto. Furthermore, neither this Resolution nor the Agreement is intended to, nor does it provide for coverage in excess of the limitation on liability within the Kansas Workers Compensation Act, K.S.A. 44-501, et seq., as amended.


4. The Municipality further understands, and by execution of this Resolution and the Agreement agrees, that the individual members of KCAMP may be subject to the payment of additional contributions approved by the Members at a special or annual membership meeting, duly called and noticed and at which a quorum is present.


5. One copy of the signed Agreement shall be mailed to the Administrator of KCAMP along with a copy of this executed Resolution; one copy of the executed Agreement shall be filed with the County Register of Deeds for the County in which the Municipality is located; and one copy of the executed Agreement shall be filed with the Kansas Secretary of State.

The foregoing Resolution was duly adopted by a majority vote of the governing body of the Municipality in the State of Kansas, on this 7 day of March, 2005

ATTEST:


County Clerk


SEAL


CHAIRMAN

Jim Ferrante moved to approve the Sheriff’s Monthly Fee Report for February 2005. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk asked the Commission about charging other entities for using the Commission Room. No decision was made at this time.

The Commission reviewed the Linn County Affirmative Action Plan at the request of Marilyn Augur. Larry Hall moved to reaffirm the existing Affirmative Action Plan and to allow Augur to use that plan for her department’s reporting requirements. Jim Ferrante seconded the motion. The motion passed 3-0.

Augur also asked the Commission about purchasing tables for the Bunker Hill Senior Center. The Commission advised Augur to check for more prices.

At 11:35 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, & Marilyn Augur attended the executive session.

At 11:40 AM the executive session ended. As a result of the executive session Larry Hall moved to put the employees in the proper step (Cathy Turpen, Range 1 Step K and Brenda Bradley, Range 1 Step F) for their years of service. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:46 AM the Commission met as the Board of Canvassers to canvass the March 1, 2005 Primary Election. County Clerk/Election Officer David Lamb read the County machine print out results as the Commission compared the results to the Abstract Book.

The Board of Canvassers then reviewed the 5 Provisional Ballots. Jim Ferrante moved to count 1 provisional ballot and not count 4 provisional ballots. Larry Hall seconded the motion. The motion passed 3-0. The 1 provisional ballot was hand counted, after which the Board of Canvassers certified the total election results.

At the end of the canvass Jim Ferrante moved to adjourn until 9:00 AM Monday, March 14th for their regular Commission meeting. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 14, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; and David Lamb, County Clerk.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following pays/special pays: General, \$297,159.60; Employee Benefit, \$65,991.71; Appraiser, \$10,561.28; Rural Fire, \$13,735.92; Road & Bridge, \$134470.28; Noxious Weed Erad. Cap. Outlay, \$5,636.00; Law Enforcement Trust, \$15.50; 911 Telephone Tax, \$12,789.94; S.R.O., \$1,282.47; Hospital Board, \$38,450.62; Crime Victim Assistance, \$768.16; Elderly, \$34,495.71.

The Commission approved the following add/abate/refund orders: 2004-194.

Larry Hall moved to approve a permit to bury telephone cable requested by Craw-Kan located at 1350 & Thomas Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury water line requested by Bob West located at 1077 & 300 Rd. Larry Hall seconded the motion. The motion passed 3-0.

At 9:15 AM the Commission went to the Old Courtroom to greet the students for Government Day.

At 9:30 AM the Commission returned to the Commission Room.

Elizabeth Maxwell, Area Council on Aging, updated the Commission on the Agency & what they did the previous year.

The Government Day Students introduced themselves to the Commission.

Jason Sabine addressed the Commission concerning the 4 County Jail proposal. He is concerned about spending our tax dollars without creating jobs for Linn County.

Betty Bullock, Linn County Coordinator for ECKAAA Prescription Drug Program addressed the Commission concerning the Prescription Drug Program.

Fire Coordinator Bernard Streeter informed the Commission about a Prescribed Burn Workshop on March 31 at 7:00 PM in the Annex.

Streeter also informed the Commission about Linn County Firefighters providing Mutual Aid for the Fort Scott fire last Friday.

Mary Morrison, Centerville informed the Commission of 911 problems with her phone line. Larry Robinson will check into the problem.

Fred Kautt asked the Commission about road plans for the County, specifically 1525 Rd.

At 10:45 AM the Government Day Students left the Commission meeting to start their scavenger hunt.

At 10:51 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Jeff Staton attended the executive session.

At 10:56 AM the executive session ended. As a result of the executive session Jim Ferrante moved to transfer Sue Purvis to the new Receptionist/Clerk/Dispatcher position in the Sheriff's office at Range 5, Step G, \$11.01/hr. Larry Hall seconded the motion. The motion passed 3-0.

At 11:00 AM the Chairman opened the 5 Year Road & Bridge Plan Public Hearing. Larry Robinson gave a presentation on the plan. Robinson informed the Commission that the State has recouped all but \$80,740.00 from the Boicourt Bridge overrun as of 2004, so we should receive funding this year. There were no comments from the public concerning the 5 Year Road & Bridge Plan.

The Commission approved the YTD Park Report.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, March 21st. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 21, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

The Commission approved the following add/abate/refund orders: 2004-195 & 196.

Jim Ferrante moved to approve Resolution #05-09 adopting the 2004 Comprehensive Economic Development Strategy of the Southeast Kansas Economic Development District, SEKRPC. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-09:



At 9:08 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee at the Transfer Station. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Dale Deer attended the executive session.

At 9:18 AM the executive session ended. No action taken.

Larry Hall moved to ask Melinda Bolling to write a letter to individuals that have not paid their fees for renting dumpsters and to have Jim Ferrante follow up on the problem. Herb Pemberton seconded the motion. The motion passed 3-0.

Dist. #1 Foreman Danny Morris informed the Commission that Ed Fleming has given his two week's notice. Morris will post the opening to County employees.

Herb Pemberton moved to allow Dist. #1 and Dist. #3 to construct salt storage buildings at a cost not to exceed \$14,000.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Noxious Weed Director John Maloney asked the Commission about hiring a temporary employee for 5 months. Larry Hall moved to hire John Aleshire as Temporary Noxious Weed Employee @ \$7.20 per hour. Jim Ferrante seconded the motion. The motion passed 3-0.

Fire/Emergency Preparedness Coordinator Bernard Streeter presented a proposal for the Fire Act Grant 2005. Larry Hall moved to authorize Streeter to apply for the Fire Act Grant. Jim Ferrante seconded the motion. The motion passed 3-0. The grant would be for approximately \$80,000.00, the County's 5% share would be approximately \$4,000.00.

At 10:30 AM Herb Pemberton moved to take a 5 minute break. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a Cereal Malt Beverage License renewal for Linn County Speedway, Inc. Jim Ferrante seconded the motion. The motion passed 3-0.

Park Manager Bruce Holt reported that the shop at the County Park was broken into on March 9th. Holt said that a tilt trailer and a \$10,000.00 mower were stolen and the door was damaged. Jim Ferrante moved to approve ordering a replacement trailer from Neal Manufacturing for \$750.00. Larry Hall seconded the motion. The motion passed 3-0. Jim Ferrante moved to authorize Holt to order a replacement door. Herb Pemberton seconded the motion. The motion passed 3-0.

Lu Warren, 6th Judicial District asked the Commission to sign the 6th Judicial District Interlocal Cooperation Agreement. Larry Hall moved to approve & sign the 6th Judicial District Interlocal Cooperation Agreement. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:22 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Dist. #3 Foreman Harry Wisdom attended the executive session.

At 11:32 AM the executive session ended.

At 11:33 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0.

At 11:43 AM the executive session ended. No action taken.

The Commission announced that they would be attending a Four County Regional Jail meeting in Paola at 3:00 PM today.

At 11:45 AM Herb Pemberton moved to recess until Noon for the lunch meeting with Elected Officials & Dept. Heads. Larry Hall seconded the motion. The motion passed 3-0.

At 12:00 the Board of Linn County Commissioners meeting reconvened.

Larry Hall moved to accept the bid from Garland Ginther for the 22.9 acres of farm ground near the Transfer Station @ \$600.00 per year for 2 years. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission then had a lunch meeting with Elected Officials and Dept. Heads. Following is a copy of the agenda for the meeting:

ELECTED OFFICIALS AND DEPARTMENT HEADS MEETING AGENDA March 21, 2005	
Welcome---1st Staff/Strategy/Organizational Meeting	Larry Hall
2006 Budget Process	Larry Hall
Budget Trend (Past Three Years)	
Budget Targets (10% Less than Previous Year)	
Department Competitive Position vs other Counties	
-Select and compare with two similar counties	
-Determine "Best Practices"	
-Headcount, Timekeeping, Org. Structure	
-Explain any significant cost/budget delta	
Discuss Cost Improvement Plans/Ideas for 2006	
Determine Schedule (Commissioners)	
Develop SOP for Competitive Bid Process	Larry Hall
Submit, Log, Time/Date, Security	
Appoint Purchasing Agent (Not a new job)	
Implement Effective Timekeeping/Payroll Controls	Larry Hall
Timesheet Verification/Standardization	
Mechanical Attendance Verification	
Implement Overtime Control Policy	Larry Hall
Install "approved in advance" system	
Improve Fire Safety	Larry Hall
Make Central Campus a Smoke-Free Environment	
-Valuable, historic structure	
-Historic and current records – not replaceable	
Planning for the Future Meetings	Larry Hall
5 Year Plan for Roads	
Comprehensive Plan Update	
Improving Productivity and Operational Efficiency	
-Everyone works 8 hours, five days/week	
Departmental Budget Reviews (All Depts twice/year)	
Set Up Budget Attainment "Scorecard"	
PLAN TO ACCOMPLISH	
-Set up committees, work groups to implement these issues	
-Many would be appropriate for Communications Council	
-Many would be appropriate for interested employees	
-All new policies MUST be approved by the Commission	

No action was taken as a result of the lunch meeting.

At 1:30 PM Larry Hall moved to recess until 3:00 PM in Paola. Jim Ferrante seconded the motion. The motion passed 3-0.

At 3:00 PM the Board of Linn County Commissioners meeting reconvened in Paola at the Four County Regional Jail meeting.

The Commission listened to presentations from Larry Goldberg, The Goldberg Group; and Mary Carson, Bond Council, Triplett, Woolf & Garrentson, LLC. No action was taken at the Four County Regional Jail meeting.

At 4:50 PM, with nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, March 28th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 28, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Larry Hall moved to approve the minutes of the last regular meeting as corrected with a copy of the Elected Officials and Department Heads Meeting Agenda. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission approved the following pays/special pays: General, \$793.96; Employee Benefit, \$10.95; Rural Fire, \$291.51; CDBG Revolving Loan, \$5,000.00; Hospital Board, \$1,142.39; Elderly, \$407.50.

The Commission approved the following add/abate/refund orders: 2004-197, 198, & 199.

Herb Pemberton moved to allow Dist. #1 Foreman Dan Morris to purchase 60' of 30" plastic pipe for \$1,423.00, 80' of 15" plastic pipe for \$556.00, and bands for the pipe for a total of \$2,380.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to increase the price of Calcium Chloride from \$100.00 to \$110.00 per 200 ft. Jim Ferrante seconded the motion. The motion passed 3-0.

Dan Morris reported that approximately 120 ft. of guardrail on the power plant dam was damaged in an accident.

At the request of Dist. #3 Foreman Harry Wisdom, Jim Ferrante moved to purchase 20 – 30' metal tubes for a total of \$5,887.50. Herb Pemberton seconded the motion. The motion passed 3-0.

Nutrition Director Marilyn Augur reported that the Area Agency on Aging gave the County a check for \$8,385.00 to help pay for the dishwashers.

Augur also asked about purchasing tables for Bunker Hill from Sam's Club.

Larry Hall moved to allow the Mound City Chamber of Commerce to use the Courthouse grounds for Founder's Day on April 30th. Jim Ferrante seconded the motion. The motion passed 3-0.

Carl Eyman & Phil Rippee from KWORCC presented information on the County's Work Comp Claims/Losses.

Extension Agent Mark Schuler addressed the Commission concerning the Extension Office spending/budget.

Karen Tuggle, Conservation District addressed the Commission concerning the Conservation District spending/budget.

Ron Briggs, NRCS explained that Tuggle is also the secretary for NRCS & explained what NRCS provides for County residents.

Rick Porter, Lake Region RC&D asked the Commission about an appointment to the RC&D Board. He also asked about the budget for RC&D. Herb Pemberton moved to fund the RC&D Budget with the \$600.00 requested amount. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt the Findings of Fence Viewers as presented on the Blevins/Williams fence view in the amount of \$1,376.94. Larry Hall seconded the motion. The motion passed 3-0.

At 10:34 AM at the request of Fire Coordinator Bernard Streeter, Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Bernard Streeter attended the executive session.

At 10:39 AM the executive session ended.

At 10:40 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:45 AM the executive session ended. No action taken.

At 10:48 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Larry Robinson attended the executive session.

At 10:58 AM the executive session ended. No action taken.

Park Manager Bruce Holt reported that our insurance company will pay \$11,920.00 minus \$500.00 deductible for the losses from the burglary at the park. Holt asked about purchasing a replacement John Deere mower for \$10,300.00. Herb Pemberton moved to allow Holt to purchase the John Deere mower for \$10,300.00 and to authorize payment for the replacement steel door. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to allow Marilyn Augur to purchase 16 tables for Bunker Hill @ \$69.00 each from Sam's Club. Larry Hall seconded the motion. The motion passed 3-0. Bruce Holt will pick up the tables for Augur the next time he goes to Sam's Club.

Larry Hall moved to accept the recommendation of the Planning Commission and approve Resolution #05-10 for Zoning Case #Z0205182. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to approve Lot Split #05-178 and accompanying grant of easement. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to accept the recommendation of the Planning Commission and approve Resolution #05-11 for Zoning Case #Z0205183. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to accept the recommendation of the Planning Commission and approve Resolution #05-12 for CUP #0205300. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to accept the recommendation of the Planning Commission and approve Resolution #05-13 for CUP #0205298. Jim Ferrante seconded the motion. The motion passed 3-0.

Following are copies of Resolution #'s 05-10, 05-11, 05-12, & 05-13:



On the advice of County Counselor Gary Thompson, Jim Ferrante moved to send CUP #0205299 back to the Planning Commission for more detailed findings. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to give Double K Construction a 30 day extension on their Work for Hire Agreement for fixing the Courthouse Roof. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:30 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Robert Stocking attended the executive session.

At 11:40 AM the executive session ended. No action taken.

Jim Ferrante moved to move the Canvass of the April 5th Election from Friday April 8th to Monday April 11th at the end of the Commission meeting. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve & sign the Real Estate Lease with Garland Ginther for the farm ground near the Transfer Station for \$600.00 per year for 2 years. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, April 4th. Larry Hall seconded the motion. The motion passed 3-0.

April 4, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approved the following pays/special pays: General, \$107,139.37; Employee Benefit, \$87,227.57; Appraiser, \$8,635.32; Rural Fire, \$8,078.68; Road & Bridge, \$31,292.89; SRO, \$2,240.51; Hospital Board, \$29,782.81; Crime Victim Assistance, \$745.47; Elderly, \$9,073.55. Larry Hall seconded the motion. The motion passed 3-0.

At 9:02 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss legal issues with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:17 AM the executive session ended.

At 9:17 AM Larry Hall moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. Andy Mayhugh joined the executive session at this time.

At 9:32 AM the executive session ended. As a result of the executive session Larry Hall moved to approve signing the stipulated order that may help settle the lawsuit of Cunningham vs. Board of Commissioners. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante presented a proposal for the schedule of Commission meetings. Herb Pemberton moved to follow the schedule that Jim Ferrante proposed. After discussion, the Commission decided to review the schedule, ask for input from Elected Officials & Dept. Heads, and to make a decision next week. Herb Pemberton withdrew his motion.

Larry Hall moved to sign the Bridge Agreements with Foote Construction and Thoele Foundations. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve a permit to bury telephone cable requested by Craw-Kan located on Yancy Rd., Yardly Rd., & 1700 Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

At the request of Dist. #1 Foreman Dan Morris, Herb Pemberton moved to approve purchasing 8 grader tires for a total of \$4,509.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Morris also reported that the guardrail in the power plant dam has been repaired.

John Byington reported that he received 3 applications for the 50/50 Cost Share Program for blacktopping roads. He will present a report next week.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Sprint United located at 1959 E 800 Rd. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to pay Schmitz Surveying \$180.00 for surveying the road east of Lake Chaparrel. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:20 AM the Commission took a 10 minute break.

Marilyn Augur reported that she has heating & air conditioning units that need to be replaced at the Blue Mound & Centerville Senior Centers. The Commission instructed Augur to get bids for both sites.

Augur also informed the Commission that she needs a Substitute Site Manger at Parker. Larry Hall moved to hire Juanita Holderman at \$6.77 per hour. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to pay Jean Allen \$7.25 per hour when she works as a Substitute Driver. Larry Hall seconded the motion. The motion passed 3-0. Allen's wages will remain at \$6.77 per hour when she works as a Substitute Site Manager.

Jim Ferrante presented a proposed resolution for burning. The Commission would like more information, resolutions from other Counties, etc. before making a decision.

Herb Pemberton moved to approve Lot Split #05-179 and to accept the accompanying grant of easement. Larry Hall seconded the motion. The motion passed 3-0.

Brenda Brennan informed the Commission that she was resigning her position with Linn County effective June 20, 2005.

Larry Hall moved to approve purchasing an AS/400 terminal from Infinitec for \$598.00 for the Personal Property Office. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the audit contract with Diehl, Banwart, Bolton, Jarred, & Bledsoe for the 2004 Audit. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission reviewed 3 suggestions from employees. Larry Hall moved to have the County Clerk keep a log of suggestions and the follow up. Jim Ferrante seconded the motion. The motion passed 3-0.

At the request of Bernard Streeter, Jim Ferrante moved to enter into the EMT Training Agreement with Luke Coyer and to reimburse Coyer \$935.00 for his training. Larry Hall seconded the motion. The motion passed 3-0.

Streeter also asked the Commission about being named County Fire Chief instead of Coordinator. Larry Hall moved to change Streeter’s title to County Fire Chief/Emergency Preparedness Coordinator for improved effectiveness and to clear up the chain of command. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:53 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 20 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:13 PM the executive session ended.

At 12:13 PM Jim Ferrante moved to extend the above executive session for 15 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:28 PM the executive session ended. No action taken.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, April 11th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

April 11, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approved the following pays/special pays: General, \$166,512.25; Appraiser, \$3,252.29; Rural Fire, \$10,786.94; Road & Bridge, \$69,327.79; Law Enforcement Trust, \$55.00; 911 Telephone Tax, \$3,898.07; Spl. Fire Equip. Replacement, \$1,387.50; Hospital Board, \$20,278.78; Elderly, \$10,353.71. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following add/abate/refund orders: 2004-200. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to waive the dumpster fees for the La Cygne Library for their cleanup of the Nursing Home Building. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve a permit to bury water line requested by RWD #2 located at 14241 E 1050 Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

County Treasurer Ellie Davey presented the 1st Quarter 2005 Interest Report. Interest for the 1st quarter was \$34,970.47.

Davey also stated that she thinks there should be a criteria for employee suggestions and that they should be signed & dated.

The Commission discussed the proposed schedule for Commission meetings. Jim Ferrante will make some revisions to the schedule and discuss it next week.

Robert Stocking & Gina Snyder addressed the Commission concerning replacing Brenda Brennan. Larry Hall moved to call a Special Commission Meeting with the Hospital Board on Monday, Apr 18th at 5:00 PM. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to allow the Hospital Board to seek candidates for a Nurse Practitioner and/or a Physician. Herb Pemberton seconded the motion. The motion passed 2-1.

At the request of Zoning Administrator Andy Mayhugh, Larry Hall moved to set up an Interview Committee for proposals to update the Comprehensive Plan. The committee will consist of 1 Commissioner, 1 Planning Commission Member, 1 Economic Development Committee Member, Andy Mayhugh, Dennis Arnold, and Pam Cannon. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to appoint Jim Ferrante to the Interview Committee. Larry Hall seconded the motion. The motion passed 3-0.

At the request of Park Manager Bruce Holt, Larry Hall moved to hire the following temporary employees for the Park: Sherry Thompson, Clerk, 40 hrs. per week, April 16 to Oct. 15; Miranda Greiner & Autumn Stroup, Life Guards, combined 32 hrs. per pay period, May 26 to Sept. 5; Calvin Brown, 20 hrs. per pay period, April 16 to Oct. 1; Chuck Ruse, 10 hrs. per pay period, April 16 to Sept. 15; and Patsy Rhynerson, 15 hrs. per pay period, April 16 to Sept. 15. All of the above employees will make \$6.70 per hour. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission reviewed the March 2005 YTD Park Report.

Daisy Self addressed the Commission concerning her valuation notice. Gary Thompson advised Mrs. Self that she needs to appeal with the County Appraiser.

Robert Morse addressed the Commission concerning the 911 call when a woman was attacked in Pleasanton. Larry Hall informed Morse that he had listened to the tapes of the incident and that standard procedure was followed by the dispatcher.

Morse also stated that 911 is not being utilized to its full capability. He says E911 should have the capability to show specials needs, utilities, other info., etc. The Commission will check with Larry Robinson and the Sheriff's Office.

Jim Ferrante moved to approve a 60 Day Unpaid Leave of Absence for Deputy Jody Swineford. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the Mar. 2005 Sheriff's Monthly Fee Report. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante presented proposals for False Alarm Charges and Inmate Fees. No action taken.

Larry Hall moved that the Commission agrees in principle with the proposal for Jail Fees. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:40 AM the Board of Commissioners met as the Board of Canvassers to canvass the April 5, 2005 City/School Election. Deputy Election Officer Dee George read the County machine print out results as the Board of Canvassers compared the results to the Abstract Book. The Board of Canvassers then reviewed the write-in totals and compared them to the Abstract Book.

The Board of Canvassers then reviewed the 39 Provisional Ballots. Jim Ferrante moved to accept the recommendation of the Election Officer to not count 5 provisional ballots, partially count 1 provisional ballot, and to count the remaining 33 provisional ballots. Larry Hall seconded the motion. The motion passed 3-0.

At 12:15 PM the Board of Canvassers went to the Courthouse to run the ballots through the ballot scanner, after which the Board of Canvassers certified the total election results.

At the end of the canvass Herb Pemberton moved to adjourn until 9:00 AM Monday, April 18th for their regular Commission meeting. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

April 18, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approved the following pays/special pays: General, \$87,359.95; Employee Benefit, \$13,411.94; Appraiser, \$8,611.00; Rural Fire, \$4,702.75; Road & Bridge, \$28,960.58; Law Enforcement Trust, \$925.50; SRO, \$1,275.68; Hospital Board, \$22,286.67; Crime Victim Assistance, \$745.47; Elderly, \$8,937.26. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2004-201 thru 207. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the recommendation of Dennis Arnold for the summer Youth Grants. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the 5 Year Road & Bridge Plan as presented. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt Resolution #2005-18 for the 5 Year Road & Bridge Plan. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #2005-18:

Attachment E

Res. 2005-18

KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF LOCAL PROJECTS
REQUEST FOR CONSTRUCTION PROJECT

Submit One (1) Copy, With Map, to KDOTCounty / City: Linn

WHEREAS: The Secretary of Transportation of the State of Kansas, hereinafter referred to as the Secretary, has been designated as agent for Linn County under an agreement dated 1/14/2005, or, (use date for new agreement) will be designated under an agreement to be executed, and,
WHEREAS: The Secretary's agency for the City of _____ will be designated under an agreement to be executed, and,
WHEREAS: the Federal-Aid Highway Act of 1956, as amended, and subsequent acts and amendments, provided Federal-Aid funds to assist the counties, cities and other political sub-divisions in improving their roads and streets, and,
WHEREAS: The above-noted county/city desires to improve a certain portion of their road or street system as is more fully described hereinafter, now, therefore,
BE IT RESOLVED: That the Secretary is hereby requested to program, for construction, that portion of road / street which is functionally classified as a Rural Secondary on Route Number 461 located:
Total Project Length (Km) 5.1 (M)
ESTIMATED costs of such improvements are as follows:
Grading / Culverts / Storm Sewer \$ _____
Surfacing (Type) \$ 350,000
Bridges (Number) \$ _____
Other \$ _____
ESTIMATED Total for Project \$ 350,000
Surveys and plans will be prepared by: Consultant
BE IT FURTHER RESOLVED: That sufficient funds of 70,000 County/City are now, or will be, available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the County/City are ineligible for federal funding and remain the responsibility of the County/City. Upon cancellation of the project by the County/City, the County/City shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.
Adopted this 18th day of April, 2005, at Mound City, Kansas.
Recommended for Approval: APPROPRIATE LOCAL OFFICIAL(S)
Gary E. Thompson Herb Pemberton
County Counselor Chairman
ATTEST: Larry L. Hall
James R. Ferrante
County Clerk Member
(100) (401) (200) (100) (100) KDOT Form 1302 (Rev. 2/03)

Jim Ferrante moved to approve a permit to bury water requested by RWD #3 located north of 1900 and Hadsall Rd. Larry Hall seconded the motion. The motion passed 3-0.

John Byington & the Commission discussed the 3 applications for the 50/50 Cost Share Program for blacktopping roads. No decision was made at this time. The Commission will discuss the project again next week.

At 10:09 AM bids were opened for replacing the heating & air conditioning units at the Blue Mound & Centerville Senior Centers. The only bids received were from Douglas & Sons Heating & Air Conditioning. Larry Hall moved to accept the bid from Douglas & Sons for the Centerville Senior Center in the amount of \$1,458.00. Jim Ferrante seconded the motion. The motion passed 3-0. Larry Hall moved to accept the bid from Douglas & Sons for the Blue Mound Senior Center in the amount of \$3,800.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to hire Jason Smith as a temporary employee at the Transfer Station at the same rate (\$6.50) as last year. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to purchase 4 tires for Road Dist. #2 @ \$264.00 each. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to hire Dan Purinton as a Firefighter in Station 910. Jim Ferrante seconded the motion. The motion passed 3-0.

Bernard Streeter gave the Commission copies of State Statutes regarding open burning.

Jim Ferrante moved to accept the recommendation of the Planning Commission and approve Resolution #05-15 amending the Linn County Subdivision Regulations. Larry Hall seconded the motion. The motion passed 3-0.

The Commission discussed CUP #0205299 for Linn County Solid Waste that had been sent back to the Planning Commission by the Board of Commissioners. The Planning Commission recommended with an 8-0 vote that CUP #0205299 should be approved. The Commission discussed the Planning Commission's findings and also discussed the following findings. The proposed CUP met the guidelines in the Comprehensive Plan, the proposed CUP met the goals of the Solid Waste Management Plan, it is situated on a blacktop road capable of handling truck traffic, the surrounding land uses include other industrial uses, so it fits the character of the neighborhood. After review and discussion of all these findings, Larry Hall moved to accept the recommendation of the Planning Commission and approve Resolution #05-14 approving CUP #0205299. Jim Ferrante seconded the motion. The motion passed 3-0. Following are copies of Resolutions #05-15 & #05-14:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 05-15
A RESOLUTION AMENDING THE
LINN COUNTY SUBDIVISION REGULATIONS

WHEREAS, Linn County, Kansas is a county municipal government with the authority to adopt Subdivision Regulations and review divisions of land as provided in K.S.A. 12-749; and

WHEREAS, Linn County did adopt countywide Subdivision Regulations on August 1, 1994; and,

WHEREAS, the Linn County Planning Commission did, on March 17th, 2005, publish a notice of a public hearing to consider certain modifications and amendments to the Linn County Subdivision Regulations; and

WHEREAS, the Linn County Planning Commission did hold a Public Hearing on April 12th, 2005 to consider said modifications and amendments to said Subdivision Regulations; and

WHEREAS, the Planning Commission after review and consideration of all comments and testimonies did, by 8-0 vote, recommend approval of said modifications and amendments;

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Linn County, after review of the recommendation of the Planning Commission together with all public comment finds to amend the following Articles of the Linn County Subdivision Regulations:

The following definitions are hereby added to Article 1-06:

Direct Access - Access from a county road or other public right of way or a platted private road or street to a tract, lot or parcel which lies contiguous to the road or right of way and which does not cross any other lot or parcel.

Lot Depth - the dimension of a lot running perpendicular to a road frontage.

Lot Width - the dimension of a lot along a road frontage.

The following section is hereby proposed to be modified as follows:

3-04 Lot Standards - (a) Size - The size and orientation of lots and any building setback lines shall be addressed by the Linn County Zoning Regulations. Lot depth shall not exceed three (3) times its lot width.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 18th day of April, 2005.

Seal of Linn County, Kansas
Attest: David Lamb - Clerk
Chairman: Herb Pemberton
Vice-Chairman: Larry Hall
Member: Jim Ferrante

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 05-14
A RESOLUTION APPROVING CONDITIONAL USE
PERMIT # 0205299 (Linn County Solid Waste) TO PERMIT THE OPERATION
OF A C&D LANDFILL, TIRE-MONOFILL, SCRAP METAL STORAGE AND OTHER SOLID WASTE
ACTIVITIES IN THE 1-2 ZONE

WHEREAS, Linn County, Kansas is a county municipal government with the authority to adopt zoning regulations and create zoning district boundaries as provided in K.S.A. 12-753; and

WHEREAS, Linn County did adopt countywide zoning regulations on June 22, 1981; and,

WHEREAS, the Linn County Planning Commission did, on February 10th, 2005, publish a notice of a public hearing to consider Conditional Use Permit #0205299 pursuant to K.S.A. 12-757(l); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on March 8th, 2005 to consider said Conditional Use Permit for the operation of a C&D Landfill, Tire-monofill, Scrap Metal Storage and other Solid Waste Activities in the 1-2 Zone on property described in Section 1; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimonies did, by 4-0 vote, recommend approval of said Conditional Use Permit based on certain findings and subject to certain conditions;

Whereas, after review of the Planning Commission's recommendation, the Linn County Commission did vote to send the recommendation back to the Planning Commission for additional review and more detailed findings;

Whereas, the Planning Commission did again take up the issue at their April 12th meeting and did by a 8-0 vote recommend to issue said permit with findings and subject to certain conditions;

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Linn County, after review of the recommendation of the Planning Commission together with all public comment finds to issue said Conditional Use Permit as follows:

SECTION 1: Conditional Use Permit #0205299 is hereby issued on the following described property:

SW ¼ of the S/W ¼ of Section 33, Township 22, Range 25.

SECTION 2: Conditional Use Permit #0205299 (Linn County Solid Waste) is issued for the property to be used as proposed in the submitted plans and materials and subject to the following conditions:

1. Conditional Use Permit valid for a period of 5 years.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 18th day of April, 2005.

Seal of Linn County, Kansas
Attest: David Lamb - Clerk
Chairman: Herb Pemberton
Vice-Chairman: Larry Hall
Member: Jim Ferrante

Max Murray, WCA Waste Corporation of Missouri addressed the Commission concerning a contract for solid waste disposal at the Arcadia landfill. The Commission asked Murray to provide the County with a contract for the current year @ \$18.50 per ton and to draw up a long term contract.

At 11:08 AM Larry Hall moved to take a 5 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Judge Richard Smith presented a proposed resolution establishing fingerprinting fees. Jim Ferrante moved to approve Resolution #05-17 establishing a processing and/or fingerprinting fee. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-17:

RESOLUTION NO. 05-17

A RESOLUTION ESTABLISHING A PROCESSING FEE FOR ALL INDIVIDUALS PROCESSED AND/OR FINGERPRINTED BY THE LINN COUNTY JAIL.

WHEREAS, Linn County, Kansas is a county municipal government with the power of home rule pursuant to K.S.A. 19-101 et seq; and

WHEREAS, K.S.A. 12 - 16, 199 [L. 1998], authorizes the Board of County Commissioners to adopt a fingerprint fee of up to \$45.00 for those individuals fingerprinted by a detention facility; and

WHEREAS, the Linn County Jail is a detention facility, and as such, expends significant funds in the fingerprinting, processing and booking of prisoners and detainees, as well as providing fingerprinting services as a courtesy to other agencies and businesses.

IT IS THE FINDING OF THE BOARD OF COUNTY COMMISSIONERS OF LINN COUNTY, KANSAS that it would be in the public interest to assess a fingerprinting fee for all individuals booked, processed or fingerprinted by the Linn County Jail in order to help defray the costs for providing such services.

IT IS HEREBY RESOLVED BY ABOVE SAID BOARD that a fingerprinting fee in the amount of \$45.00 is established for all individuals convicted, diverted, adjudicated or diverted under a pre-adjudication program, pursuant to K.S.A. 22-2906 et seq., or 12-4414 et seq. and amendments thereto, of a felony or a misdemeanor contained in chapters 8, 21, 41 or 65 of the Kansas Statutes Annotated and amendments thereto, where fingerprints are required pursuant to K.S.A. 21-2501, and amendments thereto, and that said fee shall be paid to the general fund.

IT IS FURTHER RESOLVED BY ABOVE SAID BOARD that a fingerprinting fee in the amount of \$45.00 is established for all non-public agencies and individuals fingerprinted as a courtesy by the Linn County Jail and that said fee shall be paid to the general fund.

THIS RESOLUTION SHALL BECOME EFFECTIVE UPON PUBLICATION IN THE OFFICIAL COUNTY NEWSPAPER.

Resolution No. 05-17
Page 2

RESOLVED THIS 18th DAY OF April, 2005.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Herb Pemberton
HERB PEMBERTON, Chairman

Larry Hall
LARRY HALL, Vice-Chairman

James R. Ferrante
JAMES FERRANTE

Seal of Linn County, Kansas
Attest: David Lamb, County Clerk

At 11:46 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Judge Smith, and Counselor attended the executive session.

At 11:56 AM the executive session ended. No action taken.

The Commission discussed the schedule for Dept. Heads & Elected Officials to meet with the Commission. After some minor changes, the Commission will discuss it again next week.

Larry Hall moved to approve Resolution #05-16 Establishing a Fee Schedule for Open Records Requests. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-16:

RESOLUTION NO. 2005-18

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY, KANSAS

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR OPEN RECORDS REQUESTS

WHEREAS, K.S.A. 45-218 (f) states a "public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records"; and,

WHEREAS, K.S.A. 45-219 permits fees in the amount of the actual cost of furnishing copies, including the cost of staff time required to make the information available; and,

WHEREAS, the Kansas Open Records Act does not require any public agency to create a record.

NOW THEREFORE, BE IT RESOLVED by the Board of Linn County Commissioners meeting in regular session this 18th day of April, 2005:

1. Fees shall be charged for copying public records. In computing such fees, the following charges shall be assessed:

Copies 8 1/2" x 11"	\$0.25	per page
Copies 8 1/2" x 14"	\$0.35	per page
Copies 11" x 17"	\$0.50	per page
Faxes	\$1.00	1st 5 pages
	\$0.20	per page after 1st 5 pages
Computer Printouts	\$0.25	per page
Screen Prints	\$0.25	per page
Research Time (Libron)	\$5.00	minimum
	\$10.00	per hour
Postage, Return Rec., Certified Mails	Actual Cost	
Voter Listing Printout	\$0.05	per page
Voter Labels	\$0.02	per label
Voter Listing CD	\$10.00	per CD



2. If the request for information requires the creation of a new record, the Freedom of Information Officer may refuse to comply with the request stating this fact. If, in the interest of providing public information, the Freedom of Information Officer may create the record or suggest the requestor to seek the basic data necessary to create the new record. In either case, the fees in section 1 shall apply.

3. The Freedom of Information Officer may require that the fee or a deposit of \$20.00 to search, examine, review, copy and/or mail a record shall be collected in advance.


This resolution shall be in full force and effect on the date of passage.


APPROVED AND ADOPTED THIS 18TH DAY OF APRIL, 2005


ATTEST:



David L. Linn, County Clerk

BOARD OF COUNTY COMMISSIONERS,
LINN COUNTY, KANSAS


Herb Pemberton, Chairman


Larry Hall, Vice Chairman


Jim Ferrante, Member

At 12:11 PM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 20 minutes to discuss legal issues with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:31 PM the executive session ended.

At 12:31 PM Jim Ferrante moved to extend the above executive session for 15 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:46 PM the executive session ended. No action taken.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 5:00 PM Monday, April 18th. Larry Hall seconded the motion. The motion passed 3-0. The 5:00 PM meeting will be a Special Meeting with the Linn County Hospital Board.

County Clerk

Commission Chair

April 18, 2005

The Board of Linn County Commission met in a special session at 5:00 PM with the Linn County Hospital Board. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Hospital Board members present were Bruce Smith, Ed Andersen, Robert Stocking, Janet Kleweno, Joe Pointer, and John Teagarden.

Following is a copy of the “Notice of Special Meeting”:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2568
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Larry Hall
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 5:00 PM on Monday, April 18, 2005 in the Commission Room at the Linn County Courthouse Annex, 306 Main St., Mound City, KS 66056. This will be a joint meeting with the Linn County Hospital Board to discuss the vacancy created by the resignation of Brenda Hrennan, ARNP and to take any necessary action concerning that vacancy.

DATED this 14th day of April, 2005.


David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Elise Davey, County Treasurer
John Sutherland, County Attorney
Marvin Stiles, Sheriff

Kristy Schmitt, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Auger, Nutrition / Transportation

John Maloney, Nixious Weed
Dennis Arnold, Economic Development
Bernard Steeler, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

The Commission reviewed a report prepared by Larry Brumleve. Clinic Manager Gina Snyder contacted Mr. Brumleve by phone so he could address the Commission & Hospital Board and explain his report.

Larry Hall stated that since the bottom line is very similar, he would prefer to hire another ARNP.

Jim Ferrante stated that he thinks another Physician would take some of the load off Dr. Hunt.

Bob Stocking stated that with our growing population, we should see a growing demand for our clinic’s services.

Larry Hall proposed looking for a Physician and an ARNP, to see which we could find.

Herb Pemberton said he would prefer another Physician.

Dr. Hunt stated his opinion is that we should make a decision tonight, Physician or ARNP. He would rather hire another Physician.

Larry Hall proposed that the Hospital Board make a recommendation for salary ranges & incentive program.

After discussion, the Hospital Board recommended looking for a Physician 1st, but to also look for an ARNP. The Hospital Board also recommended a salary range of \$50,000.00 to \$65,000.00 for an ARNP and a range of \$90,000.00 to \$135,000.00 for a Physician for the 1st year.

Larry Hall moved to approve the recommendation of the Hospital Board and to actively look for a Physician and an ARNP. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, April 25th. Jim Ferrante seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

596

April 25, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

At 9:05 AM Larry Hall moved to recess from the Board of Commissioners meeting to attend the Wholesale Water District #13 Check Presentation at the F&M Bank Community Center. Jim Ferrante seconded the motion. The motion passed 3-0.

At 9:45 AM the Board of Commissioners meeting reconvened.

Jim Ferrante moved to approve the following add/abate/refund orders: 2004-208 thru 215. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt a contract and to authorize the Chairman to sign the contract with Waste Corporation of Missouri, Inc. for solid waste disposal. Larry Hall seconded the motion. The motion passed 3-0.

Lu Warren, 6th Judicial District Community Services, presented their FY2006 Comprehensive Plan to the Commission. Bill Van Kirk informed the Commission of the numbers of offenders in Linn County and in the district. Larry Hall moved to approve and sign the FY2006 6th Judicial District Community Services Comprehensive Plan. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:03 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss trade secrets of a corporation. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Dennis Arnold attended the executive session.

At 10:13 AM the executive session ended. No action taken.

Asphalt Foreman John Byington discussed the 50/50 cost share applications. Byington informed the Commission that the residents on Taylor Rd. would like to withdraw their application. Byington recommended accepting the application from the residents on Gireau Rd. The Gireau Rd. project will take very little extra preparation. The other application was for 1050 Rd. It would take a lot more preparation. Jim Ferrante stated that he believes that according to KSA 12-748, the project should be approved by the Planning Commission. Gary Thompson will research the statute and report next week.

After discussion, Larry Hall moved to recommend approving the Gireau Rd. project for this year's 50/50 cost share. Herb Pemberton seconded the motion. The motion passed 2-0. Commission Ferrante abstained.

Dist. #1 Foreman Danny Morris recommended hiring Wesley McClain as an Equipment Operator/Truck Driver for Road Dist. #1. Larry Hall moved to hire McClain @ \$9.24 per hour (Range 4, Step A) for that position. Jim Ferrante seconded the motion. The motion passed 3-0. McClain will take a pre-employment physical & drug test and be on normal County probation for six months.

Mark Schuler would like to have 2 loads of gravel at the 4-H Building around the new heat & A/C units. Jim Ferrante moved to have Harry Wisdom deliver 2 loads of gravel to the 4-H Building. Larry Hall seconded the motion. The motion passed 3-0.

Schuler also presented a report on Fiscal Conditions & Trends for Linn County for 2005 prepared by K-State Research & Extension.

At 10:57 AM Jim Ferrante moved to take a 5 minute break. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk asked the Commission about increasing the mileage reimbursement rate. It has been set at \$.31 per mile since June 2000. No action taken.

The Commission discussed participating in the feasibility study for the regional jail. The Clerk will contact Miami County about costs.

The Commission reviewed the March 2005 Emergystat Monthly Report.

At 11:15 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 20 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and County Appraiser Steve Thompson attended the executive session.

At 11:35 AM the executive session ended.

At 11:36 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:41 AM the executive session ended.

At 11:42 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. Steve Thompson left the executive session at this time.

At 11:47 AM the executive session ended. No action taken.

Jim Ferrante moved to accept the 2004 Centerville Township Annual Report. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt the Department Heads & Elected Officials schedule for Commission meetings starting May 16th. Larry Hall seconded the motion. The motion passed 3-0. The Clerk will distribute copies of the schedule to all departments.

At 11:57 AM Herb Pemberton moved to recess from the Board of Commissions meeting into executive session for 5 minutes to discuss trade secrets of a corporation. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and

Dennis Arnold attended the executive session.

At 12:02 PM the executive session ended. No action taken.

At 12:05 PM the Commission and Clerk left for a conservation tour of the County. Rod Bollinger, Ron Briggs, Karen Tuggle, Rick Porter, and several Conservation Board members also attended the tour. Briggs and Bollinger explained various conservation projects around the County. No action was taken by the Commission during the tour.

At 2:20 PM the Commission and Clerk returned to the Courthouse Annex.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, May 2nd. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

May 2, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; Jennie Carbon, Deputy County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the following pays/special pays: General, \$65,535.28; Employee Benefit, \$36,603.77; Appraiser, \$8,882.57; Rural Fire, \$7,142.43; Road & Bridge, \$28,939.43; SRO, \$2,300.16; Hospital Board, \$27,353.77; Crime Victim Assistance, \$745.47; Elderly, \$9,566.62. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2004-216 thru 224. Herb Pemberton seconded the motion. The motion passed 3-0.

District Foreman Dan Morris asked the Commission about taking bids for a new tractor and bids to sell 2 used tractors. The Commission agreed to advertise for bids.

Roger Carbon, Fair board, asked the Commission about blacktopping roads in the fair grounds and the box seating area. At this time he would like to have the box seat area done. He would rather wait on the roads until after the Little Sugar Bridge project is completed. John Byington stated that it would probably take about \$1,800.00 of hot mix for the box seat area. Larry Hall moved to apply hot mix to the box seat area for approximately \$2,000.00. Jim Ferrante seconded the motion. The motion passed 3-0.

At 9:46am Larry Hall moved to recess into exec session for 15 minutes to discuss a personnel issue relating to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, County Clerk, Counselor, Deputy Clerk and Treasurer, Ellie Davey attended the executive session.

At 10:01am the executive session ended. No action taken.

The commission discussed smoking in the courthouse. Larry Hall moved to designate the courthouse as a non-smoking facility effective June 1, 2005. Gary Thompson said it should be done by resolution. Larry Hall retracted his motion. Gary Thompson will prepare a resolution for next weeks meeting.

Jim Ferrante moved to adopt the findings of the Planning Commission and adopt Resolution #05-19 approving CUP #0305301 for Brownback Auto. Herb Pemberton seconded the motion. The motion passed 2-0 with Larry Hall abstaining from the vote. The Planning Commissions findings were: 1)Not detrimental to the community; 2)Will not hurt the character of the neighborhood; 3)Not detrimental to public health, safety or welfare; 4)Will not hurt adjacent landowners; 5)No hardship on anyone; 6)No increase in traffic; 7)Conforms to Comprehensive Plan. Following is a copy of Resolution #05-19:



Dave Woodrum asked the Commission to sign a “Recognition of National Prayer Initiative” document acknowledging the proclamation by the Governor of Kansas. Herb Pemberton moved to sign the “Recognition of National Prayer Initiative”. Larry Hall seconded the motion. The motion passed 3-0. Woodrum also invited the Commission to the gazebo on the courthouse lawn for a prayer for the County on Thursday, May 5th at noon. Following is a copy of the “Recognition of National Prayer Initiative” proclamation:

Recognition of National Prayer Initiative

By virtue of the proclamation made by the Governor of the State of Kansas in March 4th, 2005, we recognize that the National Day of Prayer is an American tradition first proclaimed by the Continental Congress in 1775. Such a humbling of ourselves, as a nation, is a recognition of our shortcomings and our need, which can only be met by God's mercy and grace.

By virtue of the proclamation made by the President of the United States, George W. Bush, for the National Day of Prayer 2005, we recognize that President George Washington prayed that God Almighty would forever preserve the freedoms of all Americans.

On the National Day of Prayer the citizens of this county are encouraged by the President, by Congress, and by all 50 Governors of this nation to call upon God in thanksgiving for our freedom and the many blessings we have, and to pray for one another and for this nation.

Through an act of Congress, by Public Law 100-117 in 1981, and officially established by President Harry Truman in 1952, a National Day of Prayer was recognized as being necessary and beneficial for the continued spiritual, moral, emotional, physical and political health and well-being of our nation.

Kansas Governor, Kathleen Sebelius cites, "In 1981 legislation was unanimously refiled by both houses of the US Congress and signed by President Ronald Reagan, stating that the National Day of Prayer was to be observed on the first Thursday of every May." Thursday, May 17th, 2005, marks the 14th consecutive National Day of Prayer recognized and endorsed by each of the governmental branches of this nation and each of it's separate states.

According to the official press release for the National Day of Prayer, this year's theme is, "God Shall His Grace On Thee." This theme is based upon the Bible verse Hebrews 4:16 (NIV) - "Let us then approach the throne of grace with confidence so that we may receive mercy and find grace to help us in our time of need."

As citizens of Lane County, Kansas State and of the United States of America we recognize further that we are citizens of a global community and that there are fellow citizens of our country serving the cause of liberty, justice and freedom around the world. We join with the President of the United States in acknowledging, "We are grateful for their courage and sacrifice and ask God to comfort their families while they are away from home."

As members of a global community we also recognize the Global Day of Prayer, which concludes a worldwide celebration of prayer begun on May 1st - which this year coincides with the historical celebration of the Day of Ascension of Jesus Christ - and continues on May 17th - the Day of Pentecost. With 125 countries committed to participate in this endeavor, the Christian community is expecting more than 200 million believers to unite in global prayer and communion on May 15, marking the first annual Global Day of Prayer.

As County Commissioners of Lane County we acknowledge, as do the Governor of the State of Kansas and the President of the United States, that we have much to be thankful for and that it is appropriate to offer thanksgiving to our Lord and God. We also agree, in recognition of the needs of our community, and join George W. Bush and Kathleen Sebelius in supporting the citizens of Lane County in every effort they choose to strengthen their personal religious experience, faith and moral values, asking God for wisdom and strength.

We kindly ask that those who have faith in prayer will set aside the days between May 1st and May 17th, 2005 to unite their hearts in prayer for this county, state, nation and this world. This request is made in recognition of the faith and hope of the Biblical tenets of the National Day of Prayer. From Matthew 6:16, quoted above, and of the Global Day of Prayer from Habakkuk 2:14, "For the word will be filled with the knowledge of the LORD, as the waters cover the earth."

For this consideration we express sincere appreciation and hope on this 17th day of May 2005,




At 10:32am the Commission took a 10 minute break.

Jim Ferrante presented an updated burning proposal for review.

Herb Pemberton moved to tentatively approve the budget request from ECK Area Agency on Aging in the amount of \$11,000.00. Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk asked about taking bids for haying the south Pleasanton Industrial Park for a 3 year lease period. It was the consensus of the Commission to advertise for bids.

Larry Hall moved to approve the KCAMP Boiler & Equipment Breakdown Insurance policy for May 20-December 31, 2005. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to increase the mileage rate from 31 cents to 37 cents effective with mileage driven starting May 1 and after. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk and Commission discussed various appointments that need to be made.

Herb Pemberton moved to appoint Larry Hall to the 6th Judicial District Board. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to have a special meeting on Monday, May 9th at Bunker Hill at 8:00pm at the Republican Central Committee Meeting to discuss the first 120 days of their terms. Larry Hall seconded the motion. The motion passed 3-0.

At 11:30am Jim Ferrante moved to recess into executive session for legal advice for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, County Clerk, Deputy Clerk and Counselor attended.

At 11:45am the executive session ended. No action taken.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, May 9th. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

May 9, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$120,594.27; Appraiser, \$2,778.62; Rural Fire, \$8,867.08; Road & Bridge, \$44,874.54; Special VIN, \$408.00; 911 Telephone Tax, \$1,955.95; Hospital Board, \$18,839.20; Elderly, \$11,973.14. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Sprint United located at 900 & Botkin Rd. Larry Hall seconded the motion. The motion passed 3-0.

Russ O'Meara, Pitney Bowes addressed the Commission concerning our postage meter. Jim Ferrante moved to approve a 72 month lease/purchase from Pitney Bowes for \$612.00 per month for a DM1000 Postage Meter subject to contract approval by the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0.

Fire Chief Bernard Streeter gave the Commission a list of equipment purchased with 100% grant funds totaling \$126,721.14. Streeter asked the Commission about purchasing spray units & trailers the Polaris Ranger 4x4's, total cost \$14,476.00. Larry Hall moved to authorize Streeter to purchase 4 trailers from Neal Manufacturing for a total of \$3,360.00. Jim Ferrante seconded the motion. The motion passed 3-0.

The County Counselor informed the Commission that the 72 month lease/purchase for the postage machine is acceptable and the Commission signed the agreement.

Larry Hall moved to approve Double K Construction's bid for additional repairs to the Courthouse in the amount of \$7,200.00. Jim Ferrante seconded the motion. The motion passed 3-0. The County Counselor will prepare an addendum to their contract.

Larry Hall moved to sign the 50/50 Cost Share agreement for Gireau Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

Park Manager Bruce Holt informed the Commission that his lifeguards should have been hired @15 hours per week each instead of 15 hours per pay period each. The Commission had no objection to the change. Holt also asked about running new water service to 15 campsites for approximately \$3,000.00. Jim Ferrante moved to approve running new water service as requested for approximately \$3,000.00. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve Resolution #05-20 prohibiting smoking in the Courthouse. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-20:



Marilyn Augur asked the Commission about correcting the wage for Jean Allen from \$7.25 per hour to \$7.75 per hour when she works as a Substitute Medical Van Driver. Jim Ferrante moved to correct Allen's wage retroactive to April 4, 2005. Larry Hall seconded the motion. The motion passed 3-0.

At 10:41 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 20 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Larry Robinson, John Black, and Andy Mayhugh attended the executive session.

At 11:01 AM the executive session ended.

At 11:02 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:17 AM the executive session ended. No action taken.

At 11:18 AM Jim Ferrante moved to take a 5 minute break. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the Sheriff’s Monthly Fee Report for April 2005. Larry Hall seconded the motion. The motion passed 3-0.

At 11:31 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Dr. Hunt, Gina Snyder, Bruce Smith, Keith Couch, and John Teagarden attended the executive session.

At 11:41 AM the executive session ended.

At 11:42 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:52 AM the executive session ended. When the executive session ended, Dr. Hunt submitted his resignation effective August 5, 2005.

The Commission Chairman announced that the Commission and the Hospital Board will begin working immediately to find a replacement for Dr. Hunt.

Jim Ferrante moved to accept the recommendation of Andy Mayhugh and approve Lot Split #05-180 and accept the accompanying road easement. Larry Hall seconded the motion. The motion passed 3-0.

At 12:04 PM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk and Counselor attended the executive session.

At 12:14 AM the executive session ended. As a result of the executive session Larry Hall announced that the Commission wants to proceed as quickly as possible to explore all options to replace Dr. Hunt and keep the clinics open.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 8:00 PM Monday, May 9th. Jim Ferrante seconded the motion. The motion passed 3-0. The 8:00 PM meeting will be a Special Meeting with the Linn County Republican Central Committee.

County Clerk

Commission Chair

May 9, 2005

The Board of Linn County Commission met in a special session at 8:00 PM at the Bunker Hill Community Center with the Linn County Republican Central Committee. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; and David Lamb, County Clerk.

Following is a copy of the “Notice of Special Meeting”:

After Roll Call, Minutes, & Treasurer's Report of the Central Committee and reports from other officials, the Commissioners were the featured speakers for the night.

The Commissioners discussed various items from the first 120 days of their term including: road work, the new 69 Highway project, 5 Year Road & Bridge Plan, working on the new Comprehensive Plan, restructuring the Commission meetings, the 10% cost reduction “bogey”, receiving Road & Bridge funds from the State, etc. The Commissioners also reported that Dr. Hunt had submitted his resignation effective Aug. 5, 2005. The Commissioners emphasized that finding a replacement for Dr. Hunt is a high priority. The Commissioners then answered questions from the audience.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, May 16th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

May 16, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting and the special meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$71,873.61; Employee Benefit, \$41,092.36; Appraiser, \$8,635.32; Rural Fire, \$2,589.41; Road & Bridge, \$29,518.12; Law Enforcement Trust, \$15.50; SRO, \$1,357.14; Hospital Board, \$20,053.07; Crime Victim Assistance, \$745.47; Elderly, \$7,890.51. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2004-226 & 227. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to purchase rebar for bridge projects for a total of \$8,700.00. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to move the May 30th Regular Commission meeting to Tuesday, May 31st due to the Memorial Day holiday. Jim Ferrante seconded the motion. The motion passed 3-0.

At 9:30 AM bids were opened for tractors. Bids received were:

	Sell Ford 6600	Sell John Deere 5510	Purchase New Tractor	
John Byington	\$3,280.00	-0-		-0-
Heritage Tractor	\$4,000.00	\$15,500.00	John Deere 6320	\$38,000.00
R & R Equipment	\$3,000.00	\$15,500.00	New Holland TS100A	\$43,500.00
Deem’s Farm Equipment	\$6,000.00	\$18,000.00	John Deere 6320	\$36,643.00

The Commission instructed Dist. #1 Foreman Dan Morris to review the bids to make sure they meet the specs. and report to the Commission next week.

Glenn Smith asked the Commission about the new gate & entrance at Lake Chaparral. Smith does not like the location of the new entrance and doesn’t think a culvert was installed correctly. The Commission advised Smith that the County will take a look at the entrance & culvert.

Larry Hall moved to hire Jimmy Hendrix as a temporary mower for Dist. #3 @ \$7.50 per hour. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:05 AM bids were opened for haying the Pleasanton Industrial Park for 3 years. The only bid received was from Kenneth Baugh for \$7.25 per bale. Larry Hall moved to accept Baugh’s bid of \$7.25 per bale for 3 years. Jim Ferrante seconded the motion. The motion passed 3-0. The County Counselor will prepare a contract.

Jerry Bishop, Lake Region Solid Waste Authority informed the Commission of a meeting & luncheon on Tuesday, May 24th at 10:00 AM in the Miami County Administration Building.

The Commission reviewed the April 2005 YTD Park Report.

At 10:15 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, John Black & Andy Mayhugh attended the executive session.

At 10:25 AM the executive session ended. No action taken.

At 10:28 AM the Commission took a 5 minute break.

Register of Deeds Kristy Schmitz advised the Commission that her application for processing passports has been denied due to other passport stations in the area.

At 10:37 AM the Commission met with the Hospital Board.

At 10:39 AM Larry Hall moved to recess from the Board of Commissions meeting into executive session for 1 hour to discuss trade secrets of a corporation. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk and County Counselor attended the executive session.

At 10:51 AM the Hospital Board, Frank Devocelle, Jerry Wienser and Tierney Grasser joined the executive session.

At 11:39 AM the executive session ended. As a result of the executive session, the Hospital Board recommended that the County accept the proposal from Olathe Medical Center to operate the clinics in Mound City & La Cygne.

Herb Pemberton moved to accept the recommendation of the Hospital Board pending approval by the Olathe Medical Center Board. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to authorize Gary Thompson to work out the details of the agreement with Olathe Medical Center. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to accept the bid of \$750.00 from Jim’s Door Service to put an automatic closer on the La Cygne Ambulance Station garage door. Larry Hall seconded the motion. The motion passed 3-0.

At 11:58 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a

personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor and Register of Deeds Kristy Schmitz attended the executive session.

At 12:08 PM the executive session ended. As a result of the executive session Jim Ferrante moved to create a new position in the Register of Deeds office, Substitute Deputy Register of Deeds. The wage for the new position will be \$7.50 per hour. Larry Hall seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, May 23rd. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

May 23, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; and David Lamb, County Clerk.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Dist. #1 Foreman Dan Morris advised the Commission that the low bid from Deem’s Farm Equipment meets the bid specifications and he advising accepting the bid. Larry Hall moved to accept the bid from Deem’s Farm Equipment to trade in two tractors for \$6,000.00 and \$18,000.00 and purchase the new John Deere 6320 for \$36,643.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to purchase an extended warranty for the new tractor for \$1,375.00 for a total warranty of 5 years or 3000 hours. Larry Hall seconded the motion. The motion passed 3-0.

Solid Waste Coordinator Dale Deer asked the Commission about purchasing 5 rolls of 6’ chain link fence to finish a project started last summer. The Commission had no objection to the purchase.

The Clerk informed the Commission that there have been problems with people losing trash, lumber, nails, etc. on the way to the transfer station. The Commission asked the Clerk to run ads in the newspaper reminding people to secure their loads.

Larry Hall moved to approve and sign the 3 year lease with Kenneth Baugh for haying the Pleasanton Industrial Park @ \$7.25 per bale. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat Monthly Report for April 2005.

Jim Ferrante informed the Commission that Emergystat has been sold to someone in California.

Mike Lewis, Victor L. Phillips Co., said he would sell the County the track hoe we have been using for \$110,000.00. He would also rent the track hoe for \$5,500.00 per 4 weeks for up to 4 months and apply the rental payments to the purchase price. He will come back next week after the Commission talks to the Road Foremen about purchasing a track hoe.

At 10:00 AM bids were opened for servicing the port-a-pots at the compactor sites. The only bid received was from Lewis Septic Tank Service for \$300.00 per trip. The Clerk will contact Lewis to verify the number of trips required.

At 10:05 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 10:15 AM the executive session ended. No action taken.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Tuesday, May 31st. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

May 31, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following pays/special pays: General, \$75,026.87; Employee Benefit, \$38,666.62; Appraiser, \$8,662.57; Rural Fire, \$4,329.47; Road & Bridge, \$29,713.32; 911 Telephone Tax, \$819.24; SRO, \$2,315.44; Hospital Board, \$30,075.50; Crime Victim Assistance, \$745.47; Elderly, \$9,050.05. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following add/abate/refund orders: 2004-229 & 230. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to purchase a 42” tube for Paine Rd. for \$1,400.00. Jim Ferrante seconded the motion. The motion passed 3-0.

John Byington informed the Commission that Nation Rock does not have the cover material available as specified in their contract.

Herb Pemberton moved to purchase 160’ of 12” pipe for Dist. #1. Motion died for lack of a second.

Dennis Arnold presented a quarterly report on projects he is working on.

Mike Lewis, Victor L. Phillips Co. addressed the Commission about purchasing a Hyundai 210-7 Track Hoe. Lewis said he could leave the Track Hoe here for another week before the Commission makes a decision.

Bernard Streeter informed the Commission that a 60’ x 100’ building for Station 950 could be purchased for \$37,000.00 to \$45,000.00 for the building only. We would also need to take bids for site preparation and concrete. The Firefighters at Station 950 would do the interior finish work. The Commission had no objections to taking bids for the project since it is in the budget for 2005.

Dennis Norton, Tri-Ko, Inc. presented their annual report and 2006 budget request. Norton also invited the Commission to visit their facility. Herb Pemberton moved to tentatively approve the Tri-Ko, Inc. 2006 Budget request in the amount of \$67,034.00 (no increase from last year). Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to purchase 160’ of 12” pipe for \$696.00 for Dist. #1. Larry Hall seconded the motion. The motion passed 3-0.

At 10:15 AM Herb Pemberton moved to take a 15 minute break. Larry Hall seconded the motion. The motion passed 3-0.

County Surveyor Jim Schmitz presented his survey of Leisure Road at the new Lake Chaparral entrance. In Schmitz’s opinion the road is in approximately the correct location. The new tube for the entrance is 5 ½’ too far south.

At 11:04 AM Larry Hall moved to recess from the Board of Commissions meeting into executive session for 10 minutes to discuss trade secrets of a corporation. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, David Nation and John Byington attended the executive session.

At 11:14 AM the executive session ended. As a result of the executive session the County Counselor will write a letter to Nation Rock giving them notice of default. The parties have mutually agreed to default the contract.

At 11:17 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Steve Thompson attended the executive session.

At 11:32 AM the executive session ended.

At 11:33 AM Larry Hall moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:43 AM the executive session ended. No action taken.

At 11:45 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Andy Mayhugh attended the executive session.

At Noon the executive session ended.

At 12:01 PM Larry Hall moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. . The same people attended this portion of the executive session.

At 12:11 PM the executive session ended. No action taken.

Larry Hall moved to approve the bid from Lewis Septic Tank Service for cleaning the port-a-pots at the compactor sites for \$300.00 per trip, with the schedule to be worked out later. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve Resolution #05-21 declaring 2 tractors surplus property. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-21:

RESOLUTION #05-21
DECLARATION OF SURPLUS PROPERTY:
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY KANSAS
BE IT RESOLVED: that whereas the following property from the Linn County Road & Bridge Department be declared as surplus property.
1 - 1998 John Deere Tractor Model 5510, VIN LD55105151919, and
1 - 1980 Ford Tractor Model 6600, VIN C646754
APPROVED AND ADOPTED THIS 31st DAY OF May, 2005
BOARD OF COUNTY COMMISSIONERS,
LINN COUNTY, KANSAS

Herb Pemberton, Chairman

Larry Hall, Vice-Chairman

Jim Ferrante, Member

ATTEST:

David L. Lamb, County Clerk

The Clerk informed the Commission that Sheriff Stites has hired Bill Hamilton as a dispatcher at \$9.50 per hour (Range 5, Step A). Hamilton will take a pre-employment physical and drug test and will be subject to standard six month probation.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Monday, June 6th. Larry Hall seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

June 6, 2005

The Board of Linn County Commission met in a regular session. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to tentatively approve the SEK Multi-County Health Dept. budget request for 2006 in the amount of \$46,000.00, the same amount as 2005. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to allow Harry Wisdom to purchase a new radiator for Unit #307 for \$1,963.89. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante suggested that the Road Dept. list all their equipment with possible replacement dates when they come in for their budgets.

Jim Ferrante moved to temporarily close 750 Road at Lewis Road near the Mound City Lake to replace 2 bridges. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to temporarily close Orahood Road between 1300 & 1400 to replace a bridge. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve a permit to bury water line requested by RWD #2 located at 1200 & Vernon Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to rent the track hoe from Victor L. Phillips Co. for 4 weeks. Jim Ferrante seconded the motion. The motion passed 3-0.

At 9:32 AM Herb Pemberton moved to recess from the Board of Commissions meeting into executive session for 30 minutes to discuss trade secrets of a corporation. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, John Black, Andy Mayhugh, Terry Weitman, and Jim Mangas attended the executive session.

At 10:02 AM the executive session ended. No action taken.

Gary Goebel, PWWSO #13 asked the Commission about the permits to bury water lines. Goebel suggested approving one permit for all the water lines. The Commission agreed and scheduled a meeting for next Monday at 10:00 AM.

Andy Mayhugh presented the findings and recommendations of the Planning Commission concerning CUP #0405303R for V&H/APAC. The Planning Commission recommended approving the CUP by a 6-0 vote. Following are the findings and conditions approve by the Planning Commission. Findings: 1) Property is suitable for use as a rock quarry which is its present use. It is located in Claresson Rock crop-out and Catoosa Silt Loam soil types which have a shallow depth to rock. 2) Property has been used as a rock quarry for several years and was found suitable in two previous occasions. 3) Character of the neighborhood is large agricultural lots with large setbacks. A quarry would require this type of area as opposed to an area with a higher dwelling density. 4) Uses of the properties are Agricultural in nature with few dwellings. Average dwelling density is generally one per 80 acres. Conditions: 1) Permit shall be valid for a period of 5 years from issuance. 2) Explosives be kept in conformance with State and Federal requirements. 3) Operation shall be conducted in conformance with State and Federal requirements. 4) Applicant shall enter into an Improvement and Maintenance Agreement with the Linn County Commission that shall address such items as dust abatement control, road maintenance, and construction. 5) Applicant shall continue with dust suppressant as being currently applied. 6) Blasting warning system shall be improved to alert the nearby neighbors that a blast is going to occur. 7) A sign explaining the blasting procedures shall be posted on the entrance gate. The Commission reviewed and discussed the findings and conditions as listed. The Commission then asked if anyone in the audience had any comments against the CUP. No one responded. Herb Pemberton moved to accept the recommendation of the Planning Commission and approve CUP #0405303R and adopt Resolution #05-22. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-22:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 05-22
A RESOLUTION APPROVING CONDITIONAL USE
PERMIT # 0405303R (V&H/APAC) TO PERMIT THE OPERATION
OF A ROCK QUARRY, SHOP AREA, EQUIPMENT STORAGE AND STOCKPILE
IN THE A - AGRICULTURAL ZONE

WHEREAS, Linn County, Kansas is a county municipal government with the authority to adopt zoning regulations and create zoning district boundaries as provided in K.S.A. 12-753; and

WHEREAS, Linn County did adopt countywide zoning regulations on June 22, 1981; and,

WHEREAS, the Linn County Planning Commission did, on April 21st, 2005, publish a notice of a public hearing to consider Conditional Use Permit #0405303R pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on May 10th, 2005 to consider said Conditional Use Permit for the operation of a Rock Quarry, Shop Area, Equipment Storage and Stockpile in the A - Agricultural Zone on property described in Section 1; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimonies did, by 6-0 vote, recommend approval of said Conditional Use Permit based on certain findings and subject to certain conditions;

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Linn County, after review of the recommendation of the Planning Commission together with all public comment finds to issue said Conditional Use Permit as follows:

SECTION 1: Conditional Use Permit #0405303R is hereby issued on the following described property: beginning at a point 250' N of the SE corner of Section 27, Township 22, Range 24; Thence W 1660'; Thence N 1320'; Thence W 660'; Thence N 1320'; Thence E 1320'; Thence S 2440'; Thence East 1000'; Thence S 200' to the POB.

SECTION 2: Conditional Use Permit #0405303R is issued upon discovery of the following findings:

1. Property is suitable for use as a rock quarry which is its present use. It is located in Claresson Rock out-crop and Catoosa Silt Loam soil types with have a shallow depth to rock.
2. Property has been used as a rock quarry for several years. Was found suitable in two previous occasions
3. Character of the neighborhood is large Agriculture lots with large setbacks. A quarry would require this type of area as opposed to an area with a higher dwelling density
4. Uses of the properties are Agriculture in nature with few dwellings. Average dwelling density is generally one per 80 acres

SECTION 3: Conditional Use Permit #0405303R (V&H/APAC) is issued for the property to be used as proposed in the submitted plans and materials and subject to the following conditions:

1. Permit shall be valid for a period of 5 years from issuance.
2. Explosives be kept in conformance with State and Federal requirements
3. Operation shall be conducted in conformance with State and Federal requirements
4. Applicant shall enter into an Improvement and Maintenance Agreement with the Linn County Commission that shall address such items as dust abatement control, road maintenance, and construction.
5. Applicant shall continue with dust suppressant as being currently applied
6. Blasting warning system shall be improved to alert the nearby neighbors that a blast is going to occur.
7. A sign explaining the blasting procedures shall be posted on the entrance gate.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 6th day of June, 2005.

Attest:

David Lamb - Clerk

Seal: LINN COUNTY CLERK SEAL LINN COUNTY, KANSAS

Chairman: Herb Pemberton
Vice-Chairman: Larry L. Hall
Member: James R. Ferrante

At 10:31 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Steve Thompson attended the executive session.

At 10:46 AM the executive session ended.

At 10:47 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:57 AM the executive session ended.

At 10:58 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:08 AM the executive session ended.

At 11:09 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:19 AM the executive session ended. No action taken.

Jim Ferrante moved to purchase 2 18-430 tractor tires @ \$767.00 each for Road Dist. #3. Larry Hall seconded the motion. The motion passed 3-0.

Fire Chief Bernard Streeter asked the Commission about the SAFER Grant that would provide full time fire service. It is a 5 year grant that would pay salaries and benefits in the amount of 90% for year 1, 80% for year 2, 50% for year 3, 30% for year 4, and 0% for year 5. No action was taken by the Commission.

At 11:40 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Bernard Streeter, Mike Gillespie, John Morse, Keith Bloomfield, Dee Horttor, and Rob Maloney attended the executive session.

At 11:50 AM the executive session ended. As a result of the executive session the Commission is planning to meet with the Sheriff, EMS, and Fire Board to discuss dispatch protocols on June 20th.

David Sweat addressed the Commission concerning the sale of Emergystat. Sweat assured the Commission that although the company did sell, we should see no changes in our local operations.

At 12:05 PM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 2 minutes to discuss legal issues with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:07 PM the executive session ended. No action taken.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, June 13th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

June 13, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; Jennie Carbon, Deputy County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following pays, \$379,768.22 and Special Pays, \$213,871.22. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the following add/abate/refund orders: 2004-231 thru 234. Jim Ferrante seconded the motion. The motion passed 3-0.

Gina Snyder, Clinic Manager, informed the commission that the clinic in LaCygne was closed for the week because the air conditioner had stopped working and also Dr. Hunt was on vacation. After discussion it was determined that the air conditioner would be paid for by special pay today and installed today so that the clinic could be open for business Tuesday. In the future, any decision to close the clinic will be made by the commissioners. Also, whenever Dr. Hunt will be absent from the clinics, arrangements will be made to find a temporary replacement doctor in his absence.

Jim Ferrante moved to approve allowing the clinic staff to attend training session at Olathe Medical Center and be paid for that time. Larry Hall seconded the motion. The motion passed 3-0. Commission also agreed to pay clinic staff for the days that the clinic is closed.

Larry Robinson, Traffic Control, received approval to purchase barricades. Larry Hall moved to purchase 10 barricades for \$420 to be used around the county when flood waters cover the county roads. Jim Ferrante seconded the motion. Motion passed 3-0.

Marilyn Augur, Nutrition Director, said that she is meeting with volunteers at Linn Valley Lakes to make arrangements for them to pick up meals at a congregate meal site, then deliver them to home bound persons in Linn Valley Lakes.

Jim Ferrante moved to authorize to sign the Road Improvement and Maintenance Agreement CUP#0405303R for APAC/V&H Enterprises. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to sign the Unofficial Detour Agreement with the Kansas State Secretary of Transportation for a lump sum payment of \$59,558.00 for repair work to be done on Colpetzer Rd & 500 Rd. Larry Hall seconded the motion. The motion passed 3-0.

Bernard Streeter, Rural Fire Coordinator, updated commissioners on cost of hydrants that were to be placed around the county. PWWSO #13 has informed Streeter that the county may access their rural water lines to obtain water to fight fires. All that is needed are the appropriate valves which are estimated to cost \$5000.00. Larry Hall moved to have Streeter pursue costs for installation of the necessary valves. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve sending a letter to ISO requesting prompt evaluation of fire protection in Linn County to see if the protection rating can be lowered. Jim Ferrante seconded the motion. The motion passed 3-0.

Bernard Streeter discussed the Automatic Aid Agreements in regard to Mound City, Pleasanton and LaCygne. Bernard is to go before the city councils and discuss the agreements then come back to the commission with their suggestion and any that he may have.

At 10:15 AM Jim Ferrante moved to recess for 10 minutes from the Board of Commissioners into executive session to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Deputy Clerk, County Counselor, Bernard Streeter and Keith Bloomfield attended the executive session.

At 10:25 AM Jim Ferrante moved to extend the executive session for another 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. Same people attended the extended executive session.

At 10:35 AM the executive session ended. As a result of the executive session the commission upheld the suspension of Jesse Spears from the Prescott Rural Fire #960 because of misconduct. Larry Hall seconded the motion. The motion passed 3-0. Streeter is to put a sealed envelope in Spears' fire employee file stating the facts for dismissal.

Larry Hall moved to accept and sign the letter addressed to Glenn Smith which was presented by the County Counselor regarding the placement of a driveway across from his home. Jim Ferrante seconded the motion. The motion carried 3-0.

Jayson McMaster was introduced as the new General Manager for PWWSO #13. He presented a blanket burial request for the laying of all water lines within Linn County with all work being completed within 465 days. The commission requested that he contact the necessary county personnel and keep them informed of any road closing and also to inform any post office that will be affected. Jim Ferrante moved to sign the burial permit. Larry Hall seconded the motion. The motion carried 3-0.

Jim Ferrante moved to tentatively approve RC&D's 2006 budget request of \$600(same as 2005). Larry Hall seconded the motion. The motion passed 3-0.

At 10:54 AM Jim Ferrante moved to recess from the Board of Commissioners into executive session to discuss a personnel issue relating to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Deputy Clerk, County Counselor and Andy Mayhugh attended the executive session.

At 11:09 AM the executive session ended. No action taken.

Bob Stocking, Hospital Board member, updated the commission regarding the clinic's accounts receivable. The commission agreed that we should continue to collect the accounts receivable up to the time of take over by Olathe Medical Center. At that time Stocking is to get an estimate of what OMC would pay to buy out our remaining accounts receivable accounts. The commission will decide by July 5th if they want Stocking to prepare a 2006 budget request for the Hospital District.

Ann Ware, District Court Clerk, informed the commission that John Cooper is retiring soon and that she will post the position to county employees, and if the position is not filled, then she will advertise the open position.

At 11:48 AM Herb Pemberton moved to recess for 15 minutes from the Board of Commissioners into executive session to discuss a legal matter. Jim Ferrante seconded the motion. The motion carried 3-0. The Commission, Deputy Clerk & County Counselor attended the executive session.

At 12:03 PM the executive session ended. No action was taken.

At 12:04 PM Larry Hall moved to recess for 10 minutes from the Board of Commissioners into executive session to discuss a legal matter. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Deputy Clerk & County Counselor attended the executive session.

At 12:19 PM the executive session ended. No action taken.

Larry Robinson, Traffic Control, called the commission on speaker phone and said that KDOT notified him they will replace the bridge on Hwy 152 west of LaCygne. There will be a public meeting held at the LaCygne City Hall on July 6, 2005 at 5:30pm.

Jim Ferrante moved to accept and sign the May Sheriffs Department report. Larry Hall seconded the motion. The motion passed 3-0.

Commission reviewed the Park Year-to-Date report for the month of May.

The commission discussed a proposal from Austin-Peters Group for them to present a program on sexual harassment to all employees and elected officials including commission. Larry Hall is to contact Austin-Peters and update them on employee totals and schedule more training sessions to accommodate these new totals.

With nothing further on the agenda, Larry Hall made a motion to adjourn until 9:00 AM Monday, June 20th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

June 20, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to purchase 200' of 15" tubes for \$1,320.00 for Dist. #1. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to hire Jesse Vaughn & Jack DeWaard as temporary employees for mowing in Dist. #2 @ \$7.50 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to tentatively approve the Road & Bridge Fund 2006 Budget in the amount of \$2,464,120.00. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to tentatively approve the District Court 2006 Budget in the amount of \$214,000.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Jerry Bedgood presented 2 estimates for repairs on the Courthouse. The Commission reviewed the estimates but took no action.

Bedgood also informed the Commission that Dan Smith is retiring July 15th. The Commission agreed to allow Bedgood to post the opening for County employees.

Mark Schuler presented the proposed Extension Council 2006 Budget. Herb Pemberton moved to tentatively approve the Extension Council 2006 Budget in the amount of \$118,000.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to tentatively approve the 4-H Building Fund 2006 Budget in the amount of \$9,000.00. Larry Hall seconded the motion. The motion passed 3-0.

Steve Patience thanked the Commission for the ditch cleaning done by the Road Dept. near his home. He said the work kept his road from flooding during the recent rains.

Fire Chief Bernard Streeter addressed the Commission concerning dispatch protocols. Streeter said he would like to help with dispatch training, guidelines, etc.

Sheriff Stites stated that when a call comes in on 911, the 911 screen tells who to dispatch.

Larry Robinson stated that our 911 system needs to be updated with new information.

Sheriff Stites suggested for example dispatching a fire location, and letting the Fire Dept. respond as needed. Sheriff Stites also stated that he would like to work with the other departments as much as possible.

Larry Robinson presented bids for planks/panels for barricades. Larry Hall moved to approve purchasing the panels for \$2,581.44. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to draw up a plan to vacate streets & alleys in Goodrich as proposed by Andy Mayhugh. Jim Ferrante seconded the motion. The motion passed 3-0.

Andy Mayhugh also addressed the Commission concerning Planning & Zoning Fees. His proposal would increase fees approximately \$19,000.00 per year.

Lake Region Solid Waste Authority Coordinator Chris Paus addressed the Commission concerning their budget. Herb Pemberton moved to tentatively approve the Lake Region Solid Waste Authority 2006 Budget in the amount of \$4,766.00. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to tentatively approve the County Attorney 2006 Budget in the amount of \$179,614.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to reschedule the July 4th regular Commission meeting to Tuesday, July 5th due to the holiday. Larry Hall seconded the motion. The motion passed 3-0.

The Commission also announced that there will be a Special Commission Meeting with KDOT on July 6th at 5:30 PM at the La Cygne City Hall.

Larry Hall moved to send letters to all departments concerning information to be presented with their budget requests. Jim Ferrante seconded the motion. The motion passed 3-0.

At 12:43 PM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:53 PM the executive session ended.

At 12:54 PM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:59 PM the executive session ended. No action taken.

Jim Ferrante moved to approve a special payment of \$1,086.52 to Ed Owen for A/C repairs at the La Cygne clinic. Larry Hall seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Monday, June 27th. Larry Hall seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

June 27, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

District #1 Foreman Dan Morris informed the Commission that Charles Haverfield is planning on resigning around the middle of September.

Jim Ferrante moved to approve a permit to bury water line requested by RWD #3 located at 2200 Rd. & County Road 1077. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the purchase of 200 10’ posts for barricades from J&A Traffic Products, LLC in the amount of \$6,724.00. Larry Hall seconded the motion. The motion passed 3-0.

Wes Coffel asked the Commission about installing a culvert on Paine Rd. for an entrance to his hay storage area. He also stated that Roger Carbon would like to have an entrance installed. The Commission asked Larry Robinson to take a look at the proposed entrance locations to determine traffic safety issues.

At 9:29 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 9:44 AM the executive session ended.

At 9:46 AM Larry Hall moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:52 AM David Lamb & Steve Thompson entered the executive session.

At 9:56 AM the executive session ended.

At 9:57 AM Larry Hall moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Steve Thompson attended the executive session.

At 10:12 AM the executive session ended.

At 10:13 AM Larry Hall moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:18 AM the executive session ended.

At 10:19 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:29 AM the executive session ended. As a result of the executive session, Jim Ferrante moved to approve Resolution #05-23 appointing Steve Thompson as County Appraiser for 4 years at his current salary, with any increase in wages to be negotiated at a later date. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-23:

RESOLUTION #05-23
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY KANSAS
A RESOLUTION APPOINTING THE COUNTY APPRAISER FOR LINN COUNTY, KANSAS.
WHEREAS, K.S.A. 19-430 requires the Board of County Commissioners of each County in the State of Kansas to appoint a County Appraiser to fulfill the statutory duties and responsibilities of that office, and K.S.A. 19-434 requires the Board of County Commissioners to fix the compensation for such County Appraiser by resolution;
WHEREAS, the term of Steve Thompson, the current County Appraiser, will expire on June 30, 2005;
WHEREAS, Steve Thompson is a Certified Kansas Appraiser, according to the requirements of the Property Valuation Division of the Kansas Dept. of Revenue, and is otherwise qualified to hold the position of County Appraiser and;
WHEREAS, the Board of County Commissioners of Linn County, Kansas deems it to be in the best interests of the County and its residents to reappoint Steve Thompson as County Appraiser for a term of four (4) years, subject to the terms of a mutually acceptable Employment Contract to be executed by the parties, and subject to termination prior to the expiration thereof pursuant to statute.
NOW THEREFORE, BE IT RESOLVED by the Board of Linn County Commissioners as follows:
Section 1: Appointment of County Appraiser. Steve Thompson is hereby appointed as the County Appraiser for Linn County, Kansas for a term of four (4) years, from July 1, 2005 to June 30, 2009 unless his appointment is terminated pursuant to statute prior to the expiration of such term.
Section 2: Approval of Employment Contract. The Chairman of the Board of Linn County Commissioners and the County Clerk are hereby authorized to enter into, execute and deliver an Employment Contract or Contracts with Steve Thompson setting forth the terms and conditions of his employment by Linn County, Kansas as the County Appraiser, upon such terms and conditions as they deem appropriate, consistent with the County budgetary constraints for the period or periods involved.
Section 3: Compensation of County Appraiser. The County Appraiser appointed hereunder shall be paid as compensation for his services an annual salary as provided for the 8-hour County employees, which salary initially shall be the sum of \$ 43,769.04.
ADOPTED, APPROVED AND GIVEN BY THE BOARD OF LINN COUNTY COMMISSIONERS UNDER OUR HANDS AT THE COURTHOUSE IN MOUND CITY, LINN COUNTY, KANSAS THIS 27TH DAY OF JUNE, 2005.
BOARD OF COUNTY COMMISSIONERS,
LINN COUNTY, KANSAS
Herb Pemberton, Chairman
Larry Hall, Vice Chairman
James Ferrante, Member
Linn County Clerk
SEAL
ATTEST:
David L. Lamb, County Clerk

Joe Wurtz presented the SEK Mental Health 2006 Budget request. They are requesting a 5% increase. At Wurtz’s request, the Commission agreed to schedule a meeting with Bob Chase at a later date to discuss the budget request.

Karen Tuggle presented the Conservation District 2006 Budget requesting \$25,000.00 (same as 2005). Herb Pemberton moved to tentatively approve the Conservation District 2006 Budget in the amount of \$25,000.00. Larry Hall seconded the motion. The motion passed 3-0.

Noxious Weed Director John Maloney presented his Management Plan for 2006. Larry Hall moved to approve the 2006 Noxious Weed Management Plan. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:00 AM the Commission took a 5 minute break.

Myron Stroup informed the Commission that the Comprehensive Plan Committee recommends hiring JEO Consulting Group, Inc. to update the Linn County Comprehensive Plan. Larry Hall moved to accept the recommendation of the Comprehensive Plan Committee and to tentatively approve hiring JEO Consulting Group, Inc. pending contract approval in the amount of \$30,000.00. Herb Pemberton seconded the motion. The motion passed 3-0. \$10,000.00 will be paid from the 2005 Planning & Zoning Budget and \$10,000.00 will be paid from the 2005 Economic Development Budget. The remaining \$10,000.00 will be paid with 2006 funds.

Economic Development Director Dennis Arnold presented his proposed 2006 Budget. After discussion, the Commission agreed to increase the proposed budget by \$5,000.00 and to pay the remaining \$10,000.00 to JEO Consulting Group, Inc. from the 2006 Economic Development Budget. Larry Hall moved to tentatively approve the Economic Development 2006 Budget in the amount of \$112,925.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to appoint Larry Hall, Jim Ferrante, and David Lamb to the SEK Regional Planning Commission General Commission. Larry Hall seconded the motion. The motion passed 3-0.

Bill Van Kirk updated the Commission on Community Corrections. He advised the Commission that Lu Warren has resigned as Director and he has accepted the position.

Nutrition Director Marilyn Augur presented her 2006 Budget request. Commissioner Hall asked Augur for attendance records by location. Augur stated that she will have to compile the information and report it at a later date. Larry Hall moved to tentatively approve the Elderly 2006 Budget in the amount of \$400,115.00. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report and the YTD Emergystat Report.

Larry Hall gave an update on Sexual Harassment Training from the Austin Peters Group. Larry Hall moved to approve the Austin Peters Sexual Harassment Training for all employees in the amount of \$1,800.00. Jim Ferrante seconded the motion. The motion passed 3-0.

County Clerk David Lamb updated the Commission on HAVA requirements. We still don’t know how much money the State is going to provide for ADA voting machines, but we have to have them in every polling place next year. We may have to purchase some machines with County funds.

The Clerk also updated the Commission on the County website. Commission Minutes and Agenda, and Tax Sale information are now being posted on the site. Dennis Arnold is planning on a major update to the Economic Development page. There is also a page for Commissioners comments.

Jim Ferrante discussed Courthouse repairs. He would like to have someone that works on historical buildings look at the Courthouse and make suggestions. He also discussed getting warranties from contractors, passing a Burn Resolution, and various other topics.

Larry Hall moved to instruct Gary Thompson to proceed as quickly as possible with the Olathe Medical Center contract on the clinics and to change the contract date to August 1, 2005 if possible. Jim Ferrante seconded the motion. The motion passed 3-0.

At 12:43 PM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss acquisition of real estate. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 12:48 PM the executive session ended. No action taken.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Tuesday, July 5th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

July 5, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$63,908.11; Employee Benefit, \$81,825.20; Appraiser, \$7,818.67; Rural Fire, \$4,420.08; Road & Bridge, \$31,047.25; SRO, \$1,060.09; Hospital Board, \$32,411.76; Crime Victim Assistance, \$745.47; Elderly, \$9,135.76. Larry Hall seconded the motion. The motion passed 3-0.

The Commission discussed purchasing a track hoe. The Commission instructed the Road Foremen to work up the specs. to go out for bids.

Jim Ferrante moved to approve a permit to bury water line requested by Anderson County RWD #1 located ¼ mile south of 1300 & Andrews Road. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve purchasing a tractor clutch from R & R Equipment in the amount of \$637.61. Jim Ferrante seconded the motion. The motion passed 3-0.

Sheriff Stites presented his 2006 budget request. After discussion, Herb Pemberton moved to tentatively approve the Sheriff's 2006 Budget in the amount of \$1,015,488.00 (\$37,782.00 increase). Jim Ferrante seconded the motion. The motion passed 2-1.

At 10:21 AM Jim Ferrante moved to take a five minute break. Larry Hall seconded the motion. The motion passed 3-0.

Dr. Hunt informed the Commission that he has contacted his Malpractice Insurance carrier and that the premium for August through December would be \$8,026.00. Dr. Hunt has asked his new employer to reimburse the County for that amount.

Solid Waste Coordinator Dale Deer presented his 2006 budget request. Larry Hall moved to tentatively approve the Solid Waste 2006 Budget in the amount of \$426,600.00 (\$61,600.00 increase). Jim Ferrante seconded the motion. The motion passed 3-0.

Park Manager Bruce Holt presented the Park 2006 Budget request. Larry Hall moved to tentatively approve the Park 2006 Budget in the amount of \$246,000.00 (no increase). Jim Ferrante seconded the motion. The motion passed 3-0.

Ed Samyn asked the Commission about the possible blacktopping of Paine Rd. He suggested blacktopping Paine Rd. south to the Prescott road instead of north of K52. Samyn also asked about signs on culverts. He stated that some signs need to be replaced and that some culverts have never been marked. The Commission said that they would ask Larry Robinson to investigate.

Fire Chief Bernard Streeter presented the 2006 Rural Fire and Emergency Preparedness Budget requests. Larry Hall moved to reduce the Rural Fire Budget request by the amount needed to pay off the existing lease purchase agreements. After lengthy discussion the motion died for lack of a second. Jim Ferrante moved to tentatively approve the Rural Fire 2006 Budget as requested in the amount of \$430,900.00 (\$17,000.00 decrease). Herb Pemberton seconded the motion. The motion passed 2-1.

Larry Hall moved to tentatively approve the Emergency Preparedness 2006 Budget in the amount of \$19,000.00 (\$7,200.00 decrease). Jim Ferrante seconded the motion. The motion passed 3-0.

At 12:14 PM Herb Pemberton moved to recess for 30 minutes for lunch. Jim Ferrante seconded the motion. The motion passed 3-0.

Zoning Administrator Andy Mayhugh presented the Planning & Zoning 2006 Budget request. Mayhugh's proposal included adding an employee to his department, but increasing fees and LEPP grants to cover the additional cost. Larry Hall moved to instruct Mayhugh to prepare a resolution establishing a new fee schedule as proposed and to establish administrative fees. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to tentatively approve the Planning & Zoning 2006 Budget in the amount of \$67,665.00 (\$13,165.00 increase). Jim Ferrante seconded the motion. The motion passed 3-0.

At 1:00 PM at the request of Fire Chief Bernard Streeter, Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Fire Chief attended the executive session.

At 1:10 PM the executive session ended. No action taken.

Herb Pemberton moved to donate \$250.00 to the Silver Haired Legislature. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the IBM maintenance agreements for 1 year for the AS/400 in the amount of \$2,685.00. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk also presented an invoice from Infinitec, Inc. for software maintenance for the County's programs. The Commission instructed the Clerk to ask Infinitec about their fees, reducing costs, etc.

County Clerk David Lamb presented the 2006 Clerk, Election, and Jr. College Budget requests. The Clerk explained that the Jr. College tuition rate will decrease next year, allowing us to decrease the Jr. College Budget, and that he would like to use that savings for the Election Budget to purchase ADA compliant voting machines. Larry Hall moved to tentatively approve the Jr. College 2006 Budget in the amount of \$33,000.00 (\$30,550.00 decrease). Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to tentatively approve the Election 2006 Budget in the amount of \$73,000.00 (\$30,000.00 increase). Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to tentatively approve the Clerk 2006 Budget in the amount of \$129,000.00 (\$3,800.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton suggested putting alarm systems on the Rural Fire buildings and possibly on the Road Shops. No action taken.

Pemberton also mentioned selling our ambulance to Emergystat. He stated that Emergystat is planning on making us an offer.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 5:30 PM Wednesday, July 6th for the Special Meeting in La Cygne with KDOT. Larry Hall seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

July 6, 2005

The Board of Linn County Commission met in a special session at 5:30 PM in the La Cygne Community Center, La Cygne, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; Rex Fleming, KDOT; Sue Riley, KDOT; Dan Morris, Dist. #1 Foreman; and Larry Robinson, Traffic Control Coordinator.

Following is a copy of the Notice of Special Meeting:

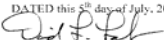
LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2668
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Larry Hall
Third District
Jim Ferrante

**NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS**

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 5:30 PM on Wednesday, July 6, 2005 in the La Cygne City Hall, La Cygne, KS 66040. This will be a joint meeting with the Kansas Department of Transportation to discuss replacing the Marais des Cygne on Highway 152 and other State Highway projects in Linn County and to take any necessary action concerning the projects.

DATED this 5th day of July, 2005.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Ellie Davey, County Treasurer
John Sutherland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Auger, Nutrition / Transportation

John Maloney, Nuisance Weed
Dennis Arnold, Economic Development
Bernard Streeter, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

KDOT Engineer Rex Fleming informed the Commission that KDOT is planning on building a new bridge over the Marais des Cygne River on K152, west of La Cygne. They will open bids in late 2007 with construction beginning in 2008. The new bridge will be located south of the existing bridge and the existing bridge will remain open during construction. They are planning on starting survey work in August 2005. The existing bridge has 2 – 12’ lanes with no shoulders. The new bridge with have 2 – 12’ lanes and 2 – 8’ shoulders.

The Commission asked about raising the road west of La Cygne to prevent flooding and about various problems on the highway east of La Cygne. Fleming stated that KDOT was aware of the problems, but that they are not included in this project.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Monday, July 11th. Larry Hall seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

July 11, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed and to approve the minutes of the July 6th special meeting as printed. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following pays/special pays: General, \$187,023.34; Appraiser, \$3,605.72; Rural Fire, \$11,034.87; Road & Bridge, \$217,612.89; 911 Telephone Tax, \$1,9267.28; Hospital Board, \$8,872.05; Special Alcohol, \$2,095.00; Elderly, \$10,877.92; Special Park & Rec., \$1,200.00. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the purchase of rebar for a bridge in the amount of \$5,590.20. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the Sheriff's Monthly Fee Report for June 2005. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the YTD Park Report through June 2005. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:21 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:31 AM the executive session ended. No action taken.

At 9:31 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:41 AM the executive session ended. No action taken.

Robert Chase presented the SEK Mental Health 2006 Budget request. Jim Ferrante moved to tentatively approve the SEK Mental Health Budget in the amount of \$79,800.00 (\$3,800.00 increase). Larry Hall seconded the motion. The motion passed 3-0.

Kristy Schmitz presented the Register of Deeds 2006 Budget request. Larry Hall moved to tentatively approve the Register of Deeds 2006 Budget in the amount of \$83,250.00 (\$8,880.00 increase). Jim Ferrante seconded the motion. The motion passed 3-0. This increase is an investment that should result in possibly lowering the budget in future years.

Steve Thompson presented the Appraiser & Re-Appraisal 2006 Budget requests. Herb Pemberton moved to tentatively approve the Appraiser 2006 Budget in the amount of \$285,000.00 (\$5,000.00 increase). Jim Ferrante seconded the motion. The motion passed 2-1. (Larry Hall voted no.) Jim Ferrante moved to tentatively approve the Re-Appraisal 2006 Budget in the amount of \$16,834.00 (no change). Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur presented the Site Analysis as requested by the Commission. Several residents from the Centerville area attended in support of the program.

At 10:46 AM Herb Pemberton moved to take a five minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Robert Stocking presented the Hospital Board 2006 Budget request. The Hospital Board is not requesting any tax levy for 2006. Larry Hall moved to tentatively approve the Hospital Board 2006 Budget in the amount of \$414,754.51 and stated that we may not have a Hospital Board and that we may put the money remaining in a separate fund. Jim Ferrante seconded the motion. The motion passed 3-0.

6th Judicial District Community Services Director Bill Van Kirk presented the KDOC Budget Summary & Award of Grant Funds Report. Van Kirk described the services that Community Corrections provides and stated that he is also planning on giving the Commission monthly reports. Larry Hall moved to approve the 6th Judicial District Community Services FY 2006 Budget Summary in the amount of \$301,676.48 (no cost to the County). Jim Ferrante seconded the motion. The motion passed 3-0.

Jerry Bedgood presented the Custodian 2006 Budget request. Jim Ferrante moved to tentatively approve the Custodian 2006 Budget in the amount of \$69,054.54 (\$6,485.00 increase). Larry Hall seconded the motion. The motion passed 3-0.

Bedgood also recommended hiring Wes McClain to replace Dan Smith. Jim Ferrante moved to hire Wes McClain as Custodian @ \$8.98 per hour (Range 3, Step A), to start as soon as Dist. #1 Foreman Dan Morris can release him. Herb Pemberton seconded the motion. The motion passed 3-0.

Ellie Davey presented the Treasurer 2006 Budget request. Larry Hall moved to tentatively approve the Treasurer 2006 Budget in the amount of \$158,100.00 (\$3,620.00 increase). Jim Ferrante seconded the motion. The motion passed 3-0.

John Maloney presented the Noxious Weed 2006 Budget request. Larry moved to tentatively approve the Noxious Weed 2006 Budget in the amount of \$87,519.00 (no increase). Jim Ferrante seconded the motion. The motion passed 3-0. This budget did not include additional money for the 3% salary increase, but Maloney stated that the budget could cover the additional 3% without increasing the total budget.

At 12:15 PM Herb Pemberton moved to recess for lunch until 12:45 PM. Larry Hall seconded the motion. The motion passed 3-0.

At 12:49 PM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Dennis Arnold attended the executive session.

At 1:04 PM the executive session ended.

At 1:05 PM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 1:04 PM the executive session ended. As a result of the executive session, County Counselor Gary Thompson explained that the Certificate of Participation Budget covers payments on the Tech-Parts Building in the La Cygne Industrial Park. The County has met it’s statutory duty of making the bond payments for 1 year, and by not budgeting for the payments, control of the Tech-Parts Building would revert to the bond holders. Larry Hall moved to give control of the Tech-Parts Building back to the bond holders by not appropriating any tax funds for payments for the budget year 2006. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to tentatively approve the COP 2006 Budget in the amount of \$-0- (\$181,313.00 decrease). Larry Hall seconded the motion. The motion passed 3-0.

At 1:28 PM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Fire Chief Bernard Streeter attended the executive session.

At 1:38 PM the executive session ended.

At 1:39 PM Herb Pemberton moved to extend the above executive session for 5 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 1:44 PM the executive session ended. As a result of the executive session Jim Ferrante moved that because of Streeter being the Fire Chief and the Emergency Management Director, to increase Streeter’s wages by \$3.24 per hour for Emergency Management to a total of \$19.00 per hour and to increase Cheryl Wallace to a Range 7 and increase her wages by \$2.00 per hour for Emergency Management to a total of \$12.56 per hour effective 7/16/05. Larry Hall seconded the motion. The motion passed 3-0.

Streeter also presented the new Automatic Aid Agreements as prepared by the County Counselor. He will present the agreements to the Cities involved.

Jim Ferrante moved to tentatively approve the Commissioner 2006 Budget in the amount of \$60,250.00 (\$1,675.00 increase). Larry Hall seconded the motion. The motion passed 3-0. This does not include a salary increase for 2006. The Commission agreed that they would not take the 3% COLA.

Andy Mayhugh presented Lot Split #05-181 requested by Jesse Secrest. Jim Ferrante moved to approve Lot Split #05-181. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve Resolution #05-24 establishing Planning & Zoning Fees. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-24:

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LINN COUNTY, KANSAS	
Resolution #05-24	
A Resolution Establishing A Schedule of Fees For The Linn County Planning and Zoning Department	
RESOLVED, THE GOVERNING BODY OF LINN COUNTY, KANSAS hereby establishes the following schedule of fees:	
Building Permits:	
Structures used as dwellings -	\$100.00
Commercial/Industrial Structures -	\$100.00
Accessory structure/addition over 100 square feet-	\$50.00
Accessory structure/addition under 100 square foot -	\$25.00
Sanitation:	
Construction of on-site wastewater system (new) -	\$50.00
Repair of existing system -	\$25.00
Site inspection -	\$50.00
Contractor License -	\$50.00
Sewage Hauler -	\$50.00
Zoning:	
Conditional Use Permit Application -	\$250.00
Re-Zoning Application -	\$250.00
Variance Application -	\$150.00
Exception Application -	\$150.00
Appeal Application -	\$150.00
Subdivision:	
Lot-split -	\$50.00
Boundary line adjustment -	\$50.00
Merger -	\$50.00
Plat (Minor) -	\$200.00
Plat (Major) -	\$300.00

Sign:
Any applicable sign: \$25.00
Any prior resolution or portion thereof in conflict with this fee schedule is hereby repealed.
PASSED AND ADOPTED by the Linn County Board of County Commissioners this 11th Day of July, 2005. This Resolution shall become effective upon publication in the official county newspaper.

Herbert Pemberton
Chairman

Larry Hall
Vice-Chairman

Jim Ferrante
Member

Attest: David Lamb, County Clerk



Jim Ferrante moved to enter into the LEPP Grant and sign the required forms. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to tentatively approve the Counselor 2006 Budget in the amount of \$46,372.00 (no increase). Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to tentatively approve the Fair Building 2006 Budget in the amount of \$3,000.00 (no increase) and the Fair Premium 2006 Budget in the amount of \$10,600.00 (no increase). Jim Ferrante seconded the motion. The motion passed 3-0.

County Clerk David Lamb presented the Health Insurance renewal quotes. The Epoch Group’s renewal quote was approximately a 25% increase. Several other quotes were also increases of 25% or more. Blue Cross and Blue Shield of Kansas quoted a plan with no major benefit changes that is approximately a 15% increase. Larry Hall moved to approve the Blue Cross and Blue Shield of Kansas quote and to

tentatively approve the Employee Benefit 2006 Budget in the amount of \$1,673,000.00 (\$140,000.00 increase). Jim Ferrante seconded the motion. The motion passed 3-0. The Clerk informed the Commission that because of the amount of carryover in the Employee Benefit Budget, this should only amount to approximately a ¼ mill increase.

Herb Pemberton moved to tentatively approve the Courthouse 2006 Budget in the amount of \$273,100.00 (\$2,300.00 decrease). Jim Ferrante seconded the motion. The motion passed 3-0. Larry Hall stated that he wants to look at restructuring the Courthouse budget and expenditures.

Jim Ferrante moved to tentatively approve the Contingency 2006 Budget in the amount of \$600,000.00 (no increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to tentatively approve the Ambulance 2006 Budget in the amount of \$385,000.00 (\$3,263.00 increase). Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to tentatively approve the EMS 2006 Budget in the amount of \$8,000.00 (\$3,200.00 decrease). Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to tentatively approve the Juvenile Intake 2006 Budget in the amount of \$39,000.00 (\$2,000.00 decrease). Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to tentatively approve the Special Building 2006 Budget in the amount of \$80,000.00 (\$32,000.00 decrease). Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to tentatively approve the Windfall 2006 Budget in the amount of \$517,013.00 (no increase). Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to tentatively approve the Historical Society 2006 Budget in the amount of \$24,000.00 (no increase) pending receipt of a list of expenses and bank balances from the Historical Societies. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to tentatively approve the 911 Telephone Tax 2006 Budget in the amount of \$75,000.00 (no increase). Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Monday, July 18th. Larry Hall seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

July 18, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Larry Hall asked that the previous week's minutes be amended as follows: Show that Hall voted no on the 2-1 vote on the Appraiser Budget, note that the Noxious Weed Budget included the 3% salary increase without increasing the overall budget, note that the Commissioners did not include a 3% salary increase in their budget, and various comments on other budgets.

Herb Pemberton moved to approve the minutes of the last regular meeting as amended. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$75,023.52; Employee Benefit, \$23,045.09; Appraiser, \$7,791.42; Rural Fire, \$2,441.28; Road & Bridge, \$32,599.07; Hospital Board, \$26,576.25; Crime Victim Assistance, \$745.47; Elderly, \$8,254.33. Larry Hall seconded the motion. The motion passed 3-0.

The Commission Chairman asked County Counselor Gary Thompson to explain to Glen Smith, our position concerning the road and lake entrance near his property. Mr. Smith says that the road is on his property. Thompson stated that our survey shows that the road is in the correct location and advised Mr. Smith that if Lake Chaparral has taken out his fence, he needs to deal directly with Lake Chaparral.

Jim Ferrante moved to approve the purchase of a planetary gear for a skid loader from Martin Tractor in the amount of \$1,440.00 plus shipping. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to pay for the paving at the Sheriff's office and the fairgrounds from the General Fund. Jim Ferrante seconded the motion. The motion passed 3-0.

Ron Wade, Wade Quarries, informed the Commission that he will have 34,000 to 40,000 tons of AB3 left from the PWWSD #13 project that he would sell to the County for approximately \$2.95/ton. The Commission told Mr. Wade that we would like to purchase the AB3 over the next 2 years.

John Maloney informed the Commission that he worked at the 4 State Farm Show last weekend. He also told the Commission that he needs to get the fuel gauge repaired on his truck.

Maloney also talked to the Commission about salaries. He would like to see higher increases in salaries next year.

Larry Hall moved to purchase 10 tires for dump trucks in Dist. #2 in the amount of \$2,650.00. Herb Pemberton seconded the motion. The motion passed 3-0.

John Black asked about fences on the County right of ways. The Counselor will write a notice for the paper informing property owners that fences should not be on County right of ways.

Black also asked about using Foote Construction instead of Thoele Foundations for the Olinger Road culvert. Larry Hall moved to instruct Black to contact Foote Construction for the culvert work. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to lease a John Deere Excavator for 1 month for \$5,400.00 from Murphy Tractor & Equipment. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to purchase 16 dump truck tires for Dist. #3 from Cross Midwest for \$4,240.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury telephone cable, bored under the road, requested by Sprint United located at 500 Road and 3rd Street, Blue Mound. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve publishing a notice about fences on County right of ways as prepared by the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0.

Kathy Rutherford presented the results of the Communications Council meetings to the Commission. Suggestions from the Communications Council were: increase vacation to 20 days per year for employees with 15 years employment, 25 days per year for employees with 20 years, 30 days per year for employees with 25 years, increase the vacation carryover to 120 hours, increase the paid funeral leave for a friend or coworker's funeral from 2 hours to 4 hours, and to offer direct deposit of payroll checks. The Commission informed Rutherford that they will make a decision on these suggestions within 1 month.

At 10:42 AM Herb Pemberton moved to take a 10 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Around 20 full time employees, several firefighters, and some residents were in attendance concerning the raises that were given last week to Bernard Streeter and Cheryl Wallace. The Commission asked if anyone had any comments on this subject and asked that each person limit their comments to 5 minutes.

Ed Samyn asked about the Fire Budget, stating he was opposed to paying off the lease purchase agreements, and commented that he thought the firefighters should be the ones that received raises.

Paul Filla asked how the decision was made for the raises, what had changed in their duties. He asked the Commission to compare the salaries to other departments.

Sheriff Stites then addressed the Commission, stating that Homeland Security also affects the Sheriff's Office and EMS. He asked the Commission to leave the raises in effect and adjust other department up too. Treasurer Ellie Davey agreed with the Sheriff.

Fire Chief Bernard Streeter told the Commission that he has always tried to show long term goals in his budget. He also informed the Commission that Cheryl Wallace manages the department, that she is much more than just a secretary.

Prescott Station Chief Keith Bloomfield stated that he supports the decision for the raises.

At 11:27 AM, after various other comments from the audience, Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Fire Chief Bernard Streeter attended the executive session.

At 11:42 AM the executive session ended.

At 11:43 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:53 AM the executive session ended.

At 11:54 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:04 PM the executive session ended. As a result of the executive sessions, Larry Hall stated that Cheryl Wallace will be moved to a Range 5. Gary Thompson stated that moving Wallace to a Range 5 would be in line with the County’s pay scale for Wallace’s job. Larry Hall moved to change Cheryl Wallace to Range 5 with no change in salary. Jim Ferrante seconded the motion. The motion passed 3-0.

Ellie Davey presented the 2nd Quarter Interest Report and Delinquent Tax Report. YTD interest earnings are \$28,752.64 above YTD earnings last year and investments are \$637, 522.97 above YTD investments last year. Delinquent Real Estate Taxes are \$201,209.33 as of 6/30/05 and Delinquent Personal Property Taxes are \$64,596.95 as of 6/30/05.

Herb Pemberton moved to approve a Red Light Permit for Claude Warren, Mound City Police Officer. Jim Ferrante seconded the motion. The motion passed 3-0.

Andy Mayhugh presented 2 lot split requests. Jim Ferrante moved to approve Lot Split #05-182 requested by Larry Lybarger. Larry Hall seconded the motion. The motion passed 3-0. Larry Hall moved to approve Lot Split #05-183 and accompanying right of way requested by Larry & Bruce Holt. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the contract and pay schedule with JEO Consulting Group, Inc. for the Comprehensive Development Plan. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall presented his proposed “Linn County Team Approach to Budget Development.” No action was taken.

At 12:57 PM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 1:12 PM the executive session ended.

At 1:13 PM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 1:28 PM the executive session ended. As a result of the executive session, Jim Ferrante moved to approve & sign the Memorandum of Agreement, Nursing Services Agreement, La Cygne Medical Office Lease, and Mound City Medical Office Lease with Olathe Medical Services, Inc. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to hold a Public Hearing regarding the refinancing of certain facilities for Kansas City Power & Light Company on August 8, 2005 at 9:00 AM. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, July 25th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

July 25, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

The Clerk informed the Commission that he had omitted one of the suggestions made by the Communications Council from last week's minutes. Larry Hall also asked that last week's minutes include that Ed Samyn was opposed to paying off the lease purchase agreements for Rural Fire.

Larry Hall moved to approve the minutes of the last regular meeting as amended. Jim Ferrante seconded the motion. The motion passed 3-0.

At 9:05 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:10 AM the executive session ended. No action taken.

Dist. #2 Foreman John Black presented the proposed specs. for excavators. Herb Pemberton moved to go out for bids for new & used excavators. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve 2 permits to bury water lines requested by David Eastwood, Anderson Co. RWD #1 located at 1350 & Dingus Rd. and at 8739 W 1525 Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:35 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and County Appraiser Steve Thompson attended the executive session.

At 9:50 AM the executive session ended.

At 9:50 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:00 AM the executive session ended.

At 10:01 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:06 AM the executive session ended. No action taken.

CPA Terry Sercer presented the proposed 2006 County Budget. The County portion of the budget as presented shows a decrease of .430 mills. The total County, Rural Fire, & Hospital Board budgets as presented would decrease by .967 mills. Larry Hall stated that he has a problem with Road & Bridge and Rural Fire portions of the budget. Hall asked the Commission to commit to paving new roads next year. He does not want to approve the Road & Bridge budget without specific road projects for next year. Hall also stated that he wants to decrease the Rural Fire budget from \$430,900 to \$380,000. Larry Robinson stated that some engineering costs for the 5 Year Plan would need to be paid out of next year's budget. The Clerk noted that there was an error on the Mental Health line item in the budget. It should be \$79,800 instead of \$79,000. After lengthy discussion, Jim Ferrante moved to approve publishing the 2006 County Budget as corrected (adding \$800 to Mental Health), and to set the hearing for August 15, 2005. Larry Hall seconded the motion. The motion passed 3-0. Amounts in the budget could be decreased at the Budget Hearing but cannot be increased after the Notice of Budget Hearing is published.

Larry Hall moved to approve publishing the 2006 Linn County Hospital Board Budget as presented (\$422,065 with no tax levy), and to set the hearing for August 15, 2005. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to enter into and sign the Equipment Lease Agreement with Olathe Medical Services, Inc. for the equipment at the clinics. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to authorize the Hospital Board to enter into the Medical Records Agreement with Olathe Medical Services, Inc. Larry Hall seconded the motion. The motion passed 3-0.

At 11:08 AM Herb Pemberton moved to take a 5 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

County Clerk David Lamb presented salary schedule proposals. Lamb compared current County salaries to Statewide County averages and salary ranges. He proposed reclassifying some groups of employees to be more in line with averages around the State. The proposals varied in cost from \$4,229.02 to \$112,035.42 over what is being budgeted for next year. Lamb's recommendation was an option that would cost \$83,685.19 over next year's budget and his suggestion was to pay for that increase from the Contingency line item for 2006, and to have each department budget for the increase in following years. He also stated that step increases should be given on the employee's anniversary date instead of January 1st. Sheriff Marvin Stites, Treasurer Ellie Davey, and Register of Deeds Kristy Schmitz voiced their support for the proposed salary schedule changes. Lamb also stated that he did not expect a decision today, but would like for the Commission to study the proposals and come back with suggestions and/or questions. He also stated that he would be happy to go over the proposals in detail with each Commissioner individually. No action was taken.

Larry Robinson presented a time line for the 1700 Rd. project (5 Year Road & Bridge Plan). Robinson also presented traffic counts for Paine Road.

Jim Ferrante addressed the Commission concerning Larry Hall's proposal for the "Team Approach to Budget Development". Ferrante stated that he doesn't agree with Hall's suggestions and that he has many questions. Ferrante also suggested using merit based increases instead of the current Range & Step plan.

The Commission reviewed the Emergystat monthly report for June 2006.

Herb Pemberton moved to approve paying Schmitz Surveying Services \$1,125.00 for Paine Road surveying. Larry Hall seconded the motion. The motion passed 3-0.

At 12:19 PM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 12:29 PM the executive session ended. No action taken.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, August 1st. Jim Ferrante seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

August 1, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; and David Lamb, County Clerk.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following pays/special pays: General, \$64,015.36; Employee Benefit, \$39,639.61; Appraiser, \$7,791.42; Rural Fire, \$6,030.71; Road & Bridge, \$31,133.51; SRO, \$4.60; Hospital Board, \$25,628.88; Crime Victim Assistance, \$745.47; Elderly, \$7,940.40. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2004-236 & 237. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve Linn County Road Right of Way Burial Permit Addendum One for PWWSO #13. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a permit to bury telephone cable requested by Sprint United located at 9762 W 2300 Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve permits to bury telephone cable requested by Craw-Kan located on Underhill Rd., Ungeheuer Rd., 850 Rd., 1000 Rd., 1100 Rd., 1700 Rd., and 4th & Main (Trading Post). Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur informed the Commission that one of the air conditioner units at Bunker Hill is not working. Augur had a recommendation from one local contractor on how to fix the problem. The Commission advised Augur to get another recommendation and to go out for bids.

Larry Hall moved to approve the lease on Gilmore Airport with Thomas Gilmore. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that he had talked to Sean Shoopman concerning Coroner services. (Dr. Hunt has been our County Coroner.) Shoopman advised that the District Coroner will cover Linn County until we hire a new Coroner. Also, there are Death Investigators in Anderson County and Miami County that would be willing to take calls in Linn County if needed. Larry Hall moved that if Sean Shoopman is not available, to call Death Investigators from other Counties and to pay them \$100.00 per call plus mileage. Jim Ferrante seconded the motion. The motion passed 3-0.

Sheriff Stites presented information on the jail, lack of space, etc. The Sheriff also talked about water problems from heavy rains in the dispatch room. The Sheriff has a recommendation and cost estimate from Johnson County Dry Basements on how to solve the problems. The Commission suggested asking local contractors for bids too.

The Commission instructed the Clerk to have all Elected Officials and Department Heads sign all of their employee’s individual time sheets for future payrolls.

Andy Mayhugh presented CUP #0605302 & CUP #0605305. The Planning Commission recommended both CUP’s by a 7-0 vote. The Commission reviewed the following findings and conditions of the Planning Commission on CUP #0605302 requested by Joe wolf for a Truck Terminal for over the road trucking: Findings: This proposed operation could be defined as somewhat of a light industrial type of use. Location guidelines of the Comp. Plan on page 49 suggest items to be considered for industrial uses. Staff suggests that this proposal at this location does meet these guidelines. The installation of this use will not detrimentally effect nearby property if properly conditioned. The use conforms to the zoning nearby. Suggested Conditions: Truck parking area shall be covered with an all weather surface such as gravel or better, and truck parking area shall be screened with acceptable trees and/or shrubs. Larry Hall moved to approve CUP #0605302 and adopt Resolution #05-25. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-25:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 05-25
A RESOLUTION APPROVING CONDITIONAL USE
PERMIT # 0605302 (Wolf) TO PERMIT THE OPERATION
OF A TRUCK TERMINAL IN THE A - AGRICULTURAL ZONE

WHEREAS, Linn County, Kansas is a county municipal government with the authority to adopt zoning regulations and create zoning district boundaries as provided in K.S.A. 12-753; and

WHEREAS, Linn County did adopt countywide zoning regulations on June 22, 1981; and,

WHEREAS, the Linn County Planning Commission did, on June 23rd, 2005, publish a notice of a public hearing to consider Conditional Use Permit #0605302 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on July 12th, 2005 to consider said Conditional Use Permit for the operation of a Truck Terminal in the A - Agricultural Zone on property described in Section 1; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimonies did, by 7-0 vote, recommend approval of said Conditional Use Permit based on certain findings and subject to certain conditions;

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Linn County, after review of the recommendation of the Planning Commission together with all public comment finds to issue said Conditional Use Permit as follows:

SECTION 1: Conditional Use Permit #0605302 is hereby issued on the following described property: Commencing at the NW Corner of Section 17, Township 20, Range 25, Linn County, Kansas; thence along the N line of said NW 1/4, N 87 deg. 56'15" E 475.45 feet to the E line of US 69 highway and the POB; thence N 87 deg. 56'15" E along said N line, 1894.01 feet; thence S 01 deg. 49'01" E 938.82 feet; thence S 88 deg. 11' 01" W 1129.12 feet; thence N 01 deg. 49'01" W 351.49 feet; thence S 88 deg. 11'01" W .787.59 feet to a point on the E line of said US 69; thence along said E line N 02 deg. 06'22" W 25.84 feet; thence N 16 deg. 20'15" E 207.50 feet; thence N 02 deg. 05'45" W 356.23 feet to the POB. Containing 34.25 acres more or less.

SECTION 2: Conditional Use Permit #0605302 (Wolf) is issued for the property to be used as proposed in the submitted plans and materials and subject to the following conditions:

1) Truck parking area to be covered with an all weather surface such as gravel or better;

2) Truck parking area to be screened with acceptable trees and/or shrubs.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 1st day of August, 2005.

Chairman
Vice-Chairman
Member
Attest:
David Lamb - Clerk

The Commission reviewed the following findings and conditions of the Planning Commission on CUP #0605305 requested by PWWSO #13 for 3 water towers: Findings: Proposed towers conform to the character of the neighborhood. Proposed towers will not detrimentally effect nearby property. Proposed towers tie into a system which will benefit the health, safety, and welfare of County residents. Suggested Conditions: Tower property shall be fenced (6’ high chain link with barbed wire on top) to prevent unwanted entry. Properties shall be maintained in conformance with the Nuisance Abatement Act. Color of towers shall be sky blue. Larry Hall moved to approve CUP #0605305 and adopt Resolution #05-26. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-26:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 05-26

A RESOLUTION APPROVING CONDITIONAL USE PERMIT #0605305 (P.W.W.S.D. #13) TO PERMIT THE INSTALLATION AND OPERATION OF THREE WATER TOWERS IN THE A - AGRICULTURAL ZONE

WHEREAS, Linn County, Kansas is a county municipal government with the authority to adopt zoning regulations and create zoning district boundaries as provided in K.S.A. 12-753; and

WHEREAS, Linn County did adopt countywide zoning regulations on June 22, 1981; and,

WHEREAS, the Linn County Planning Commission did, on June 23rd, 2005, publish a notice of a public hearing to consider Conditional Use Permit #0605305 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on July 12th, 2005 to consider said Conditional Use Permit for the operation of a Water Treatment Plant in the A - Agricultural Zone on property described in Section 1; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimony did, by 7-0 vote, recommend approval of said Conditional Use Permit based on certain findings and subject to certain conditions;

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Linn County, after review of the recommendation of the Planning Commission together with all public comment finds to issue said Conditional Use Permit as follows:

SECTION 1: Conditional Use Permit #0605305 is hereby issued on the following described property:

Tower #1 - A tract of land in the SW corner of the NW ¼ of Section 25, Township 21, Range 23, Linn County, Kansas described as follows: Beginning at a point on the E. R/W line of K-7 Highway which is 800 feet N of the SW Corner of said NW ¼; thence Easterly and parallel to the S line of said Section 25, 100 feet; thence Northerly and parallel to the W line of said Section 25, 100 feet; thence Westerly and parallel to the Southerly line of said Section 25, 100 feet; thence Southerly along said Easterly R/W line 100 feet to the P.O.B.


Tower #2 - A tract of land lying in the NE corner of the NW ¼ of Section 14, Township 20, Range 22, Linn County, Kansas, described as follows: Beginning at a point on the Southerly R/W line of CR 2000 Rd, which point is 250 feet E. of the NW corner of said NW ¼; thence E. and parallel to the S. line of said Section 14, 50 feet; thence S and parallel to the W. line of said Section 14, 50 feet; thence W. and parallel to the said S. line of said Section 14, 50 feet; thence S along said W line of Section 14, 50 feet to the P.O.B.

Tower #3 - Commencing at the SW Corner of the SE ¼ of the SE ¼ of Section 24, Township 22, Range 24, Linn County, Kansas; thence E. on the S. line of said quarter section a distance of 317 feet; thence N. a distance of 20 feet to the N. R/W line of 600 Rd to the P.O.B; thence W a distance of 100 feet; thence E. a distance of 100 feet; thence S. a distance of 100 feet to the North R/W line of 600 Rd.; thence W. on the N. R/W line of 600 Rd. a distance of 100 feet to the P.O.B.


SECTION 2: Conditional Use Permit #0605305 (P.W.W.S.D. #13) is issued for the property to be used as proposed in the submitted plans and materials and subject to the following conditions:


- 1) Towers shall be fenced to prevent unwanted entry. Said fence shall be a minimum of 6 feet high chain link with barbed wire installed at the top;
- 2) Properties shall be maintained in conformance with the Nuisance Abatement Act;
- 3) Color of towers shall be sky blue.

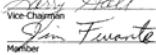
PASSED AND ADOPTED by the Linn County Board of County Commissioners this 1st day of August, 2005.




Attest:


David Lamb - Clerk


Chairman


Vice-Chairman


Member

Mayhugh also presented Lot Split #05-184 requested by Dale Wright. The Planning Commission recommended approval by a 5-0 vote on March 12th, 2002 pending legal description. Jim Ferrante moved to approve Lot Split #05-184 and accompanying road easement. Herb Pemberton seconded the motion. The motion passed 3-0. Jim Ferrante moved to approve Resolution #05-27 for rezoning to AR on the above mentioned property. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-27:

RESOLUTION 05-27

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS**

A RESOLUTION AMENDING ZONING ON SPECIFIC PROPERTY AND AMENDING THE OFFICIAL ZONING MAP

WHEREAS, pursuant to K.S.A. 12-759, the Linn County Planning Commission on **March 12th, 2002**, held a public hearing on Case **Z0202167 (Wright)** and after consideration of all the factors recommended approval to the Linn County Commissioners by a vote of 5 to 0.

WHEREAS, on the 1st day of **August, 2005**, Case **Z0202167** was heard before the Board of County Commissioners, Linn County, Kansas, as more particularly described below, and

WHEREAS, said case was heard before a duly called, qualified, and acting quorum of said Board of County Commissioners; and


WHEREAS, after due consideration of the issues presented and the overall land use plan for Linn County, Kansas, it is the desire of the Commissioners of Linn County, Kansas, to change, amend and modify the zoning classification of the real estate more fully described below, and to amend the official zoning map to reflect said change.

THEREFORE, be it resolved by the Board of County Commissioners of Linn County, Kansas, that the zoning classification of the following described real estate:


Beginning at the NE corner of the S. ¼ of the NE ¼ of Section 1, Township 22, Range 21, Linn County, Kansas, said point being 1321.80' S. 0 deg. 22'23" E. of the NE corner of said Section 1; thence continuing S. 0 deg. 22'23" E. 183.05'; thence N 89 deg. 43'50" W. 255.93'; thence S. 0 deg. 22'23" E. 134.46'; thence S. 89 deg. 39'09" W. 520.03'; thence N. 0 deg. 40'25" E. 333.09' to a point on the N. line of said South ¼; thence along said N. line, S. 89 deg. 43'50" E. 769.91' to the P.O.B. Containing 5.05 acres.

Shall be and is hereby changed to the classification of: **"AR"** - **Agriculture/Residential**

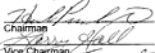
This resolution was passed and approved by the Board of County Commissioners of Linn County, Kansas, by a majority vote of same on this 1st day of August, 2005.

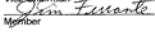



ATTEST:


David Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas


Chairman


Vice-Chairman


Member

At 10:15 AM Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Ruth McGrew addressed the Commission concerning increasing taxes, employee salaries, health insurance benefits, etc. The Commission, Clerk, Treasurer, and Sheriff answered questions from the audience concerning these issues. After lengthy discussion with the audience, no action was taken.

At 11:15 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Appraiser Steve Thompson attended the executive session.

At 11:25 AM the executive session ended. No action taken.

Larry Hall addressed the audience concerning budgets. Hall talked about overruns in the past few years, sharing employees between offices, computer games on County PC's, internet usage, Sheriff's potential overrun this year, control of County departments, etc.

Herb Pemberton discussed the increase in the Road & Bridge budget. He does want to improve more roads.

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Marilyn Augur explained the Nutrition/Elderly program and the services they provide.

The Clerk & Commission discussed a comparison of Linn County Salaries to surrounding Counties. The Clerk also discussed our self-funded health insurance plan.

Ed Samyn suggested eliminating the Economic Development Dept.

Dennis Arnold explained that Economic Development does more than just try to bring in big businesses. Arnold also stated that Tower Metals alone pays more in taxes than his yearly salary.

Sheriff Stites stated that we are becoming a training ground for other Counties because of our low salaries.

Treasurer Ellie Davey stated that employee retention is going to be a problem if we don't change the salary schedule to give increases beyond 15 years. Davey also stated that we have tried merit increases before and it didn't work well. She says that she evaluates her employees on an ongoing basis, not just once or twice a year.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, August 8th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

August 8, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Larry Hall moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$203,897.40; Appraiser, \$1,817.91; Rural Fire, \$21,829.04; Road & Bridge, \$205,914.98; Law Enforcement Trust, \$18.60; 911 Telephone Tax, \$2,783.39; SRO, \$80.00; Hospital Board, \$13,017.02; Elderly, \$10,131.15. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following add/abate/refund orders: 2004-238. Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that this was the time and place fixed for the purpose of conducting a public hearing on the proposal of the City of La Cygne, Kansas to issue revenue bonds on behalf of Kansas City Power & Light Company in an aggregate principal amount of \$35,922,000.00. Chairman Pemberton opened the public hearing. Mark English, KCPL Attorney addressed the Commission and the audience explaining the reason for the hearing. Mr. English stated that the County has no financial obligation for the bonds. Chairman Pemberton asked for comments and/or questions from the public, no one had any comments. Larry Hall moved to adopt Resolution 2005-28, approving the issuance of Revenue Bonds by the City of La Cygne, Kansas for Kansas City Power & Light Company. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #2005-28:

RESOLUTION NO. 2005-25

Section 1. This Board of County Commissioners, hereby finds and determines that opportunity for all taxpayers, residents and other interested persons to express their views for or against said proposed plan of financing, orally or in writing, was provided at said public hearing.

Section 2. This Board of County Commissioners does hereby approve said plan of financing in principle and the issuance by the City of the Bonds in an aggregate amount of not to exceed \$35,922,000 to refund all or a portion of the principal amount of the Prior Bonds pursuant to said plan of financing.

Section 3. This Board of County Commissioners does hereby declare that this Resolution constitutes the public approval of said plan of financing required by Section 14716(2)(A)(vi) of the Code, as well as the approval required by Section 12-1741a of the Act.

Section 4. This Board of County Commissioners does hereby approve and ratify the publication on July 21, 2005 in *The Lion County News* of the notice of the public hearing of this Board of County Commissioners with respect to the City's intention to issue the Bonds.

Section 5. This Resolution shall become effective immediately upon its adoption.

Adopted and approved this 8th day of August, 2005.

SEAL
LION COUNTY, KANSAS
Chairman
Board of County Commissioners

Attest: _____
County Clerk

Ayes: 3
Nays: 0
Absent: 0

WHEREAS, the Bonds, when issued, will be special, limited obligations of the City, and the principal of, premium, if any, and interest on the Bonds will be payable solely and only out of the revenues derived from a reassessment between the City and the Company and a pledge of the mortgage bond of the Company; and

WHEREAS, the Bonds and interest thereon shall not in any respect be a general obligation of the City or Lion County nor shall they be payable in any manner by taxation, and shall never constitute a debt or indebtedness of the City or Lion County, within the meaning of any provision or limitation of the statutes or Constitution of the State of Kansas, and shall not constitute or give rise to a pecuniary liability of the City or Lion County nor shall the faith and credit or taxing powers of the State of Kansas, the City or Lion County be pledged to the payment of the Bonds; and

WHEREAS, pursuant to Section 12-1741a of the Act, the approval of the Board of County Commissioners of Lion County, Kansas is required prior to the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lion County, Kansas, as follows:

STATE OF KANSAS)
COUNTY OF LION)

I, David L. Lamb, do hereby certify that I am the duly qualified and acting County Clerk of Lion County, Kansas, and as such officer I am the keeper of the records and files of the Board of County Commissioners of said County.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of a legally convened regular meeting and public hearing of said Board of County Commissioners held on August 8, 2005, insofar as the same relates to a public hearing regarding a plan of financing of the City of LaCygne, Kansas for Kansas City Power & Light Company and the approval of the issuance of revenue bonds by the City of LaCygne, Kansas for Kansas City Power & Light Company, that in the foregoing appears a true and correct original of resolution that was passed on the 8th day of August, 2005.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and impressed hereon the official seal of said County, this 8th day of August, 2005.

SEAL
LION COUNTY, KANSAS
County Clerk

Solid Waste Coordinator Dale Deer asked the Commission about taking bids for a new truck. The Commission advised Deer to go out for bids. Larry Hall asked Deer to compile information on the truck he would be replacing, to show the need for a new truck.

The Commission reviewed the YTD Park report.

Jim Ferrante moved to approve the Sheriff's Monthly Fee Report for July 2005. Larry Hall seconded the motion. The motion passed 3-0.

Don Crooks asked the Commission about the possibility of chipping & sealing Nickel Road north of Mound City. The Commission discussed paving roads and the associated costs. No decision was made.

Jerry Bedgood asked the Commission about buying scaffolding. Herb Pemberton moved to purchase the scaffolding for \$537.20. Jim Ferrante seconded the motion. The motion passed 2-1. The Commission agreed to pay for the scaffolding out of the Courthouse line item.

Bedgood also informed the Commission of wind damage to the Courthouse bell tower. The Commission instructed Bedgood to have Double K Construction repair the damage.

At 10:00 AM bids were opened for a copier for the Fire/Emergency Management office. Bids received were: Modern Copy Systems, Kyocera Mita 2050, \$2,650.00 (including government discount & trade); Digital Connections, Inc., Gestetner DSM 622, \$3,095.00 (including government discount & trade). No decision was made.

At 10:10 AM Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Sheriff Stites discussed his 2005 budget with the Commission. Larry Hall stated that the Sheriff is 8% over budget at this time. The Sheriff explained that insurance premiums for the year were paid in January, 2 patrol cars were purchased in March, arrests are up, inmate medical expenses are up (total spent thru July \$28,000.00), etc. Larry Hall asked the Sheriff if he thought he would stay within his budget for the year. The Sheriff stated that he does not know at this time, he can't predict the future. Sheriff Stites stated that he will try to stay within his budget, as he always tries to do, but he will not reduce services.

Larry Hall presented his ideas for Productivity Issues. Commissioner Hall proposed that: 1. All travel for departments not under an Elected Official be approved in advance, 2. The Clerk should do a study on peak workloads, employee sharing, and develop a plan to coordinate & cooperate between offices, 3. Remove computer games from all County computers, 4. Remove all internet connections not required to accomplish mission, 5. Increase span of control, too many individual/groups with no reporting structure, i.e. Solid Waste, Custodians, Noxious Weed, Planning & Zoning, Traffic Control, Economic Devel., etc. Commissioner Ferrante added: 1. All employees should call in

issues, such as noxious weeds, signs down, junk or trash in roads, etc. to the applicable department, 2. Select minimal size groups to be allowed to attend Commission meetings to express concerns, complaints, etc. Commissioner Hall also proposed merging the Noxious Weed Dept. and Planning & Zoning Dept. Andy Mayhugh stated that he would be willing to give it a try. John Maloney stated that working together could be good.

Larry Hall moved to allow the working relationship to be put into place between Planning & Zoning and Noxious Weed on a trial basis for 6 months. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to enact the Productivity Plan as presented. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission discussed the suggestions made by the Communications Council at the July 18th Commission meeting. Jim Ferrante stated that we shouldn’t make a decision on the vacation proposal until we make a decision on salary schedules. Herb Pemberton agreed. Larry Hall stated that he is not in favor of the additional vacation carryover. The Commission agreed to have the Clerk look into direct deposit of payroll checks, costs, etc. The Clerk mentioned that the additional funeral leave would not be a cost to the County and that 2 hours is not long enough to attend a funeral of a friend or coworker. No action was taken.

6th Judicial District Community Corrections Director Bill Van Kirk discussed linking the County website to the Kansas Adult Supervised Population Electronic Repository (KASPER). The Clerk told Van Kirk he could have that link added to the County website. Van Kirk also informed the Commission of \$950.00 in grant money received for the Methamphetamine Prevention Project. Van Kirk stated that Community Corrections can also provide tamper tags for anhydrous ammonia, and Meth. Watch signs that the County can install.

The Commission discussed the need for a new copy machine for Fire/Emergency Management with Bernard Streeter. Herb Pemberton moved to purchase the Kyocera Mita 2050 from Modern Copy Systems for \$2,650.00. Larry Hall suggested having Streeter look at other options before approving the purchase. The motion died for lack of a second.

The Commission and Clerk discussed the salary schedule. Jim Ferrante wants to look at the whole package, salaries & benefits. Herb Pemberton wants to give credit for prior experience when we hire new employees. Larry Hall mentioned that we haven’t budgeted for increases and that we need to look at the cost of benefits. The Clerk mentioned that our cost of health insurance is down from the 2004 KAC survey. Herb Pemberton suggested having the Commission get together for a special meeting to get the salary schedule issue resolved. Larry Hall suggested having an outside group come in to do a study on benefits & payroll, compared to other Counties. The Clerk stated that we need to compare population, valuation, parcel count, etc., not just population. Gary Thompson suggested discussing the issue at the August 29th Commission meeting, since it is the 5th Monday of the month and no department heads are scheduled for that meeting.

Jim Ferrante addressed the Commission and audience concerning taxes, budgets, etc. Commissioner Ferrante compared Linn County’s average mill levy (9th lowest in the State) with other Counties. He also stated that Linn County’s appraisal cost per parcel is the 12th lowest in the State. Ferrante also explained the reasoning behind the decision making on the 3 budgets that were tentatively approved by 2-1 votes.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, August 15th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

August 15, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$72,166.76; Employee Benefit, \$56,794.81; Appraiser, \$7,791.42; Rural Fire, \$2,763.03; Road & Bridge, \$44,267.58; Hospital Board, \$32,655.60; Crime Victim Assistance, \$745.47; Elderly, \$8,099.31. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury water line requested by Diversified Contractors located at 2200 Rd. & Hadsall Rd. Larry Hall seconded the motion. The motion passed 3-0.

Dist. #1 Foreman Danny Morris asked about hiring two new employees to fill opening he has now and the opening for the employee that is leaving in September. Jim Ferrante moved to hire Larry Erickson & Doug Brake as Truck Driver/Equipment Operators in Dist. #1 at \$9.24 per hour. Larry Hall seconded the motion. The motion passed 3-0. Erickson & Brake will take a pre-employment physicals and drug tests and be on normal County probation for six months.

Larry Hall moved to approve two permits to bury water lines, one requested by RWD #2 located on Paine Rd. and one requested by Bourbon County Consolidated RWD #2 located on East 200 Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to rent the John Deere Track Hoe for an additional month for \$5,400.00. Larry Hall seconded the motion. The motion passed 3-0.

Larry Robinson showed the Commission a map of roads that the State will turn over to the County after Highway 69 is completed.

Robinson also informed the Commission that he needed to purchase more signs. Larry Hall asked for a count of total signs needed & bids for the signs. Robinson stated that he needs 100 signs for bridges and 50 signs for box culverts. Jim Ferrante moved to go out for bids for 150 bridge signs. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:00 AM the Chairman opened the budget hearings for the 2006 County & Hospital Board Budgets. The Chairman addressed the audience concerning budgets. He then asked the audience for comments on the budgets and asked everyone to limit their comments to 5 minutes.

Mary Gilkison asked how much the spending increased. Not counting the Hospital Board, the budget went up \$342,877. Ed McGrew asked what the increases were for. Commissioner Hall went through each department's budget. Some of the bigger increases were: Road & Bridge, \$237,880; Employee Benefit, \$140,000; Election, \$30,000; Solid Waste, \$61,600; Sheriff, \$37,782. Ed McGrew stated that he would like to cut out the Economic Development Dept. Carolyn Boyle asked about keeping logs of mileage driven and fuel purchased. Mary Gilkison asked why the Rural Fire budget didn't go back down. Commissioner Ferrante responded that we are paying off the lease/purchase agreements & saving \$25,553 in interest and the budget includes buying new tankers. Tommy Tuggle asked if the Rural Fire budget would be reduced in 2007. Steve Johnson asked about doing a better job when we work on roads. He stated that 300 Rd. west of Prescott has a very large drop off the side of the road. Johnson also complained about noxious weeds growing in the roads, stating that roads have not been graded or sprayed. Charlene Sims asked about ambulance service on the west side of the County. The Commission stated that they are concerned and that Emergystat has one more year on their contract. Steve Johnson asked what the cost of taxes per person is in Linn County. Cheri Dunlop asked about 1077 Rd. near Parker, stating that the chip & seal job wasn't good. Commissioner Ferrante stated that the project has not been completed.

Herb Pemberton moved to approve the 2006 Hospital Board Budget as published. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall proposed making the following changes to the County budget: decrease the Custodian budget to \$67,581 (same as 2005), cut out the increase in the Road & Bridge budget unless we have a plan for paving more roads, cut the Rural Fire budget by \$75,000, cut out the \$5,000 increase in the Appraiser budget, cut 1/3 of the increase in the Sheriff budget, and possible cut other budgets by the amount budgeted for salary increases. The Commission discussed different ideas on the budgets. The Clerk gave his opinion on the budgets, stating that Linn County has the 9th lowest average mill levy in the State, that we are able to provide better services with lower taxes than surrounding Counties because of the power plant, that the large number of real estate parcels creates more work in the Courthouse, that we should see large increases in construction & population when Highway 69 is completed, and that cutting budgets & services would be a step backwards.

Jim Ferrante moved to approve the 2006 County & Rural Fire Budgets as published except to reduce the Custodian Budget to \$67,581. More discussion with the audience followed. Herb Pemberton seconded the motion. The motion passed 2-1. Larry Hall voted no.

At 11:43 AM Jim Ferrante moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur informed the Commission that she will have to go to a KDOT monthly meeting in Pittsburg. Commissioner Hall stated that he plans on sending a memo to departments clarifying the Productivity Plan.

Bruce Holt asked about the Productivity Plan. Holt informed the Commission that he has a 2 day class in Iola this week.

Holt also discussed Park fees. He proposed a \$1.00 increase in camping fees effective Jan. 1, 2006. Larry Hall moved to approve the increase as proposed. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to pay Olathe Medical Services, Inc. \$4,230.00 for providers that worked in the clinics during July. Jim Ferrante seconded the motion. The motion passed 3-0.

Andy Mayhugh presented 2 Lot Splits. Mayhugh recommended that we should approve both Lot Splits. Larry Hall moved to approve Lot Split #05-185 requested by Harvey Taylor and Lot Split #05-186 requested by Dale Wright and to accept the accompanying road easements. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold informed the Commission of the Business Appreciation Luncheon on Friday, August 19th. Arnold also asked the Commission about the travel policy & informed the Commission of monthly meeting he attends.

At 12:25 PM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Dennis Arnold, and Counselor attended the executive session.

At 12:35 PM the executive session ended. No action taken.

At 12:36 PM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:46 PM the executive session ended. No action taken.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Monday, August 22nd. Larry Hall seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

August 22, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Harvey Taylor addressed the Commission concerning the annual Neighborhood Night Out Against Crime. Larry Hall moved to approve donating \$2,000.00 to the Neighborhood Night Out Against Crime. Jim Ferrante seconded the motion. The motion passed 3-0.

Taylor also asked about increasing the reward for information on sign vandalism. Larry Hall moved to raise the reward for information on sign theft/vandalism to \$500.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Dale Deer stated that he should have 10% to 12% of his budget left this year. He would like to use this money for the down payment on his new truck. No action was taken at this time.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Sprint united located at 6998 Lyman Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2004-238. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a Cereal Malt Beverage License for Michael Miller dba Millers Corner, located at 20980 KS Highway 7. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney gave a report on Household Hazardous Waste collections. Maloney also reported on Noxious Weed spraying.

Bernard Streeter presented a list of copies his office has to make to show the need for a new copier. Larry Hall asked Streeter where he is on his budget. Streeter stated that he is under budget, but does not have the printouts with him to give an exact number. Commissioner Hall stated that Streeter needs to know exactly where he is in his budget when he asks for a purchase.

Streeter informed the Commission that 7 firefighters have just completed Firefighter I. Streeter also informed the Commission that we have been approved for the Fire Act Grant for wellness/fitness. The total amount is \$63,076.00, the County’s cost is \$3,153.80. In addition we are also receiving a Kansas State Forestry Grant for \$16,000.00 for wildland fire equipment. The County’s cost on that grant is \$1,600.00.

Streeter reported that he has met with the Cities concerning the Automatic Aid Agreements. The Cities asked about pro-rated amounts for County fire equipment on scene but not in use.

Streeter asked the Commission to hire 5 new firefighters that have completed their initial 3 month probation. Larry Hall moved to hire Lewis Jackson, Station 970; Brian Bloomfield, Station 960; Dustin Lowe, Station 960; Bruce Jeffers, Station 930; and Josh Haynes, Station 920 as part time firefighters. Jim Ferrante seconded the motion. The motion passed 3-0.

After receiving a copy of the Interim of Expenses from the Clerk’s office, Streeter reported that his Emergency Preparedness Budget is at 17% and his Rural Fire Budget is at 53%. Larry Hall moved to purchase a Kyocera Mita 2050 copier from Modern Copy Systems for \$2,650.00. Jim Ferrante seconded the motion. The motion passed 2-1.

The Commission opened bids for the Bunker Hill Air Conditioner. Bids received were: Douglas & Sons, \$6,875.00 and Chester & Sons, \$7,500.00. The Commission asked Gary Thompson and Marilyn Augur to review the bids.

At 10:17 AM Jim Ferrante moved to take a 15 minute break. Larry Hall seconded the motion. The motion passed 3-0.

The Commission opened bids for propane. The only bid received was from United CO-OP for \$1.20 per gallon. Jim Ferrante moved to accept the bid from United CO-OP at \$1.20 per gallon. Herb Pemberton seconded the motion. The motion passed 3-0.

Bill Van Kirk asked the Commission about using the 6th Judicial District Community Services Budget Carryover for 2 officers to make approximately 15 roundtrip home verifications in all 3 Counties. Larry Hall moved to approve the requested carryover funds. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:40 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss the possible acquisition of real estate. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Al Hurt attended the executive session.

At 10:55 AM the executive session ended. No action taken.

Larry Hall presented a copy of a Mileage Report & Log Form used by SEK-CAP. Jim Ferrante stated that he would also like to see maintenance records on County vehicles added to the form. Herb Pemberton stated that we do keep maintenance logs on vehicles.

Herb Pemberton moved to reschedule the September 5th Regular meeting to September 6th due to Labor Day. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved that the County Clerk be in charge of the bulletin board in the Courthouse, to monitor the board for content. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, August 29th. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

August 29, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

At 9:06 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss legal issues with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Dale Deer attended the executive session.

At 9:16 AM the executive session ended.

At 9:17 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:22 AM the executive session ended. No action taken.

Jim Ferrante moved to pay Infinitec, Inc. \$14,092.00 for software support and maintenance for 1 year. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to hire Audrey Schuster as a Substitute Compactor Operator @ \$6.00 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission agreed to let the Methodist Women's group use the Courthouse lawn for a croquet tournament to benefit Toy Express on Sept. 17th.

At 9:30 AM the Commission opened bids for an excavator. Bids received were: Murphy Tractor & Equipment, John Deere 200C LC, \$151,250.00 - \$10,800.00 (rent paid) = \$140,850.00; Martin Tractor Company, Caterpillar 320CL, \$164,310.00; Victor L. Phillips Company, Hyundai 210 LC-7, \$134,060.00. Larry Hall suggested waiting until next week to make a decision. He would also like to see an estimate of how many hours per year we will use an excavator. The Road Foremen will review the bids and make their recommendation next week.

Larry Hall moved to approve a permit to bury water line requested by RWD #2 located at 500 & Scott Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to approve a permit to bury telephone cable requested by Peoples Mutual Telephone Co. located at 1650 & Newton Lane. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Robinson gave the Commission a list of locations around the County with the most sign damage.

Marilyn Augur informed the Commission that she had reviewed the Bunker Hill air conditioner bids. The Commission asked Augur to have both bidders come to next week's meeting.

At 9:55 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Dennis Arnold attended the executive session.

At 10:10 AM the executive session ended. No action taken.

At 10:12 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee and to discuss security issues. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Judge Smith attended the executive session.

At 10:22 AM the executive session ended. As a result of the executive session, the Commission announced that District Court is hiring Omar Crafton and Carolyn West as Bailiffs.

At 10:25 AM Jim Ferrante moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:35 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Sheriff Stites, and Deputy Darick Chapman attended the executive session.

At 10:45 AM the executive session ended.

At 10:45 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:00 AM the executive session ended.

At 11:00 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Sheriff Stites, and Deputy Chapman attended the executive session.

At 11:15 AM the executive session ended.

At 11:16 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. Sheriff Stites and Deputy Chapman left the executive session at this time. At 11:19 AM Andy Mayhugh entered the executive session.

At 11:26 AM the executive session ended. No action taken.

Chairman Pemberton asked if the public had any comments the salary schedules. Mary Gilkinson asked where the money would come from for additional salaries, would it come from the Contingency fund? Carolyn Boyle asked if the Contingency fund was for emergencies only. She stated that 2 years ago the Commission said that the Contingency fund was for emergencies, not for increasing budgets. Ruth McGrew stated that she had compared populations & budgets for 4 Counties, (Miami, Anderson, Bourbon, and Linn) and that Linn County had the highest budget per person. She also compared the number of employees. She stated that Miami County has 3 times the population but only 2 times the employees of Linn County. Ellie Davey stated that many of our taxpayers do not live in Linn County, and that a large percentage of our taxes are paid by non-residents. Herb Pemberton stated that he feels that we have several County employees that are underpaid. Larry Hall discussed looking at the whole package of salaries and benefits. Bob Lowe asked about paying for family health coverage, stated that a single employee doesn't get as big a benefit as a married employee. Ellie Davey discussed the study that The Austin Peters Group did on salaries, classifications, etc. Herb Pemberton said he would like to meet with elected officials concerning salaries. Jim Ferrante said he feels that: 1) The salary steps need to go from 1 to 30 years, 2) We should give credit for experience on new hires, 3) Life insurance should be for the employee only, 4) There should be a copay on health & life insurance, the employee should pay part of the premium, and 5) Employees should pay for family coverage. Mary Grosshart asked about having a committee of involved people do a study on salaries & benefits. Ed McGrew asked what ideas Herb Pemberton and Larry Hall have. Herb Pemberton said that we have employees that need raises. Jim Ferrante said he wants to compare total salaries & benefits with other Counties. Larry hall said he believes that out total package is competitive. He wants to drop the County contribution to the dependant life coverage and the cancer insurance coverage, and that if we increase salaries, employees should pay part of the health insurance. No action was taken.

Larry Hall presented his explanations of the Travel Policy, Computer Games & Internet Connections Policy, Increased Span of Control Policy, Cooperative Issues & Minimum Size Groups Policies, Official Bulletin Board Policy, and Productivity Plan for Courthouse Policy and asked that the policies be posted on the bulletin board.

Andy Mayhugh presented an addendum to the agreement on the Centerville Sewer Project. Jim Ferrante moved to approve and sign the Addendum to the Agreement for Engineering Services between Linn County and Shafer, Kline, & Warren, Inc. for the Linn County Sewer District #1. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Tuesday, September 6th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 1, 2005

The Board of Linn County Commission met in a special session at 2:30 PM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; John Sutherland, County Attorney, and Marvin Stites, Sheriff.

The Chairman read the following “Notice of Special Meeting”:

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Bernard Streeter, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Sheriff Stites informed the Commission of possible mold problems at the Sheriff's office. The Dept. of Labor is investigating the problem. It will take up to 30 days for the mold cultures to grow, so they have not ordered an evacuation of the building yet, but they did tell Sheriff Stites that there is every indication that there is a serious mold problem. The Sheriff believes that this is a liability issue and that we need to get everyone out of the building. All of the prisoners have already been transferred to other Counties.

The Commission and Sheriff discussed options on where to move the Sheriff's office. Some options discussed were: the old nursing home, the fairgrounds, leasing a trailer, and the old Noxious Weed building.

The Sheriff and Clerk are investigating various options and the Commission scheduled another Special Meeting for 3:00 PM on Friday, September 2, 2005 to discuss these issues again.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 3:00 PM Friday, September 2nd. Jim Ferrante seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 2, 2005

The Board of Linn County Commission met in a special session at 3:00 PM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Marvin Stites, Sheriff.

The Chairman read the following “Notice of Special Meeting”:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2568
Fax: 913-795-2889



COUNTY COMMISSIONERS

First District
Herb Pemberton
Second District
Larry Hall
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 3:00 PM on Friday, Sept. 2, 2005 in the Commission Room at the Linn County Courthouse Annex, 306 Main St., Mound City, KS 66056. This meeting will be held to discuss Jail issues and take any necessary action concerning those issues.

DATED this 1st day of September, 2005.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Elise Davey, County Treasurer
John Sutherland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Auger, Nutrition / Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Bernard Shewler, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

The Sheriff informed the Commission that the Bunker Hill building would not work because the public has access to the building. The Sheriff must have a secure location for dispatch and the NCIC terminal.

Commissioner Hall stated that he had talked to Aaron Beavers with the Dept. of Labor. Beavers told him that there could be other options. It might be possible to clean some areas of the building while using other areas.

The Clerk reported on costs of leasing a trailer for office space. It would cost approximately \$3,300.00 to lease a 12’ x 60’ trailer for six months. The Sheriff informed the Commission that it would take 2 trailers to have enough space for his office.

Larry Hall moved to lease a trailer from Williams Scottsman, Inc. for approximately \$3,300.00 for six months and to ask Aaron Beavers, Dept. of Labor to come down next week to work on a plan for cleanup. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to go out for bids on the foundation repair and on the roof repair for the Sheriff’s office. Larry Hall seconded the motion. The motion passed 3-0.

Dennis Arnold mentioned using the building in the La Cygne Industrial Park as a satellite office.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Tuesday, September 6th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

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September 6, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Larry Hall suggested two additions to last week's minutes. Jim Ferrante moved to approve the minutes of the last regular meeting and the two special meetings as amended. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$65,859.17; Employee Benefit, \$52,462.42; Appraiser, \$7,818.67; Rural Fire, \$4,723.07; Road & Bridge, \$29,375.60; 911 Telephone Tax, \$819.24; Hospital Board, \$648.91; Crime Victim Assistance, \$745.47; Elderly, \$9,138.56. Jim Ferrante seconded the motion. The motion passed 3-0.

Cheyenne Beisiegel asked the Commission who is responsible for mowing from the road to the fence? The Commission told Beisiegel that it is the County's responsibility to mow the right of way. Beisiegel stated that the right of way near his house needs to be mowed, but is very rough because the County cleaned out the ditch and left dirt a lot of dirt piled up. Harry Wisdom said he would look into it.

Herb Pemberton moved to pay for the asphalt used at the fairgrounds and at the Sheriff's office totaling \$4,644.51 from the Courthouse line item in the General Fund. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to purchase 160' of 18" plastic tubes and couplers for a total of \$1,431.00. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat monthly report for July 2005.

The Commission asked the Road Foremen how many hours they would use the excavator per year. The Foremen weren't sure, since they have never had an excavator before. Mike Lewis, Victor L. Phillips, Co., thought 1000 hours per year would be a good estimate. Jim Ferrante moved to approve purchasing the Hyundai 210 LC-7 Excavator from The Victor L. Phillips Co. for \$134,060.00. Herb Pemberton seconded the motion. The motion passed 2-1. Larry Hall voted no. The excavator will be paid for out of the Special Equipment Fund.

Dennis Arnold informed the Commission that Best Harvest Bakery was interested in leasing part of the Tech Parts building for storage. Jim Ferrante moved to lease part of the Tech Parts building to Best Harvest Bakery for \$2,000.00 per month plus a \$1,000.00 deposit through the end of the year on a month to month lease and to authorize the Chairman to sign the lease agreements. Larry Hall seconded the motion. The motion passed 3-0.

Arnold also informed the Commission of upcoming meetings he needs to attend.

Jim Ferrante moved to authorize the Chairman to sign the Applicant Assurance forms with Tom Adams Construction for the Centerville sewer project. Larry Hall seconded the motion. The motion passed 3-0.

Marilyn Augur discussed the Bunker Hill air conditioner bids. Douglas & Sons Heating & Air Conditioning explained his bid. He stated that there is some additional work that needs to be done that is not included in the bid. Augur also told the Commission about a drainage problem at the Pleasanton building. She would like to go out for bids to repair that problem. Herb Pemberton moved to approve the bid from Douglas & Sons for \$6,875.00 and to approve \$300.00 for additional work that needs to be done. Jim Ferrante seconded the motion. The motion passed 3-0. Jim Ferrante moved to pay the charges from the Elderly Fund. Larry Hall seconded the motion. The motion passed 3-0.

At 10:24 AM Larry Hall moved to take a 5 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Bernard Streeter asked for permission to take some parts to Kansas City for repairs. The Commission told him that was okay.

Streeter discussed the Automatic Aid Agreements with Pleasanton, Mound City, & La Cygne. Larry Hall moved to enter into the Automatic Aid Agreements with Pleasanton, Mound City, & La Cygne pending approval by the Cities and to authorize the Chairman to sign the agreements. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:44 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss legal issues with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Fire Chief Bernard Streeter attended the executive session.

At 10:49 AM the executive session ended. No action taken.

At 10:51 AM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Bernard Streeter attended the executive session.

At 10:56 AM the executive session ended. No action taken.

Wayne Westerman & Toni Sinker, Cook Flatt & Strobel Engineers, discussed the paving project for 1700 Rd. & 1650 Rd. from 1077 Rd. to US Highway 69. Westerman presented cost estimates for the project and discussed several problem areas where the road might have to be relocated or have extra work done on hills and curves.

Becky Crowder, The Austin Peters Group, discussed the Sexual Harassment Awareness Training that was held last week. She stated that almost 100 employees attended the training. She stated that she is preparing a CD that can be used for employees that were unable to attend and for new employees. She is also preparing suggestions for amendments to our Sexual Harassment Policy.

Treasurer Elect Carmen Self talked to the Commission about health insurance. She believes the employees should not have to pay for family coverage. Self gave the example that if she had to pay for family coverage, it would cut her take home pay approximately in half. Self also responded to last week's comments by Ruth McGrew about what employee benefits cost the taxpayers. She stated that employee

benefits cost the average taxpayer around \$40.00 per year. Ruth McGrew stated that she was referring to all County costs, not just employee benefits.

Treasurer Ellie Davey talked about the “Mission of the Courthouse”. She stated that our mission is to provide the best possible customer service to the public and that the best way to accomplish that is to keep employees happy. Davey said that employee morale is the lowest she has seen it in her 20 years as Treasurer. Davey listed the State agencies that each elected and appointed official is accountable to and stated that State Statutes and State Agencies, not the Commissioners, have the authority over the elected & appointed officials.

Davey also asked Becky Crowder if The Austin Peters Group considered employee benefits when they did the salary study six years ago. Crowder stated that they did consider employee benefits when they made their salary recommendations.

Herb Pemberton moved to adopt the Adjusted Option 4+ Salary Schedule on January 1, 2006 as presented by the County Clerk with the following exceptions: give the Mechanics, Melinda Bolling, Charles Bright, and John Byington a \$1.04 per hour raise immediately and to raise the Sheriff’s salary up to match the County Clerk’s salary immediately. Jim Ferrante said that he needs another 2 or 3 weeks to study the proposal. The motion died for lack of a second. Larry Hall stated that we didn’t budget for that much of a salary increase, we are going to have additional costs associated with the problems at the Sheriff’s office, and we need to compare to other Counties. Jim Ferrante stated that he wants to compare salaries & benefits with Miami, Allen, Anderson, Bourbon, & Franklin Counties.

Leon Hester addressed the Commission concerning issues at the Landfill/Transfer Station. He asked why we needed 48 hours notice to dump a roll-off truck and stated that he feels the County is in competition with private businesses by renting roll-offs. The Commission informed Hester that the 48 hour notice is needed to make sure we have staff available to sort the loads. Hester also asked about his CUP request for expansion at his rock quarry. Hester then asked about the requirements for being a Linn County business. The County Counselor stated that upon receipt of proper documentation, Hester Trash Service would qualify as a Linn County business. The Counselor also asked Hester about dumping Missouri trash, stating that due to our contract with the landfill at Arcadia, we could not accept Missouri trash. Hester stated that the trash he dumps at our transfer station comes from Linn County. Hester also asked if anyone was paying tipping fees? The Counselor stated that all the commercial services that are dumping at our landfill are Linn County businesses so they are not required to pay tipping fees.

Emergystat Director David Sweat talked to the Commission about purchasing the La Cygne ambulance. Sweat offered \$4,000.00 for the ambulance. The Commission did not think that was enough. Sweat asked what the Commission wanted for the ambulance? Sweat stated that the ambulance was a 1996 model with 170,000 miles. He then offered \$5,000.00 and stated that he was not authorized to offer more. Herb Pemberton asked Sweat about stationing an ambulance in the Parker/Centerville area. Sweat discussed the number of calls on the west side of the County and on the east side of the County. According to the number of calls, he stated that the existing ambulances were positioned correctly. Sweat said that it would be possible to station an ambulance on the west side, but it would take additional subsidies to do so. The Commission asked Sweat to work up an estimate of the additional costs for relocating or adding an additional ambulance.

Sheriff Marvin Stites gave the Commission an update on the problems at the Sheriff’s office. He stated that he has 1 trailer reserved, but needs 2 trailers to have enough space. The Sheriff has also contacted Sprint about moving the phone/911 system and Leon Staton about hooking up the sewer. He is also hoping to be able to run the electric service from the existing generator transformer box and stated that the trailers are all electric and would not require a gas hookup. Commissioner Hall stated that he was still planning on contacting Aaron Beavers, Dept. of Labor, to help us work on a plan for cleanup of the Sheriff’s office.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, September 12th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 12, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Larry Hall suggested an addition to last week's minutes. Jim Ferrante moved to approve the minutes of the last regular meeting as amended. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$194,827.27; Appraiser, \$3,234.35; Rural Fire, \$12,199.04; Road & Bridge, \$162,233.95; Special Machinery Fund, \$5,400.00; Law Enforcement Trust, \$78.56; 911 Telephone Tax, \$1,963.02; SRO, \$1,750.25; Hospital Board, \$8,709.26; Crime Victim Assistance, \$95.85; Elderly, \$13,205.30. Larry Hall seconded the motion. The motion passed 3-0.

Dale Deer discussed his need for a new truck. He stated that the frame rail on the current truck can't be fixed. Commissioners Hall & Ferrante suggested checking with local welders to see if they can fix the frame. Commissioner Pemberton asked if it would be possible to rent a truck. The Commission advised Deer to go ahead and get the truck that has been budgeted for next year ordered.

Deer also asked about taking semi tires to Weir for disposal for \$900.00 per load. The semi tires are hard on our tire cutter. Jim Ferrante moved to allow Deer to spend \$900.00 for disposal of semi truck tires. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to purchase rebar for the box culvert near Mound City Lake for \$926.25. Larry Hall seconded the motion. The motion passed 3-0.

At 9:27 AM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 15 minutes to discuss trade secrets of a corporation. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Dennis Arnold attended the executive session.

At 9:42 AM the executive session ended.

At 9:43 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Dennis Arnold attended this portion of the executive session.

At 9:48 AM the executive session ended. No action taken.

Andy Mayhugh presented Lot Split #05-187 requested by John Teagarden located south of Prairie View High School on Kansas Highway 152. Jim Ferrante moved to approve Lot Split #05-187. Herb Pemberton seconded the motion. The motion passed 3-0.

Bernard Streeter gave the Commission copies of the proposed new Standard Operating Guidelines for the Fire Dept.

Phil Tearney, Continental Coal Co. addressed the Commission concerning the Mine Creek bridge on Tiger Road. Tearney informed the Commission of increased demand for local coal by KCPL, and asked if Continental Coal Co. could use Tiger Road for loaded trucks. He stated that the Tiger Road route would cut several miles off their round trip to the Power Plant and it is a safer route than going through Missouri.

John Stolwick, Gordon Turner, and Greg Haupt with KCPL informed the Commission of problems with the railroad service delivering coal to the Power Plant. KCPL is planning on using more local coal to make up for the shortage.

Andy Mayhugh informed the Commission that Continental Coal Co. has worked well with the County in the past.

At 10:25 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Larry Robinson, and Andy Mayhugh attended the executive session.

At 10:40 AM the executive session ended.

At 10:41 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:46 AM the executive session ended.

At 10:47 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:52 AM the executive session ended. As a result of the executive session, the Commission asked Continental Coal Co. to apply for an amended CUP for driving their loaded trucks on Tiger Road when they start mining in Kansas. Continental Coal Co. will go ahead and drive loaded trucks from their Missouri mine on Tiger Road now.

Noxious Weed Director John Maloney discussed problems with property owners not spraying noxious weeds. The Commission asked the County Counselor to send another notice to the property owners.

Larry Thompson presented a report on the "Employee Exposure Risk Assessment" concerning the problems at the Sheriff's office. Thompson stated that after inspecting the Sheriff's office, he believes that there is a serious mold problem. He also stated that he believes that there are employee health issues due to the mold problems and that the clean up will be very expensive.

Sheriff Stites gave the Commission an update on the trailers that will be used as temporary office space. The 1st trailer is scheduled to be delivered tomorrow.

The Commission suggested getting bids for clean up of the building, to get an idea what our cost will be.

At 11:34 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss the possible acquisition of real estate. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Al Hurt attended the executive session.

At 11:49 AM the executive session ended. No action taken.

At 11:50 AM Jim Ferrante moved to take a 10 minute break.

Larry Hall moved to approve the Airport Liability insurance in the amount of \$2,000.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the bill from The Austin Peters Group for 2,800.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Commissioner Ferrante informed the Commission that we have a vacancy on the Local Selective Service Board.

Commissioner Ferrante asked about continuing with the Regional Jail Feasibility Study. The Commission agreed to continue.

At 12:18 PM Jim Ferrante moved to recess from the Board of Commissions meeting into executive session for 15 minutes to discuss trade secrets of a corporation. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Dennis Arnold attended the executive session.

At 12:33 PM the executive session ended. No action taken.

Larry Hall presented a “Budget Attainment Report Card”.

Andy Mayhugh presented a Stormwater Permit Application for the Centerville Sewer Project. Jim Ferrante moved to authorize the Chairman to sign the KDHE Stormwater Permit Application. Larry Hall seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, September 19th. Jim Ferrante seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 19, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Larry Hall moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following pays/special pays: General, \$82,292.19; Employee Benefit, \$28,035.02; Appraiser, \$7,791.42; Rural Fire, \$2,134.68; Road & Bridge, \$29,842.89; 911 Telephone Tax, \$819.24; Crime Victim Assistance, \$745.47; Elderly, \$8,080.60. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve repair bills from Martin Tractor for 2 road graders for \$949.18 each. Herb Pemberton seconded the motion. The motion passed 2-0.

John Black asked the Commission for permission to purchase 10 tires for the low-boy trailer @ \$265.00 each. Larry Hall moved to approve the purchase. Jim Ferrante seconded the motion. The motion passed 3-0.

Marilyn Augur informed the Commission that she has a monthly transit meeting in Pittsburg this week.

The Commission reviewed the YTD Park Report through August 2005.

Jim Ferrante moved to approve the Sheriff's Fee Report for August 2005. Larry Hall seconded the motion. The motion passed 3-0.

The Commission agreed to allow the Mound City First Baptist Church to use the Courthouse lawn for the Night Out Against Crime on Sept. 24th.

County Clerk David Lamb asked the Commission about training meetings for Fire Dept. personnel in Lawrence on Sept. 22nd and Topeka on Sept. 24th. Herb Pemberton moved to approve sending personnel to the meetings. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk also informed the Commission that Streeter has the bids ready to go out for the La Cygne Fire Station.

Jim Ferrante moved to authorize the Chairman to sign the Audit Representation Letter with Diehl, Banwart, Bolton, Jarred, & Bledsoe for the 2004 Audit. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk reported that he received a letter from PVD stating the County's appraisal performance is in compliance.

Larry Hall moved to continue to rent the ambulance access area for the Mound City Clinic from Jerry Roper for \$900.00 per year for 2005. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission also noted that the roof over ambulance walkway at the Mound City Clinic needs repair. The Commission has instructed Jerry Bedgood to look at it.

Larry Hall moved to appoint Cherry Buckley to the Planning/Zoning Committee replacing Bobby Lowe. Herb Pemberton seconded the motion. The motion passed 3-0.

Fred Kautt addressed the Commission concerning the Arts & Crafts Festival. He is concerned about the repairs on the entrance to the Fair Grounds. The Commission will have Larry Robinson check into it.

At 9:45 AM Larry Hall moved to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss legal issues with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Larry Robinson attended the executive session.

At 10:00 AM the executive session ended. As a result of the executive session, the Commission announced that the County has accepted the engineering study for the bridge on Tiger Road that allows Continental Coal Co. trucks to use the bridge at 15 MPH. The County will also hire an independent engineering company to see if the bridge can be posted at a different limit.

Bill Braden representing some of the Holiday Lakes property owners and neighbors addressed the Commission concerning the Continental Coal Co. trucks using Tiger Road. He is concerned about the coal trucks using Tiger Road. Braden asked if anyone contacted the railroad company concerning coal delivery? The Commission has not talked to the railroad company. He also stated that the Continental Coal Co. trucks are traveling above the speed limit on Tiger Road. Braden also discussed our drinking water supply in Linn County. He stated that burning the local coal adds more pollution to our area. He also stated that the property owners have a right to be heard on issues that affect their property. He believes that KCPL Unit #1 at La Cygne is one of the worst polluters in the country. Braden asked the Commission to not let Continental Coal Co. use Tiger Road for loaded trucks. Commissioner Hall stated that he toured the KCPL plant last week and that the coal supply is very low.

Sheriff Marvin Stites addressed the Commission concerning the problems at the Sheriff's office. The Sheriff informed the Commission that the results of the mold study are complete but they will not release the results until they can meet with the Commission and Sheriff. They would like to schedule that meeting for Oct. 6th at 10:00 AM. Larry Hall stated that he has a company coming at 1:00 PM today to study the problems with the Sheriff's office.

Commissioner Pemberton informed Larry Robinson of sign vandalism at several locations including 1950 & Showalter Rd.

At 10:39 AM Herb Pemberton moved to take a minute break. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve approximately \$1,000.00 to Bieber Engineering Technologies for the study that is being done on the Sheriff's office this afternoon paid for out of the Courthouse line item in the General Fund. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Schmitz addressed the Commission concerning salaries and benefits for County employees. Schmitz stated that he has heard that employee morale is very low. He believes that happy employees are the best employees and that the Commission should consider raising employee’s wages. Jim Ferrante discussed merit increases and the need for employee evaluations. Larry Hall discussed employee morale, he does not see a morale problem. Hall stated that wages have not been cut and that we changed to Blue Cross instead of Epoch, a change that most employees were in favor of. Herb Pemberton mentioned that our Sheriff and our mechanics receive very low pay. Hall stated that he is opposed to spending over \$80,000.00 that was not budgeted for next year. Hall stated that he was not opposed to salary increases, just wants to see how we compare to other Counties. Fred Kautt discussed the value of benefits, stating that he worked for Hallmark for 37 years because of the benefits. Mr. Kautt stated that most companies get independent companies to review salaries & benefits and ask the employees for their input. The Clerk stated that the study was done 6 years ago, but not fully implemented.

Herb Pemberton stated that he had been contacted by Karl Karrow, Kansas Dept. of Wildlife & Parks, concerning Trego Rd. The Clerk will check on an agreement with KDWP about using Trego Rd. as a dam for a duck lake.

Andy Mayhugh gave the Commission a list of Comp. Plan Steering Committee Members and a schedule of Public Input Sessions. Mayhugh asked for appointments from the Commissioners for the committee.

Herb Pemberton moved to recess until 1:00 PM at the Sheriff’s office. Jim Ferrante seconded the motion. The motion passed 3-0.

At 1:00 PM the Commission reconvened at the Sheriff’s office.

Commissioner Hall introduced Chris Bieber, Bieber Engineering Technologies, to the Sheriff and Commissioners. Mr. Bieber is going to take samples from the Sheriff’s office to give the County another opinion on the mold problem.

Larry Hall suggested having Gary Thompson contact the Kansas Dept. of Labor to try to get the results of their tests as soon as possible.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, September 26th. Jim Ferrante seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 26, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

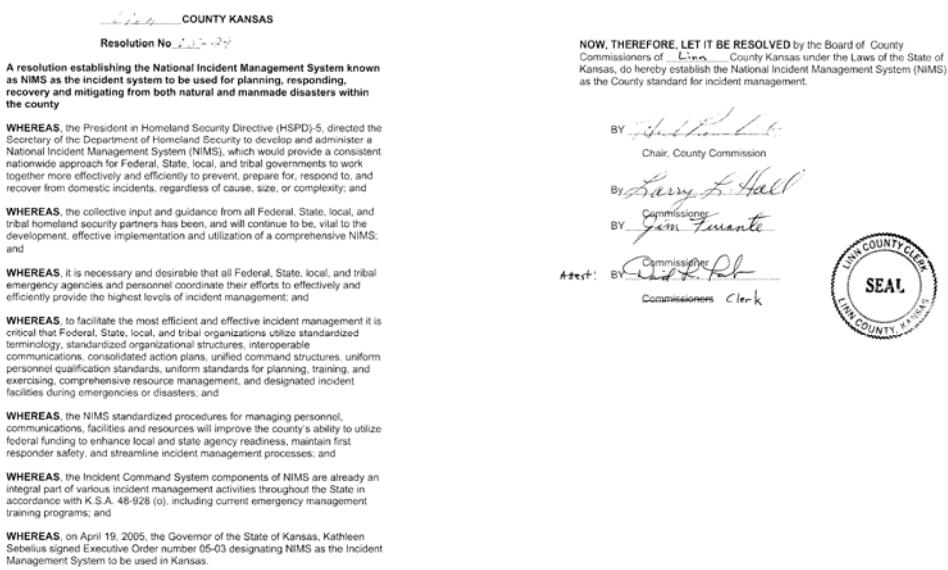
Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

At 9:02 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, & Joe Maloney attended the executive session.

At 9:17 AM the executive session ended. No action taken.

Joe Maloney reported that he and Dale Deer went to Kansas City and looked at a new roll-off truck. We could trade for a new Freightliner for around \$70,000.00. The Commission discussed a lease purchase agreement so we could go ahead and get the truck this year. The Commission will discuss it again next week. The Commission instructed Maloney to have someone look into welding the frame of the old truck.

Fire Chief Bernard Streeter presented a resolution concerning the National Incident Management System. Larry Hall moved to adopt Resolution #05-29. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-29:



Streeter informed the Commission that he was planning a meeting this Thursday concerning animal infectious diseases. The Commission was concerned that having the meeting this Thursday would not give all parties involved enough notice.

Streeter also informed the Commission that the Fire Board voted to change the organizational structure of the Fire Dept. to a Battalion Chief system. The current structure has a Chief and Assistant Chief at each station. The new structure would have 3 Battalion Chiefs, each over more than one station, and each station would have a Captain and Lieutenant. The Commission stated that they would like to study the system further before making a decision.

Terry Sercer, Auditor with Diehl, Banwart, Bolton, Jarred, & Bledsoe, presented the results of the 2004 audit. There were no budget or cash basis violations. There were also no statutory violations. Sercer discussed the management letter concerning the audit and also commented on itemized invoices accompanying credit card bills. The Commission stated they want proper documentation before bill is paid. Sercer also mentioned rotation of duties, Economic Development revolving loans (report to Commission on a quarterly basis), and accounting for old funds. The Commission stated that they want to prepare a resolution to discontinue the Community Policing Fund (#102) and the Economic Development Fund (#151). The Commission wants input from Sheriff Stites concerning the Special Vehicle Fund (#115) and from County Appraiser Steve Thompson concerning the Reappraisal Fund (#104) before any action is taken on those funds.

Ken Shetlar gave an update on the Centerville Sewer project. There will be a public meeting next Tuesday night concerning the project.

At 10:25 AM Larry Hall moved to recess for five minutes, and then at 10:30 AM to recess from the Board of Commissioners meeting into executive session until 11:00 AM to discuss legal issues (Attorney/Client privilege)with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Sheriff Stites, and Treasurer Ellie Davey attended the executive session.

At 11:00 AM the executive session ended. As a result of the executive session, the Counselor informed the audience that the Commission has talked to the Kansas Dept. of Labor concerning the mold problems at the Sheriff’s Office. The results are: Air Samples contained mold but less than outside, surface testing did contain mold. KDOL recommends fixing the water problems, cleaning up the surface mold, sending employees with problems to an Occupational Physician, and made no recommendation on reoccupation of building at this time.

Chris Bieber, Bieber Engineering Technologies, gave his report on mold findings at the Sheriff’s Office. Bieber did find mold problems, mainly in the jail area. He recommends fixing all water problems, zoning off areas with problems while the cleanup is being done, using

HEPA filters & negative pressure when cleaning, removing sheetrock up to 1 to 2 feet above floor, cleaning or replacing all duct work, following EPA standards, and using a certified mold abatement company.

Larry Hall suggested having Chris Bieber give us a recommendation on all work that needs to be done. The Commission asked the Sheriff to get at least 3 bids from companies that cleanup mold problems.

The Commission reviewed the August 2005 Emergystat Monthly Report.

The Commission reviewed the SEK Mental Health minutes from August 2005.

The Commission reviewed the Clinic Acc/Rec report.

Jim Ferrante moved to recess until 12:30 PM for lunch. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante presented his study on Total Compensation Analysis for Linn County. Commissioner Ferrante compared Linn County salaries and benefits to surrounding Counties. He stated that he feels that Linn County’s total compensation package is adequate and competitive with other Counties. He suggested that 1) All new hires should be hired at a salary commensurate with their knowledge/background, 2) Change the employee step process so that all employees will receive a step increase for all years of service, 3) Change the vacation schedule to 4 weeks after 20 years of employment, 4) If an employee deserves more money, the Dept. Head may submit a document and employee review to substantiate the increase for the Commission’s approval, and 5) All County employees receive a verbal & written review twice a year. After discussion with the audience and various County Officials and employees, no action was taken.

Larry Robinson reported on the entrances to the fairgrounds, KDOT has instructed the contractor to have both entrances open for Arts & Crafts.

Larry Robinson also reported that he has meeting in Ft. Scott on Oct. 11th concerning the US Highway 69 project.

Robinson reported that according to KDOT criteria, there is no problem with the Continental Coal Company trucks using the Tiger Road bridge at 15 MPH. He will post a new sign showing weight limits on bridge.

Steve Thompson, Pam Cannon, & Ann Brown from Appraiser’s Office discussed mapping, printers, etc. Larry Hall moved to authorize Steve Thompson to purchase the HP Business Inkjet 2800dt Printer from Tiger Direct for \$749.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Pam Cannon informed Commission that her maps show road right of ways, etc. on maps, but in some cases there is no road. She is concerned that someone will try to use a road shown on the map that does not exist. Herb Pemberton thanked Pam Cannon and Ann Brown for all their hard work in the Mapping Dept. Cannon also informed the Commission that she and Ann Brown would be attending the annual KAM Conference in Wichita next week.

The County Clerk reported on the computer game/internet policy.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, October 3rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

October 3, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to reschedule next week's regular meeting to 9:00 AM Tuesday, Oct. 11th due to the holiday on Monday. Jim Ferrante seconded the motion. The motion passed 3-0.

Andy Mayhugh presented a grant of Road Easement requested by Doug Dunlop. Jim Ferrante moved to accept the grant of easement. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Sprint located at 8160 W 2000 Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold informed the Commission of upcoming meetings he needs to attend. Thursday he has a meeting in Chanute for the Regional Planning Commission, Oct. 20th he has a meeting in Ft. Scott, and the following Friday he has another meeting.

Ray DeJulio, Taylor Design Group, talked to the Commission about County Unit Road Systems as opposed to a Township/County Road System. Linn County already uses a County Unit Road System.

Larry Hall moved to authorize the Chairman to sign the lease with Jerry Roper for the parking lot area at the Mound City Clinic. Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur informed the Commission that Katherine Reed, Centerville Site Manager has turned in her resignation. She would like to hire Sherry Ming for the position at \$7.03 per hour. Jim Ferrante moved to hire Sherry Ming as Centerville Site Manager at \$7.03 per hour. Larry Hall seconded the motion. The motion passed 3-0.

Also at the request of Marilyn Augur, Larry Hall moved to hire Lesa Wills as a Substitute Site Manager at Prescott for \$6.77 per hour. Jim Ferrante seconded the motion. The motion passed 3-0.

Augur also discussed work (drainage/water problems) that needs to be done at the Pleasanton Senior Center. Augur suggested having John Black and the Dist. #2 Road Crew do the work. Gary Thompson informed the Commission that we will need an easement with the adjoining landowner.

At 9:58 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 10:13 AM the executive session ended.

At 10:14 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:24 AM the executive session ended. No action taken.

At 10:25 AM Herb Pemberton moved to take a 5 minute break. Larry Hall seconded the motion. The motion passed 2-0.

At 10:30 AM Jim Ferrante moved to recess from the Board of Commissioners meeting into executive session for 20 minutes to discuss legal issues (Attorney/Client privilege) with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Sheriff Stites, Deputy Darick Chapman, and William Breckenridge attended the executive session.

At 10:50 AM the executive session ended.

At 10:50 AM Herb Pemberton moved to extend the above executive session for 20 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:10 AM the executive session ended.

At 11:10 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Larry Hall seconded the motion. The motion passed 3-0. William Breckenridge left the executive session at this time.

At 11:25 AM the executive session ended. No action taken.

Sheriff Stites presented a bill from Bieber Engineering Technologies for \$2,231.12 for the inspection and testing of the Sheriff's office. Bieber had estimated the inspection would cost around \$1,000.00. Commissioner Hall explained that the increase was due to additional testing that Bieber had not planned. Larry Hall moved to pay the bill from the Contingency line item in the General Fund. Jim Ferrante seconded the motion. The motion passed 2-1.

After discussion, Jim Ferrante moved to pay the Bieber Engineering Technologies bill from the Special Building Fund instead of from the Contingency line item in the General Fund. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk gave the Chairman a letter from KWORCC concerning Loss Prevention. KWORCC has no new recommendations concerning loss prevention and encourages the County to continue with our current loss prevention efforts.

Herb Pemberton moved to hold a Fence View between the properties of Greg & Sherri Gentry and Eric & Emily Thies located in Sec. 35, Township 20, Range 25 on Monday, November 7th, 2005 at 1:30 PM. Jim Ferrante seconded the motion. The motion passed 3-0.

County Clerk David Lamb gave a presentation on the Salary Schedule. Lamb and other Elected Officials and Department Heads met last week to discuss options. The Elected Officials and Department Heads are concerned that if adjustments are not made soon, they will start losing employees. Lamb stated that the actual average wage of all County employees is \$12.02 per hour. The average excluding Elected Officials and others not included on the Range & Step Schedule is \$11.54 per hour. Lamb stated that the Adjusted Option 4+ that he previously presented would raise those averages to \$12.71 and \$12.24, still below the \$12.92 as stated in Commissioner Ferrante’s proposal last week. Also the Adjusted Option 4+ would give all employees a step increase for each year of service. Lamb also stated that the additional funding required for this proposal is available in next year’s budget in the Contingency Personnel Services line item. After discussion with the Commissioners & Elected Officials no action was taken.

Jim Ferrante moved to approve the following pays/special pays: General, \$64,487.29; Employee Benefit, \$73,621.94; Appraiser, \$7,855.87; Rural Fire, \$5,145.78; Road & Bridge, \$37,522.70; 911 Telephone Tax, \$3.43; Hospital Board, \$65.00; Crime Victim Assistance, \$745.47; Elderly, \$8,552.35. Larry Hall seconded the motion. The motion passed 2-0.

Larry Hall moved to recess until 1:00 PM. Jim Ferrante seconded the motion. The motion passed 3-0.

At 1:05 PM Herb Pemberton moved to recess from the Board of Commissioners meeting into executive session for 30 minutes to discuss legal issues (Attorney/Client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Sheriff Stites, Deputy Darick Chapman, and County Attorney John Sutherland attended the executive session.

At 1:35 PM the executive session ended.

At 1:35 PM Herb Pemberton moved to extend the above executive session for 20 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 1:55 PM the executive session ended. No action taken.

At 1:57 PM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Fire Chief Bernard Streeter attended the executive session.

At 2:27 PM the executive session ended.

At 2:27 PM Jim Ferrante moved to extend the above executive session for 30 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 2:57 PM the executive session ended.

At 2:58 PM Herb Pemberton moved to extend the above executive session for 15 minutes. Larry Hall seconded the motion. The motion passed 3-0. Bernard Streeter left the executive session at this time.

At 3:13 PM the executive session ended. No action taken.

Bernard Streeter informed the Commission that Linn County has been awarded a 90/10 grant from Kansas Forest Service in the amount of \$13,520.00. The amount of federal funds to be provided with the grant is \$12,168.00.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Tuesday, October 11th. Larry Hall seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

October 11, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following pays/special pays: General, \$186,690.28; Appraiser, \$1,666.05; Rural Fire, \$6,881.51; Road & Bridge, \$138,641.16; Special Machinery Fund, \$5,495.00; Law Enforcement Trust, \$27.90; 911 Telephone Tax, \$1,961.87; Hospital Board, \$6,052.70; Elderly, \$18,782.95. Larry Hall seconded the motion. The motion passed 3-0.

At 9:02 AM Herb Pemberton moved recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 9:12 AM the executive session ended. As a result of the executive session, the Counselor explained that the County has a temporary note that is due at Citizens National Bank for \$10,500.00 for the Centerville Sewer Project. Jim Ferrante moved to pay the note at Citizens National Bank in the amount of \$10,500.00 plus interest paid out of Planning & Zoning. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve a permit to bury telephone cable requested by Sprint United located at 8090 Paine Rd. Jim Ferrante seconded the motion. The motion passed 3-0.

Marilyn Augur presented the contract with the East Central Kansas Area Agency on Aging for congregate meals and home delivery meals for FY 2006. Augur also presented an Agreement for Assessment & Data Entry with the East Central Kansas Area Agency on Aging.

The Commission reviewed the Park Year-To-Date Report through September 2005.

The Clerk asked the Commission if they want to renew the Concern, Inc. lease. The current lease expires on 11/15/05. The Commission does want to renew the lease. The Clerk will prepare the new lease.

Jim Ferrante moved that effective immediately all new hires and all employees hired after 1/1/05 will be hired at a salary commensurate with their experience instead of at the beginning rate. A request must be submitted by the Elected Official or Department Head and approved by the Commission. Larry Hall suggested raising the entry level for all positions. After discussion Jim Ferrante asked the Clerk to look back for 3 years to see how many employees this would affect. The motion died for lack of a second.

The Clerk reported on the computer policy. Larry Hall asked the Clerk to put a note on the bulletin board informing all departments that the reports should be turned in by the end of the month.

Herb Pemberton moved to put up a public bulletin board in the Courthouse. Jim Ferrante seconded the motion. The motion passed 3-0. The Clerk will purchase a bulletin board and have it installed.

Larry Hall moved to approve and sign the Contract for Services with East Central Kansas Area Agency on Aging. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:47 AM Larry Hall moved to take a break until 10:00 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson informed the Commission that he has a meeting with the US 69 Highway Association today. In the past Linn County has donated \$5,000.00 to the group for lobbying, etc. Larry Hall moved to donate \$2,000.00 from Economic Development if that budget has the money. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:08 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:18 AM the executive session ended.

At 10:19 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:24 AM the executive session ended. No action taken.

John Maloney asked the Commission about traveling to Coffey County this Friday for a meeting. The Commission had no objection.

At 10:30 AM the Commission opened bids for the new La Cygne Fire Station. Bids received were: Foote Construction, \$49,872.00; BC Construction, \$ 47,337.00; and General Steel Corp., \$77,860.00. The Commission asked Streeter to get information from BC Construction and Foote Construction concerning roof loading, warranty, etc. Streeter suggested re-bidding with more detailed specs. The Commission instructed Streeter to contact the 2 low bidders for additional information to be submitted in writing by next week's meeting.

Commission Pemberton asked the group of firefighters if they wanted to have a representative address the Commission for 5 minutes. Les Morse, Centerville Firefighter addressed the Commission, but stated that he was not speaking as a representative of the group. Morse told the Commission that he had been on the Fire Dept. for approximately 25 years. During that time the Fire Dept. has made a lot of progress. He stated that much of that progress has been in the last 5 or 6 years with Bernard Streeter as the Coordinator/Fire Chief. Morse stated that Streeter has done an excellent job and that he supports Streeter 100%. Morse also asked the Commission to support Streeter. Ruanne Robinson, retired Firefighter from Centerville stated that she agrees with Les Morse and supports Streeter. Wes McClain, Pleasanton Firefighter also stated that he supports Streeter.

Bill Allen, Pleasanton Mayor addressed the Commission concerning the Automatic Aid Agreements. Allen stated that the residents of Pleasanton pay around \$250,000.00 in taxes to the County. He does not think Pleasanton should have to pay additional money for fire protection from the County. Allen is also concerned about budgeting for the agreement. He stated that he would like to work together with County without costing the Pleasanton taxpayers more money.

Ralph Fitch, Linn Valley Mayor asked if Linn Valley residents pay County Fire taxes. Linn Valley is in the Rural Fire District and does pay County Rural Fire Taxes. Linn Valley was not asked to sign an Automatic Aid Agreement because they pay Rural Fire Tax.

Scott Stainbrook, La Cygne City Fire Chief stated that he has proposed to the La Cygne City Council that La Cygne should become part of the Rural Fire District instead of having their own Fire Dept.

Herb Pemberton stated that we have not had this agreement before, and that he doesn't want to charge Cities for responding to fires within the Cities. Pemberton also stated that Linn County does not charge other Counties for responding to fires. Bernard Streeter stated that he didn't know why the past agreements had not been renewed. Streeter also stated that this is a different situation than responding to other Counties. Other Counties only call us when needed for extraordinary circumstances, we have been responding automatically to calls in the Cities. Streeter said that this was not just his idea, but that his concern is that we are not charging taxpayers for services within Cities that do not pay Rural Fire tax. Larry Hall stated that we should try to increase our emergency services, and that he thinks charging Cities for our services would create a bookkeeping hassle, he is not in favor of the agreements. Jim Ferrante stated that he was looking at the fairness issue on taxing, etc. Gary Thompson stated that we do have to have an agreement in place. The issue is whether or not we charge the Cities for the services.

Larry Hall moved to sign the Automatic Aid Agreements with the Cities, but drop the charges. Discussion followed concerning Fire & Ambulance service. Herb Pemberton seconded the motion. The motion passed 2-1. Jim Ferrante voted no.

Ken Shetlar, Shafer, Kline, & Warren, updated the Commission concerning funding on the Centerville Sewer project. Shetlar presented adjustments that would keep the cost down to \$24.00 per household. Larry Hall moved to authorize a letter to KDHE & to Rural Development recommending the awarding of the Centerville Sewer Project contracts. Jim Ferrante seconded the motion. The motion passed 3-0.

County Treasurer Ellie Davey presented the Reconciliation of 2004 Taxes and the Delinquent Tax Report. Davey also presented the Interest Report for the quarter ending 9/30/05 and for the YTD. The Commission commended Davey for her years of service to the County.

At Noon new County Treasurer Carmen Self and Deputy Treasurer Carol Wood were sworn in by the County Clerk.

At 12:01 PM Larry Hall moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss personnel issues relating to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Fire Chief Bernard Streeter attended the executive session.

At 12:21 PM the executive session ended.

At 12:21 PM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:31 PM the executive session ended.

At 12:32 PM Herb Pemberton moved to extend the above executive session for 15 minutes. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Counselor, and William Breckenridge attended this portion of the executive session.

At 12:47 PM the executive session ended.

At 12:47 PM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 1:02 PM the executive session ended.

At 1:02 PM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 1:12 PM the executive session ended.

At 1:12 PM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 1:25 PM William Breckenridge left the executive session.

At 1:27 PM the executive session ended.

At 1:27 Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission & Counselor attended this portion of the executive session.

At 1:42 PM the executive session ended.

At 1:43 PM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Counselor, and Bernard Streeter attended this portion of the executive session.

At 1:58 PM the executive session ended.

At 1:58 PM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 2:10 PM Bernard Streeter left the executive session.

At 2:12 PM the executive session ended. No action taken.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, October 17th. Jim Ferrante seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

October 17, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

John Byington informed the Commission that our insurance company has a claim for damage to a vehicle from road oil, but it occurred on a road the State was working on. The Counselor informed Byington that we need to refuse the claim and advise that they should file their claim with the State. The Counselor will draft a letter to KCAMP informing them that it should not be our claim.

Herb Pemberton moved to approve the purchase of road salt in the amount of \$3,657.15. Larry Hall seconded the motion. The motion passed 3-0.

John Black informed the Commission that the Road Dept. radio repeater in the Sheriff's Office is not working properly. The repeater is very old and needs to be replaced. Black has asked two companies for bids for replacing the repeater.

At 9:35 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss trade secrets of a corporation. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and David Sweat attended the executive session.

At 9:45 AM the executive session ended. No action taken.

The Commission reviewed the Emergystat calls for September. David Sweat discussed the report, pointing out that most of the calls are on the east side of the County. For the month of September 2005, calls were as follows: East Side of the County – 14 refusals, 40 transports; West Side of the County – 3 refusals, 3 transports.

Sweat also informed the Commission that Emergystat would like to increase their offer for the County owned ambulance to \$6,000.00. Jim Ferrante informed the Commission that we have another offer of \$6,200.00. Jim Ferrante asked Sweat if Emergystat would match that offer. Sweat said he was only authorized to offer \$6,000.00. After discussion about keeping the ambulance in Linn County, Jim Ferrante moved to sell our ambulance to Emergystat for \$6,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Sweat asked if anyone in the audience had any questions about ambulance calls on the west side of the County. Jackie Walker asked if calls are low because of people transporting on their own instead of waiting for an ambulance. Sweat said that some people have transported on their own, but he didn't think it would make a large difference in the number of calls. Herb Pemberton asked how often we use helicopter transports? Sweat stated that air ambulance costs are 9 times higher than ground ambulances and they that try not to use air ambulances unless absolutely necessary.

Dennis Arnold presented a Housing Study for Linn County. In 2005 there have been 79 new homes in the County. 49.4% of the new homes have been built in the north 1/3 of the County, 29.1% in the south 1/3, and 21.5% in the middle 1/3. Price ranges of the new homes are as follows: Over \$150,000 – 11 homes; \$100,000 to \$150,000 – 21; \$50,000 to \$100,000 – 21; and Under \$50,000 – 26. Linn Valley had the most new homes in a city with 18, Mound City Township had the most new homes in a township with 15.

At 10:10 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a personnel issue relating to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:25 AM the executive session ended. No action taken.

Jim Ferrante moved to approve the following pays/special pays: General, \$61,483.99; Employee Benefit, \$44,910.62; Appraiser, \$7,791.42; Rural Fire, \$2,134.68; Road & Bridge, \$29,984.69; Crime Victim Assistance, \$745.47; Elderly, \$7,879.32. Larry Hall seconded the motion. The motion passed 3-0.

At 10:26 AM Larry Hall moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At the request of Marilyn Augur, Jim Ferrante moved to hire Melba Stevens as a Substitute Site Manager at Parker and Centerville @ \$6.77 per hour. Larry Hall seconded the motion. The motion passed 3-0.

Augur also informed the Commission that her advisory Council has suggested increasing the suggested donation for meals from \$2.00 to \$2.50. Larry Hall moved to raise the suggested voluntary donation for meals from \$2.00 to \$2.50 effective 10/1/05. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve & authorize the Chairman to sign the Agreement for Assessments & Data Entry with the East Central Kansas Area Agency on Aging. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for September 2005. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve and authorize the Chairman to sign a one year lease with Concern, Inc. for the property located north of the Courthouse Annex. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante gave a presentation concerning the Automatic Aid Agreements with the Cities. Ferrante discussed the cost concerns of the City of Pleasanton. Ferrante also showed examples of the mill levy required to fund the City Fire Departments versus the County Fire mill levy. Jim Ferrante stated that he would like to rescind last week's motion concerning the Automatic Aid Agreements. No action was taken.

The Commission discussed the suggestions from the Communications Council. Larry Hall suggested increasing the vacation to 4 weeks after 15 years of employment and to increase funeral leave for a friend or coworker from 2 hours to 4 hours. Also Larry Hall suggested

offering direct deposit after the 1st of the year when the new payroll program is in. Larry Hall moved to increase the vacation to 4 weeks after 15 years of employment, to increase funeral leave to 4 hours, and to offer direct deposit after the new payroll program is installed. Jim Ferrante seconded the motion. The motion passed 3-0. The changes will take effect on January 1, 2006.

The Commission received a call stating that Fire Chief Bernard Streeter advised to accept the low bid on the new Fire Station. The Counselor suggested having Streeter come in next week with all the bid information before a decision is made. Jim Ferrante asked about having County Employees put up the building. The Commission was not in favor of using County Employees.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Monday, October 24th. Larry Hall seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

October 24, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Herb Pemberton moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve hiring Vance Brothers to do core samples on 2200 Road (Power Plant Dam Road) for \$400.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to allow Harry Wisdom to purchase 2 loads of road salt for approximately \$2,250.00. Herb Pemberton seconded the motion. The motion passed 3-0.

At the request of District #1 Foreman Dan Morris at 9:07 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue relating to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, & Dan Morris attended the executive session.

At 9:11 AM John Black & Harry Wisdom joined the executive session.

At 9:17 AM the executive session ended.

At 9:18 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:28 AM the executive session ended. No action taken.

Sheriff Stites presented estimates for the mold cleanup at the Sheriff's office. Estimates were received from Bieber Engineering Technologies L.L.C. and Haz-Mat Response, Inc. Bieber Engineering Technologies L.L.C. estimated \$64,790.00, other bids will have to be given after remediation is complete; Haz-Mat Response, Inc. estimated \$420.50 per hour, \$262.00 per Roll-off Container, Solid Waste Disposal \$42.50 per ton, and Solid Waste Transportation \$350.00 per roll-off, est. time will be dictated on amount of contamination found. Jim Ferrante asked about references. Sheriff Stites stated that Haz-Mat Response, Inc. has a list of references online. Larry Hall suggested having Haz-Mat Response, Inc. tell us how long this would take, to figure a total cost for project. Gary Thompson suggested asking Bieber Engineering Technologies L.L.C. for an hourly rate and for estimated hours and asking Haz-Mat Response, Inc. for an estimate on total time/cost and itemized list of what will be done. Sheriff Stites reminded the Commission that the roof and foundation repairs need to be done first. Herb Pemberton questioned spending this much money on the building, is it worth it? Sheriff Stites also asked about addressing the sewer drain issue? Commission instructed the Sheriff to contact Johnson County Basements to see if their bid is still valid and to advertise again for local contractors for the surface water problem.

At 10:08 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue relating to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Sheriff Stites attended the executive session.

At 10:13 AM the executive session ended. No action taken.

Jim Kaup, representing the City of La Cygne, addressed the Commission concerning a proposed Interlocal Agreement between Linn County and the City of La Cygne dealing with land/growth issues around the City of La Cygne. After lengthy discussion, no action was taken.

Larry Walrod, consultant for the City of Linn Valley, addressed the Commission concerning the Interlocal Agreement. Linn Valley would have an interest in this agreement due to their proximity to La Cygne. Mr. Walrod stated that Linn Valley would be supportive to the philosophy of the agreement.

At 11:12 AM Jim Ferrante moved to take a 5 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:19 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a personnel issue relating to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:29 AM Fire Chief Bernard Streeter entered the executive session.

At 11:34 AM the executive session ended.

At 11:35 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:40 AM the executive session ended.

At 11:41 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:46 AM the executive session ended. No action taken.

Bernard Streeter informed the Commission of a meeting tomorrow in Chanute concerning foreign animal diseases.

Bernard Streeter discussed the bids for the new La Cygne Fire Station 950. BC Construction submitted the requested information on the bids. BC Construction’s building meets all requirements, clear span, load ratings, steel gauge, etc. BC Construction was also the low bidder. Herb Pemberton suggested hiring Eddie Andersen as an inspector for the building project. Jim Ferrante moved to award the bid to BC Construction in the amount of \$47,337.00. Larry Hall seconded the motion. The motion passed 3-0.

At 11:55 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue relating to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, & Jerry Bedgood attended the executive session.

At 12:05 PM the executive session ended.

At 12:06 PM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:16 PM the executive session ended. As a result of the executive session, the Chairman announced that Jim Ferrante acting as Department Head for the Maintenance Department was terminating the employment of Wes McClain. McClain was still in his initial six month probation period and no explanation was given for his termination.

Larry Hall moved to nominate Herb Pemberton as the voting delegate for the annual Kansas Association of Counties meeting. Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk asked the Commission about appointing a representative to the Juvenile Detention Board. No action was taken.

The Clerk informed the Commission that he had prices for a bulletin board to be purchased for the Courthouse for public use. After informing the Commission of the prices, the Clerk suggested using part of the existing bulletin for public use instead of spending over \$100.00 for an additional bulletin board. The Commission agreed to let the public use part of the existing bulletin board.

The Clerk informed the Commission that if we charge the Citizens National Bank temporary note payoff to the Planning & Zoning department, that department would probably go over budget for the year. The Clerk suggested paying off the note from the Contingency line item in the General Fund. The Commission agreed with the Clerk’s suggestion.

The Clerk also informed the Commission that in the past, the donation for lobbying to the US 69 Highway Association had been paid from the Courthouse line item, not the Economic Development line item. The Commission agreed to pay the donation from the Courthouse line item in the General Fund.

Jim Ferrante informed the Commission that the concrete on the gazebo is deteriorating. Jerry Bedgood will get bids for repairs to the concrete.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, October 31st. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

October 31, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve a permit to bury telephone cable requested by Sprint United located at Ingram Rd. and at 1600 Rd. & KS Highway 7. Jim Ferrante seconded the motion. The motion passed 3-0.

The Road Foremen & Asphalt Foreman reviewed their YTD Budgets.

Harry Wisdom informed the Commission that the stump jumper on the boom mower is broken. Jim Ferrante moved to repair the stump jumper for approx. \$750.00. Larry Hall seconded the motion. The motion passed 3-0.

Dennis Arnold informed the Commission of upcoming meetings he needs to attend. In addition to his normal monthly meetings, he has meetings coming up in Topeka, Wichita, and Liberty.

Fire Chief Bernard Streeter asked the Commission to hire 4 new Firefighters. Jim Ferrante moved to hire Jimmie Whitworth, Station 950; Clint McCammon, Station 950; Tara Morse, Station 930; and Jacob Minor, Station 960. Larry Hall seconded the motion. The motion passed 3-0.

Eddie Andersen addressed the Commission concerning being the inspector for building the fire station at La Cygne. Andersen is interested in doing the job.

The Clerk informed the Commission that we need to pay BC Construction \$23,669.00 for a 50% down payment on the new La Cygne Fire Station. Herb Pemberton moved to pay BC Construction \$23,669.00. Larry Hall seconded the motion. The motion passed 3-0.

Streeter also asked if Gary Thompson was going to rewrite the Automatic Aid Agreements with the Cities. The Commission instructed Bernard Streeter to ask Gary Thompson to rewrite the Automatic Aid Agreements, removing the charges to the Cities.

Marilyn Augur addressed the Commission concerning her budget. Augur has talked to Auditor Terry Sercer about amending her budget. Sercer advised waiting until the October expenses are in, then amend budget. Augur estimates that she will be less than \$20,000 over budget. The Clerk advised waiting until we see if any other budgets need to be amended, and then do them all at once. Augur also stated that she has a freezer that is not working.

Marilyn Augur also asked to hire Dorothy Kincaid as a Substitute Site Manager @ \$6.77 per hour. Jim Ferrante moved to hire Kincaid. Larry Hall seconded the motion. The motion passed 3-0.

Sheriff Stites addressed the Commission concerning bids on jail repairs. No one has responded to his request for bids. The Clerk stated that he did have one inquiry from Foote Construction. The Sheriff said Foote has not contacted him. Larry Hall has contacted a company from Springfield to look at the mold cleanup. Jim Ferrante has left a message for Leon Staton about the sewer issues at the jail. Larry Hall gave a presentation concerning the mold problem and repairs needed at the jail.

Jim Ferrante moved to hold a special meeting tomorrow morning at 9:00 AM at the jail to discuss and take any necessary action concerning jail repairs/issues. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall asked about the Sheriff's Budget. Larry Hall gave the Sheriff a printout and overhead showing his monthly budget for the year. At the current rate the Sheriff will run well over budget for the year. The Sheriff stated that he is doing everything he can to hold costs down, but without a usable jail, he is spending approximately \$1,000.00 per day on housing prisoners out of the County.

At 10:20 AM Herb Pemberton moved to take a 10 minute break. Larry Hall seconded the motion. The motion passed 2-0.

Andy Mayhugh presented 4 C.U.P.'s that have been reviewed by the Planning Commission. Mayhugh recommends approving CUP0805306R (Oliver), CUP0905307 (Endecott), and CUP0905308R (Nation). Mayhugh also recommends sending CUP0905309A (Continental Coal) back to the Planning Commission with a written statement regarding their lack of findings in the case.

Herb Pemberton moved to accept the recommendation (8-0) of the Planning Commission and approve CUP0805306R (Oliver) with the following conditions: 1) All vehicles and parts associated with the use shall be screened so as not to be visible from any adjoining property or road, 2) All fluids shall be disposed of in a manner in compliance with State and local laws, 3) All signage is to comply with County Resolution #91-10, 4) 1 year term limit, and 5) The front of the property be kept mowed; and to adopt Resolution #05-30. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to accept the recommendation (8-0) of the Planning Commission and approve CUP0905307 (Endecott) with the following conditions: 1) Expiration of this permit be concurrent with the expiration of the other permits Quail Creek has currently, 2) A guide be in the vicinity, 3) 300' buffer zone from County road, and 4) Comply with State regulation; and to adopt Resolution #05-31. Jim Ferrante seconded the motion. The motion passed 3-0.

The Planning Commission listed the following findings on CUP0905308R: 1) Property is suitable for the use of a rock quarry and is currently being used as such, 2) Manufacture of quarried rock is a need, and 3) Complies with comprehensive plan for industrial use. Jim Ferrante moved to accept the recommendation of the Planning Commission (8-0) and approve CUP0905308R (Nation) with the following conditions: 1) Nation works out agreement with Fred Augur regarding seismograph placement, 2) Storage and use of explosives shall conform to all Federal and State laws, 3) Minimum setback of 100' shall be maintained from all property lines, 4) Term of permit shall not exceed ten (10) years, and 5) Meet all State and Federal rules and requirements; and to adopt Resolution #05-32. Larry Hall seconded the motion. The motion passed 3-0.

Following are copies of Resolutions #05-30, #05-31, & #05-32:



At 10:51 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Andy Mayhugh attended the executive session.

At 11:01 AM the executive session ended.

At 11:02 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:12 AM the executive session ended. No action taken.

Andy Mayhugh informed the Commission that the Planning Commission approved (7-1) CUP0905309A (Continental Coal) with the following conditions: 1) The operation hours be 24/7, 2) Tiger Road be allowed to be utilized as a route for loaded and unloaded trucks, and 3) Continental Coal enter into a road maintenance agreement as deemed appropriate between the County Commissioners and Continental Coal. The Planning Commission also included the following findings: 1) They will now be running with loaded trucks and the maintenance agreement will be in case of Tiger Road being closed and another alternate route is used that may be gravel on whatever route the loaded trucks will travel, and 2) Clarifying the hours of operation be 24/7 as directed by the Linn County District Court to be more specific on the hours of operation, original intent was to provide that flexibility, however it was not spelled out specifically enough. The Chairman asked Phil Tearney, Continental Coal if he would like to speak on this issue for 10 minutes. Tearney stated that the main concern was using Tiger Road with loaded trucks. Including the hours of operation (24/7) was to meet the requirements of the District Court decision. Continental Coal is moving equipment in today under the existing CUP. He feels that as a large taxpayer in Linn County they should not have to pay a road maintenance fee. Larry Hall asked if it would be possible to establish separate mining & maintenance hours? Tearney was not in favor of that.

Lee Tetwiler, attorney for the Cunninghams, owners of Cedar Crest, addressed the Commission concerning the CUP. Tetwiler stated that he has been waiting since April for an answer to the District Court decision concerning the hours of operation and the penalty for violation. Tetwiler stated that the only decision that the Commission needs to make today, is what was required by the District Court ruling in April concerning the hours of operation and penalties for violation.

Bill Hawk addressed the Commission concerning Continental Coal using Tiger Road. He thinks Continental Coal should have to pay for road maintenance.

Bill Braden also addressed the Commission concerning Continental Coal & Holiday Lakes. Braden states that there are no shoulders on Tiger Road, claims a pickup was run off the road by a Continental Coal truck, and says there have been accidents with coal trucks on Tiger Road.

Paula Snavley stated that she is concerned about the hours of operation. She lives in the east edge of Holiday Lakes and does not want mining after dark with portable lights.

Gary Johnson says he sent a letter to Commissioner Hall and hopes that the whole Commission will read it. He stated that noise pollution is against the law.

Larry Hall suggested sending the CUP back to the Planning Commission for more detailed findings and to look at the hours of operation, mining hours vs. maintenance hours. Mr. Tearney stated that he cannot attend a Planning Commission meeting next week, and asked if the Commission would make a decision on using Tiger Road this week.

At Noon Larry Hall moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a legal issue (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Andy Mayhugh attended the executive session.

At 12:15 PM the executive session ended.

At 12:15 PM Herb Pemberton moved to extend the above executive session until 12:30 PM. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Andy Mayhugh, and Phil Tearney attended this portion of the executive session.

At 12:24 PM Phil Tearney left the executive session and Lee Tetwiler & Matt Cunningham entered the executive session.

At 12:30 PM the executive session ended.

At 12:34 PM HP moved to extend the above executive session for 10 minutes. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Andy Mayhugh, and Phil Tearney attended this portion of the executive session.

At 12:44 PM the executive session ended. No action taken.

Larry Hall moved to send CUP0905309A back to the Planning Commission for more detailed findings and to look at the hours of operation, possibly considering the maintenance hours vs. the hours of mining. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$85,924.32; Employee Benefit, \$52,517.19; Appraiser, \$7,791.42; Rural Fire, \$27,383.68; Road & Bridge, \$29,302.26; 911 Telephone Tax, \$4,539.74; Hospital Board, \$51.60; Crime Victim Assistance, \$745.47; Elderly, \$8,310.29. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve last week’s termination of employment of Wes McClain. Larry Hall seconded the motion. The motion passed 3-0.

John Maloney asked the Commission about attending the Weed Director’s Association meetings every 2 months. The Commission asked Maloney to give them a list of the meeting dates. Also Maloney needs to go to Paola to pick up information on Sericea Lespedeza, and to Ottawa to deliver bicycles that have been collected for needy children.

Herb Pemberton moved to appoint John Maloney as the Household Hazardous Waste Collector for Linn County. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve Lot Split #05-188 requested by Don & Trudy Proffitt and accept the accompanying grant of easement. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve Lot Split #05-189 requested by Dale & Mary Sprague and accept the accompanying grant of easement. Herb Pemberton seconded the motion. The motion passed 3-0.

At 1:01 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a legal issue (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 1:06 PM the executive session ended.

At 1:07 PM Herb Pemberton moved to extend the above executive session for 5 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 1:12 PM the executive session ended. No action taken.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Tuesday, November 1st. Jim Ferrante seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

November 1, 2005

The Board of Linn County Commission met in a special session at 9:00 AM at the Linn County Sheriff’s Office, 107 S. 4th, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; Marvin Stites, Sheriff; and Jerry Bedgood, Custodian.

Contractors present were Foote Construction, Staton Plumbing, Harp’s Roofing, and Ron Nation.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2668
Fax: 913-795-2889



COUNTY COMMISSIONERS

First District
Herb Pemberton

Second District
Larry Hall

Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 9:00 AM on Tuesday, November 1, 2005 in the Linn County Sheriff's Office, 107 S. 4th St., Mound City, KS 66056. This meeting will be held to discuss Jail issues and take any necessary action concerning those issues.

DATED this 31st day of October, 2005.


David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Elie Davey, County Treasurer
John Sutherland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augur, Nutrition / Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Bernard Streeter, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Jim Ferrante reviewed the problems with the contractors. Larry Hall gave everyone a list of the requirements and deadline for submitting bids. Sheriff Stites gave a tour of the Sheriff’s Office & Jail, inside and outside, pointing out problem areas. After touring the building, the Commission and contractors looked at the roof for potential problems, areas that leak, etc. Contractors were asked to submit their bids to the County Clerk by 9:00 AM Monday, November 7th.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Monday, November 7th. Larry Hall seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

November 7, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting and the November 1st special meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following pays/special pays: Road & Bridge, \$18,058.13. Larry Hall seconded the motion. The motion passed 3-0.

Asphalt Foreman John Byington asked the Commission about purchasing cover material for next year. Byington stated that we need to decide if we are going to use hot mix or cold mix. Byington is planning on using 1400 tons of hot mix per district next year. Byington is also going to talk to the area quarries about purchasing cover material.

Dennis Arnold announced the Mid America Hydraulic Repair has signed a contract to purchase the building in the La Cygne Industrial Park.

Dale Deer asked the Commission about hiring Jimmy Hendrix as a part time employee at the landfill to replace Randy Sullivan. Larry Hall moved to hire Jimmy Hendrix as a part-time Solid Waste employee at \$7.50 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

John Black informed the Commission that the Road Department radio repeater at the Sheriff's Office has quit working. Washington Electronics can replace the repeater for \$7200.00. Herb Pemberton moved to purchase from Washington Electronics to be paid from the Special Equipment Fund. The Commission asked Black for more information next week. Herb Pemberton then withdrew his motion.

Dan Morris informed the Commission that he posted the vacancy at Road District #1 to County employees. If there is no response from County employees he will advertise the position.

At 9:33 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue relating to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and District #2 Foreman John Black attended the executive session.

At 9:43 AM the executive session ended. No action taken.

At 9:44 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:52 AM John Black left the executive session.

At 9:54 AM the executive session ended. No action taken.

Ann Ware asked the Commission about using the County Logo on shirts in her business? Gary Thompson will work on a licensing agreement.

At 9:58 AM Jim Ferrante moved to recess from the Board of Commission into executive session for 15 minutes to discuss legal issues (attorney/client privilege) for 15 minutes followed by a break until 10:25 AM. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:13 AM the executive session ended. No action taken.

The Commission then took a break until 10:25 AM.

Fire Chief Bernard Streeter informed the Commission that he is working with Eddie Andersen concerning the specs./bids for constructing the new La Cygne Fire Station.

Commissioner Hall asked Streeter about meetings on animal infectious diseases. Streeter stated that the meetings are not scheduled yet, but he plans on having the meetings before the end of November.

John Maloney addressed the Commission concerning Household Hazardous Waste. Maloney stated that we will only accept Household Hazardous Waste on Thursdays. Maloney also needs to travel to Coffey County to sign the permits for Linn County to handle Household Hazardous Waste. Commissioner Ferrante asked Maloney to see if it can be handled by mail instead of traveling to Coffey County.

Larry Hall moved to approve Lot Split #05-190 requested by Charlie & Pat Trask and to accept the accompanying grant of easement. Jim Ferrante seconded the motion. The motion passed 3-0.

Sheriff Stites asked the Commission about the bids on the Sheriff's office. Commissioner Pemberton asked why his agenda showed that bids would be opened today, but now it has been removed from the agenda. The Clerk stated that Commissioner Ferrante told him to postpone the bids until next week. The Counselor informed the Commission that postponing bids should be decided by the Commission in a meeting. Sheriff Stites stated that we need to select a Project Manager to oversee this project.

At 11:06 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:21 AM the executive session ended.

At 11:22 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion

passed 3-0. The same people attended this portion of the executive session.

At 11:32 AM the executive session ended. As a result of the executive session, Jim Ferrante moved that the jail reconstruction or remediation work be assigned to the County Commissioners only. The Sheriff will be relieved of this responsibility so he can focus on law enforcement. Also, that all bids on the project will be sealed and delivered to the County Clerk from this point on. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to authorize the Chairman to sign the contract with BC Construction for delivery of the new La Cygne Fire Station building. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to cancel the November 21st regular Commission meeting due to the annual KAC meeting in Topeka. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2004-241, 2005-1 thru 49, 51, 52, 53, 54, 57, & 58. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve Resolution #05-34 declaring the County owned ambulance as surplus property. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-34:



Larry Hall moved to advertise for sealed bids for the awnings from the Clinics, and to declare the awnings as surplus property. Jim Ferrante seconded the motion. The motion passed 3-0.

Gary Thompson asked the Commission for permission for himself and Andy Mayhugh to attend a meeting concerning Zoning, Subdivision, and Land Development Laws in Kansas. The Commission agreed to send them to the meeting.

The Commission talked to Bernard Streeter about the construction of the new La Cygne Fire Station. The Commission did not understand that the bids were for the building only, and did not include construction. Streeter stated that all contractors knew that when they bid.

Streeter also informed the Commission that the County Health Dept. would be able to give flu shots for up to 60 County employees for \$35.00 each. They would be available from 8:00 to 11:30 and 1:00 to 5:30 next Monday at the County Health Dept. in Pleasanton. Jim Ferrante moved to provide the flu shots to County employees on a first come first serve basis. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to recess until 1:30 PM to meet as fence viewers at Kansas Highway 52 & Young Road. Larry Hall seconded the motion. The motion passed 3-0.

At 1:30 p.m. the Commission met as fence viewers to view a fence between Greg & Sherri Gentry and Eric & Emily Thies. Those present were Herb Pemberton, Larry Hall, Jim Ferrante, David Lamb, Gary Thompson, Sherri Gentry, Fred Clearwater, Emily Thies, and Deputy Darick Chapman.

Counselor Gary Thompson explained what the Commission can do at a fence view. If there is an existing fence, the Commission can determine if it is a legal fence. If there is not an existing fence, the Commission can determine who is responsible for building a fence and/or maintaining the fence.

Emily Thies stated that she didn't ask for the fence view or to have a fence built. Sherri Gentry stated that she wants to have a fence built between the properties. She is concerned about clearing trees around the property line so a fence can be built. The property line is 1/4 miles long.

The Commission walked the property line between Gentry and Thies. The Counselor informed the parties that the Commission will make a written finding concerning who is responsible for which part of the proposed fence.

With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 AM Monday, November 14th. Larry Hall seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

November 14, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Larry Hall moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 3-0.

Marilyn Augur informed the Commission that the compressor is out in her freezer. The repairman told Augur that it would cost around \$1,100.00 to fix it. Augur also stated that it would cost around \$2,800.00 to \$2,900.00 to replace the freezer. Larry Hall recommended replacing the compressor. Larry Hall moved to repair the freezer for approx. \$1,100.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Augur also informed the Commission that she had purchased 2 computers with tax money (Meals on Wheels Checkoff) that was given to us by the State.

Larry Hall moved to approve the following add/abate/refund orders: 2005- 59 thru 67. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park report.

Herb Pemberton gave the Commission information on the new Fire Station. Commissioner Pemberton talked to another building supplier, and found that our bids were in the same price range. Jim Ferrante had also checked with a supplier and found that our bids were in the same price range.

Larry Hall moved that any items taken out of Contingency be approved by the Commission in advance. Jim Ferrante seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

Herb Pemberton moved to approve the following pays/special pays: General, \$141,198.63; Appraiser, \$4,062.98; Rural Fire, \$7,854.65; Road & Bridge, \$46,101.64; 911 Telephone Tax, \$1,964.50; Spec. Fire Equip. Replacement, \$4,286.00; Hospital Board, \$3,620.00; Elderly, \$16,544.68. Larry Hall seconded the motion. The motion passed 3-0.

At 9:30 AM the Commission opened bids. 2 bids were received for the awnings at the clinics. Jerry Roper bid \$60.00 for the awning at Mound City, and \$50.00 for the awning at La Cygne; and Jackie Pribble bid \$111.11 for the awning at La Cygne. Larry Hall moved to sell the Mound City awning to Jerry Roper for \$60.00 and the La Cygne awning to Jackie Pribble for \$111.11. Jim Ferrante seconded the motion. The motion passed 3-0.

1 bid was received for repairs to the Gazebo. Nation Contracting bid \$3,550.00. The Commission asked the Clerk to have Jerry Bedgood review the bid with Nation Contracting.

2 bids were received for the foundation/drainage repairs at the jail. Nation Contracting bid \$10,449.00 and KC Waterproofing bid \$10,625.00. Larry Hall suggested talking to the contractors for more information before making a decision. The Commission agreed to call a special meeting for Thursday, November 17th at 9:00 AM to meet with the contractors at the jail.

1 bid was received for replacing the guttering on the jail. Rainbow Guttering bid \$165.00.

1 bid was received for sewer line replacement at the jail. Ellis Plumbing bid \$28,750.00.

No decisions were made on the Gazebo, foundation/drainage, guttering, or sewer lines. The Clerk informed Commission that he would copy the bids and put a spread sheet together comparing bids.

Jim Ferrante moved to take a break until 10:15 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:19 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Andy Mayhugh attended the executive session.

At 10:29 AM the executive session ended.

At 10:30 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:35 AM the executive session ended. As a result of the executive session, the Counselor announced that due to the Commission not having a chance to review the Planning Commission minutes/findings concerning Continental Coal CUP0905309A, they are going to continue the discussion/decision to a special meeting to be scheduled Friday, Nov. 18th at 10:00 AM. The final determination on the CUP will be made at the special meeting Friday, Nov. 18th.

The Commission then asked if anyone would like to make any comments concerning the CUP today. Paula Snavelly, Holiday Lakes resident, said that Phil Tearney stated that the Cunninghams were trying to put them out of business. Snavelly also said that her family has purchased a home in Ft. Scott to get away from the coal mine. She asked that the Commission give them one day per week without coal mining. Lee Tetwiler, Attorney for the Cunninghams stated that he would also like to see the Planning Commission minutes. He will reserve comments until he sees the minutes. Phil Tearney, Continental Coal Co., stated that his company has been working in Linn County for 10 years, and has not operated 24/7, but that they have that right. Tearney stated that he does not accept the recommendation of the Planning Commission (operating 6am-9pm). Tearney also stated that anything less than operating 24/7 is taking away from their business.

Herb Pemberton moved to call a special meeting for Friday, November 18th at 10:00 AM to make a decision on the Continental Coal CUP0905309A. Jim Ferrante seconded the motion. The motion passed 3-0.

Leroy Schaefer, Sunbelt Environmental Services, Inc. gave a presentation concerning the mold problems at the jail. Schaefer stated that the roof leaks, foundation problems, and grading all need to be done before mold remediation. He also stated that the duct work needs to be cleaned, the sewer problems need to be fixed, the carpet needs to be removed, and an asbestos inspection needs to be done. Schaefer then explained everything his company would do for the mold remediation. The Commission Chairman then opened the bid from Sunbelt for mold remediation totaling \$44,053.00. After discussion, Larry Hall moved to hire Sunbelt Environmental Services, Inc. to do the asbestos inspection for \$850.00. Jim Ferrente seconded the motion. The motion passed 3-0.

At 11:20 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue relating to a non-elected employee. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Fire Chief Bernard Streeter attended the executive session.

At 11:25 AM the executive session ended.

At 11:26 AM Larry Hall moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:36 AM the executive session ended.

At 11:37 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:42 AM the executive session ended. No action taken.

Bernard Streeter informed the Commission that he needs to repair an SCBA air compressor. The repairs will cost approximately \$1,400.00. Larry Hall moved to allow Bernard Streeter to repair compressor for approximately \$1,400.00. Herb Pemberton seconded the motion. The motion passed 3-0. Streeter also has a fuel tank that is leaking on 923 and needs repair. Commission recommended fixing the fuel leak.

At 11:46 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss a personnel issue relating to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Counselor, and Jennifer & Bobby Johnson attended the executive session.

At 12:06 PM the executive session ended.

At 12:07 PM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:17 PM the executive session ended. No action taken.

At 12:17 PM Larry Hall moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue relating to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Jerry Bedgood attended the executive session.

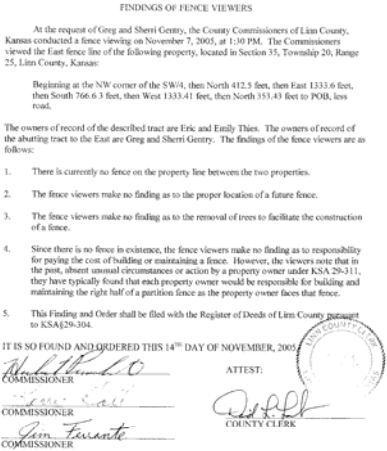
At 12:22 PM the executive session ended. As a result of the executive session, Herb Pemberton moved to hire Ken Needs as a Custodian @ \$8.98 per hour. Jim Ferrante seconded the motion. The motion passed 3-0. Needs will take a pre-employment physical and be on normal six month probation.

At 12:24 PM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue relating to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:29 PM the executive session ended. No action taken.

The Counselor presented a proposed License Agreement with Ann Ware, dba Bearly Making It. The Counselor will give the agreement to Ann Ware for her review and signature.

The Counselor also presented the Findings of Fence Viewers for the approval of the Commission. Larry Hall moved to adopt the written findings as presented. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of the Findings of Fence Viewers:



Larry Robinson asked the Commission for permission to request proposals for Professional Engineering Services for blacktopping 1700 Rd. west of Kansas Highway 7. Commission agreed to let Robinson send out the requests.

At 12:47 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:57 PM the executive session ended. No action taken.

Larry Robinson brought in the warranty information for the radio repeater for the Road Dept. Larry Hall moved to purchase the repeater from Washington Electronics, Inc. for \$7,175.00. Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk announced that he should have prices on the voting machines this Friday. The Clerk stated that he will have to make a decision on ordering machines by Dec. 2nd. The State is providing some of the funding for the voting machines, but it will not be enough to pay for a machine for every polling place. The Commission had already authorized an additional \$30,000.00 for next year’s election budget to allow the Clerk to purchase additional machines, but that \$30,000.00 along with the State funds still will not be enough for all the existing polling places, so the Clerk will probably have to close 2 or 3 polling places.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Thursday, November 17th. Herb Pemberton seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk


November 17, 2005

The Board of Linn County Commission met in a special session at 9:00 AM at the Linn County Sheriff's Office, 107 S. 4th, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; Marvin Stites, Sheriff; Darick Chapman, Deputy; and Jerry Bedgood, Custodian.

The Clerk read the Notice of Special Meeting and reminded the Commission that the topics listed in the Notice of Special Meeting were the only topics that could be discussed.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-0568
Fax: 913-795-2889

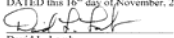



First District
Herb Pemberton
Second District
Larry Hall
Third District
Jim Ferrante

**NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS**

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 9:00 AM on Thursday, November 17, 2005 in the Linn County Sheriff's Office, 107 S. 4th St., Mound City, KS 66056. This meeting will be held to discuss bids that were opened on Monday, November 14, 2005 and take any necessary action concerning those bids. Contractors that submitted bids have been asked to attend this special meeting.

DATED this 16th day of November, 2005.


David L. Lamb
Linn County Clerk



Kristy Schmitt, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marlyn Augur, Nutrition / Transportation

John Makoney, Noxious Weed
Dennis Arnold, Economic Development
Bernard Streeter, Rural Fire / Emergency Mgt.
Andy Mayhugh, Zoning & Sanitation

David L. Lamb, County Clerk
Elle Davey, County Treasurer
John Sutherland, County Attorney
Marvin Stiles, Sheriff

The Commission first met with Andrew Vleisides, KC Waterproofing, Inc. to discuss his bid for fixing the foundation water leaks.

The Commission then met with Ron Nation, Nation Contracting, to discuss his bid for fixing the water invasion of the jail.

Next the Commission met with Wayne Ellis and Chris Ellis, Ellis Plumbing to discuss the sewer line replacement at the jail.

After discussing various bids on repairs at the jail, the Commission discussed other bids that were opened Monday.

Larry Hall moved to accept the bid from Nation Contracting for repairing the Gazebo in the amount of \$3,550.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the optional bid from Nation Contracting to repair the steps on the Gazebo in the amount of \$1,150.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the bid from Rainbow Guttering for guttering around the porch at the temporary Sheriff's Office in the amount of \$165.00. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission, Clerk, Sheriff, Jerry Bedgood, Wayne Ellis, and Chris Ellis then watched a video of the sewer lines on the Courthouse block. Larry Hall moved to approve the bid for sewer line replacement from Ellis Plumbing in the amount of \$28,750.00. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 10:00 AM Friday, November 18th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

November 18, 2005

The Board of Linn County Commission met in a special session at 10:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; Andy Mayhugh, Zoning Administrator; and Gary Thompson, County Counselor.

The Clerk read the Notice of Special Meeting and reminded the Commission that the topics listed in the Notice of Special Meeting were the only topics that could be discussed.

Following is a copy of the Notice of Special Meeting:

moved to approve CUP#0905309A and to adopt Resolution #05-33. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-33:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 05-33
A RESOLUTION APPROVING CONDITIONAL USE
PERMIT # 0905309A (Continental Coal) APPROVING THE AMENDMENT OF A PERMIT
TO OPERATE A COAL MINING OPERATION IN THE A - AGRICULTURAL ZONE

WHEREAS, Linn County, Kansas is a county municipal government with the authority to adopt zoning regulations and create zoning district boundaries as provided in K.S.A. 12-753; and

WHEREAS, Linn County did adopt countywide zoning regulations on June 22, 1981; and,

WHEREAS, the Linn County Planning Commission did, on September 22nd 2005, publish a notice of a public hearing to consider Conditional Use Permit #0905309A pursuant to K.S.A. 12-753(b); and

WHEREAS, the Linn County Planning Commission did hold public hearings on October 17th and November 8th 2005 to consider said Conditional Use Permit for the operation of a Coal Mining Operation in the Agricultural Zone on property described in Section 1; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimonies did, by a 5-2 vote, approve said Conditional Use Permit based on certain findings and subject to certain conditions;

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Linn County, after review of the findings and recommendation of the Planning Commission together with all public comment, and after making certain findings of fact available on the record, finds to issue said Conditional Use Permit as follows:

SECTION 1: Conditional Use Permit #0905309A is hereby issued on the following described property:
The following parcels in Sections 35 and 36, Township 21, Range 25, Linn County, Kansas:
#117-35-001, #117-35-001.01, #117-35-001.02, #117-35-002, #117-36-001, #117-36-002, #117-36-003.

SECTION 2: Conditional Use Permit #0905309A (Continental Coal) hereby amends the Conditions attached to County Resolution 03-44, Conditional Use Permit #0903299 (Continental Coal) as follows:

- 1) Continental Coal may use 1000 Road for ingress and egress in conformance with all speed limits and bridge load rates.
- 2) Operation shall be conducted as proposed on all submitted plans and documents.
- 3) Explosives to be kept and used in conformance with all local, state and federal laws.
- 4) Term of permit shall not exceed 10 years.
- 5) Operation to be conducted in conformance with all state and federal requirements.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 18th day of November, 2005.



Attest:

David Lamb - Clerk


Chairman


Vice-Chairman


Member

Herb Pemberton moved to approve the following pays/special pays: General, \$62,617.68; Employee Benefit, \$66,727.37; Appraiser, \$7,791.42; Rural Fire, \$2,166.38; Road & Bridge, \$28,439.08; Crime Victim Assistance, \$745.47; Elderly, \$7,823.80. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, November 28th. Jim Ferrante seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

November 28, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; Jennie Carbon, Deputy County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting November 14th, the November 17th special meeting, and the November 18th special meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2005-70 thru 2005-79 and also 2005-81. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the Sheriff's monthly fee report for October 2005. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to approve paying the monthly rent for the Sheriff's office trailers from the Sheriff's budget in the amount of \$825.00. Larry Hall seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat monthly report for October 2005. Commissioners requested the Deputy Clerk to call Emergystat and ask them to break out the number of responses to the east side of the county from the west side of the county.

Kristy Schmitz, Register of Deeds, informed the commission that she will be purchasing software for her office from Infinitec costing \$43,400.00.

Larry Hall moved to approve burial of water line for Rural Water #2 at 1150 Rd & Nickell Road. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve burial of fiber optic cable for Alltel at CR 1095 & 1850 Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve burial of water line for Rural Water #1 east of Hwy 69 on 1700 Road and also 1800 Road. Herb Pemberton seconded the motion. The motion carried 3-0.

Larry Hall approved signing a letter authorizing the County Clerk to purchase 13 HAVA compliant voting machines - \$30,000 will come from 2006 election budget - \$43,200.00 will be Linn County's allotment from the Secretary of State toward this purchase. Jim Ferrante seconded the motion. The motion carried 3-0.

At 9:40 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issue. Jim Ferrante seconded the motion. The motion carried 3-0. Commission, Deputy Clerk, Counselor, Danny Morris and John Black attended the executive session.

At 9:45 AM the executive session ended. No action taken.

At 9:49 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes on personnel issue. Larry Hall seconded the motion. The motion carried 3-0. Commission, Deputy Clerk, Counselor and Marilyn Augur attended the executive session.

At 9:59 AM the executive session ended. As a result of the executive session, Larry Hall moved to hire Elored Whitley at \$8.00 per hour pending receipt of a resignation letter from current van driver, Joe Sands and also to raise the hourly salary of the substitute driver to \$8.00 per hour. Jim Ferrante seconded the motion. The motion carried 3-0.

Larry Hall moved to approve a Notice of Hearing for the 2005 Elderly budget which shows an increase in expenditures making the total 2005 Proposed Amendment \$406,890.00. The notice will be published December 7 and the public hearing will be December 19 at 10:00AM. Jim Ferrante seconded the motion. The motion carried 3-0.

Per the request of Marilyn Augur, Nutrition/Transportation Director, Jim Ferrante moved to accept and sign an Addendum to Contract for Title III services with East Central Kansas Area Agency on Aging. The document states that for one year, phone assessments will be conducted in lieu of home visits thereby saving fuel costs and driving time. The assessment period will end September 30, 2006. Herb Pemberton seconded the motion. The motion carried 3-0.

At 10:05AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes on personnel issue. Herb Pemberton seconded the motion. The motion carried 3-0. Commission, Counselor & Steve Thompson attended the executive session.

At 10:20 AM the executive session ended. No action taken.

At 10:22AM Larry Hall moved to take a break for 5 minutes. Herb Pemberton seconded the motion. The motion carried 3-0.

At 10:27AM at the request of John Maloney, Noxious Weed Director, Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes on a legal issue. Jim Ferrante seconded the motion. The motion carried 3-0. The Commission, County Counselor, John Maloney and Deputy Clerk attended the executive session.

At 10:32AM the executive session ended. As a result of the executive session, Herb Pemberton moved to allow John Maloney to take the testing for Category 7C Brush License so that he may spray more than just noxious weeds. Jim Ferrante seconded the motion. The motion carried 3-0.

Bob Stocking, Linn County Hospital Board, gave a report on the accounts receivable on old accounts that were billed through the Linn County Family Care. There was discussion on various ways to approach the collection and Stocking is to bring more information to a later meeting for review.

Judge Richard Smith gave a report on reasons and circumstances why an individual would be sentenced to jail through the court system. Currently there are 21 inmates of which only 5 would qualify for ankle and/or alcohol monitoring, per Judge Smith. The remainder of those inmates are being sent to other facilities for incarceration. Judge Smith indicated that he would sentence people to house arrest if certain conditions and circumstances were met. Larry Hall then made a presentation using an overhead projection showing costs of ankle and alcohol monitoring systems. These could be purchased or leased. Sheriff Stites then explained the circumstances of why prisoners must be separated while in jail and he said he was in favor of ankle/alcohol monitoring also. The discussion was tabled to allow a search for other companies who provide ankle/alcohol monitoring systems.

County Counselor left the commission meeting at 11:45AM.

Herb Pemberton moved to approve signing the contract with Nation Contracting for \$11,868.00 for repair work around the Sheriff’s Building. Larry Hall seconded the motion. The motion carried 3-0.

Herb Pemberton made a motion to reappoint Tom Likely to the Tri-Ko Board for a 3 year term to expire at the end of 2008. Jim Ferrante seconded the motion. The motion carried 3-0.

Commissioner Hall and Commissioner Pemberton gave a report on the information learned at the recent KAC meeting. Road improvements and Treasurer investment possibilities were just two of the subjects mentioned.

At 12:10PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session on personnel for 5 minutes. Herb Pemberton seconded the motion. The motion carried 3-0. Commission and Deputy Clerk attended the executive session.

At 12:15PM Herb Pemberton moved to extend the above executive session for an additional 15 minutes. Larry Hall seconded the motion. The motion carried 3-0. The same people attended this portion of the executive session.

At 12:30PM the executive session ended. No action taken.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, December 5th. Jim Ferrante seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 2, 2005

The Board of Linn County Commission met in a special session at 11:00 AM at the Linn County Sheriff’s Office, 107 S. 4th, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; Larry Leonard, Sheriff’s Dept.; and Marvin Stites, Sheriff.

The Clerk read the Notice of Special Meeting and reminded the Commission that the topics listed in the Notice of Special Meeting were the only topics that could be discussed.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2660
Fax: 913-795-2589



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Larry Hall
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 11:00 AM on Friday, December 2, 2005 in the Linn County Sheriff's Office, 107 S. 4th St., Mound City, KS 66056. This meeting will be held to discuss the bids for Jail repairs/mold remediation and take any necessary action concerning those bids.

DATED this 29th day of November, 2005.


David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmin Self, County Treasurer
John Suberland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Auger-Nuterson / Transportation

John Maloney, Newsout West
Dennis Arnold, Economic Development
Bernard Szwed, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

The Commission met with Leroy Schaefer and Bruce Trimble, Sunbelt Environmental, Inc. concerning their bid for mold remediation at the Sheriff’s office. After touring the building and discussing the work that needs to be done, Larry Hall moved to approve the bid from Sunbelt Environmental, Inc. for mold remediation in the amount of \$28,160.50 and noted that Sunbelt will submit an addendum to their bid for additional work that was discussed today (removing floor tile, etc.). Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk asked the Commission about amending the contract with Ellis Plumbing to allow for partial payments at the completion of stages of their work. The Commission agreed that three payments could be made at the end of the demolition stage, installation to the main sewer stage, and completion of the project. The Clerk will contact the County Counselor to have the amendments made to the contract for approval on Monday, Dec. 5th.

Sunbelt Environmental would also like to have their payments made in two parts. Details on those stages and payments will be discussed Monday, Dec. 5th.

Herb Pemberton suggested hiring an inspector to oversee all of the work being done at the jail. No action taken.

With nothing further on the agenda, Larry Hall moved to adjourn until 9:00 AM Monday, December 5th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 5, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting November 28th and the December 2nd special meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall informed Dale Deer that we would need a roll-off container for the mold remediation at the jail.

Marilyn Augur informed the Commission that her November expenses were lower than she had expected. She would still like to amend her budget so she could get a new vehicle for her department. No decision was made.

Dale Deer asked the Commission about buying a new truck. The truck he wants to get costs \$73,500.00 plus \$3,800.00 for installing the hoist. Larry Hall stated that the he had already told Deer to get the old truck fixed and it hasn’t been done. Larry Hall also stated that the truck has not been maintained/cleaned the way it should have been. Deer stated that if we don’t get a new truck, we might have to hire someone to haul the trash to Arcadia. Herb Pemberton moved to purchase a Freightliner truck from Custom Truck for \$73,500.00. Larry Hall stated that we need more bids for Freightliners. The motion died for lack of a second.

John Byington gave the Commission an update on proposed cover material and hot mix for next year. Herb Pemberton asked Byington to type his proposal and copy it for the Commission.

Larry Hall moved to approve \$3,245.66 for transmission repair from Custom Truck on a Dist. #2 dump truck. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following add/abate/refund orders: 2005-82 thru 2005-96. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following pays/special pays for the 11/30/05 payroll: General, \$83,150.99; Employee Benefit, \$71,328.67; Appraiser, \$7,791.42; Rural Fire, \$6,676.43; Road & Bridge, \$30,694.00; 911 Telephone Tax, \$819.24; Crime Victim Assistance, \$745.47; Elderly, \$7,862.32. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the following pays/special pays: General, \$101,549.76; Appraiser, \$1,493.57; Rural Fire, \$42,290.08; Road & Bridge, \$12,952.84; Special Machinery, \$134,060.00; Hospital Board, \$50.00; Crime Victim Assistance, \$29.03; Elderly, \$5,780.30. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to reimburse Charlie Blevins \$22.50 for the fence view because it is not a fence view issue. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to take a break until 10:30 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

Toni Sinker and George Finical from Cook, Flatt, & Stobel Engineers, P.A. discussed a safety study on County roads that would be free of charge to the County. Sinker suggested doing the safety study on the dam road (2200 Road) at the Power Plant Lake. Sinker also discussed low interest revolving fund loans for road projects such as the 1700 Road project.

Larry Robinson reported that he has accident data for Linn County for the past eighteen years. There have been several accidents on 2200 Road (Power Plant dam), many of them involving alcohol. Accidents that were caused by alcohol would not qualify for funding because that is not caused by problems with the road, but it wouldn’t hurt to have the study done to see if we could get some help on 2200 Road.

Bob Stocking informed the Commission of a problem with collections at the Clinics. At 11:09 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Bob Stocking attended the executive session.

At 11:19 AM the executive session ended. No action taken.

The Commission Chairman signed the contract with Nation Contracting for the work on the gazebo.

Larry Hall moved to adopt Resolution #05-35 concerning the COP and approving the sale of the building at the La Cygne Industrial Park. Jim Ferrante seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-35:

RESOLUTION NO. 05-35

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LINN COUNTY, KANSAS, APPROVING AND RATIFYING CONTRACT FOR SALE OF BOND PROJECT, AND APPROVING SALE OF THE REAL ESTATE, BUILDINGS AND ANY PERSONAL PROPERTY IN THE BOND PROJECT, AUTHORIZING EXECUTION OF BIDD, BILL OF SALE, AND ALL SUCH OTHER DOCUMENTS NECESSARY TO CONVEY TITLE IN ACCORDANCE WITH TERMS OF THE CONTRACT

WHEREAS, the Board of County Commissioners of Linn County, Kansas (the "County"), in order to stimulate and develop the general economic welfare and prosperity of the County and its citizens, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas, previously issued \$1,200,000 principal amount of Lease Purchase Agreement Certificates of Participation, Series 1998 (the "COPs");

WHEREAS, the County is the fee title holder of certain real estate, consisting of an approximate 9.8 acre parcel of land located in Linn County, Kansas, and otherwise described on Exhibit "A" hereto (the "Land") and all buildings and improvements located thereon (collectively the "Improvements") (the Land and Improvements are hereinafter collectively referred to as the "Property");

WHEREAS, in connection with the issuance of the COPs, the County entered into the following agreement, dated March 1, 1998 (a certain Trust Indenture with Central Bank and Trust Co. as Trustee (the "Trustee") providing for the issuance of the COPs; (b) a certain Site Lease with the County as landlord and the Trustee as tenant of the Property; (c) a certain Lease Purchase Agreement regarding the Property with the Trustee as landlord and the County as tenant (the "Lease Purchase Agreement"); and (d) a certain Sublease of the Property with the County as sublessee and American One, L.L.C. ("American One") as subtenant (the "American One Sublease");

WHEREAS, American One defaulted on the American One Sublease which American One Sublease was terminated by the County and a new Sublease dated March 1, 1999 was entered into with the County as sublessee and Tech-Park, Inc. ("TPI") as the subtenant (the "TPI Sublease");

WHEREAS, TPI defaulted on the TPI Sublease which TPI Sublease was terminated by the County and the County has been in possession of the Property and has been paying rent to the Trustee pursuant to the Lease Purchase Agreement;

WHEREAS, in accordance with Section 5(a) of the Lease Purchase Agreement, the Trustee is the owner of the beneficial interest in the Property for the benefit of the COP holders;

WHEREAS, in accordance with Section 15 of the Lease Purchase Agreement the County has sent the Trustee notice of termination of the Lease for non-appropriation which termination is effective as of December 31, 2005;

WHEREAS, after the Trustee's receipt of the County's notice of termination for non-appropriation, the Trustee, solely in its capacity as the Trustee of the COPs, has, as seller, entered into a certain Contract, dated October 1, 2005 (the "Contract") with Gary Altes, or his assignee, as buyer (the "Buyer") for the sale of the Property, subject to certain conditions. The conditions to the Contract include the County's approval of the Contract and a poll of the holders of the Bonds which is acceptable to the Trustee;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINN COUNTY, KANSAS:

Section 1. The County hereby consents to, ratifies and approves the Trustee's execution and consummation of the Contract and the consummation of the transaction described therein and hereby waives its right to purchase the Property after non-appropriation provided in Section 14(c) of the Lease Purchase Agreement.

Section 2. The Chairman of the Board of County Commissioners and the County Clerk are hereby authorized to execute by manual signatures all documents necessary to consummate the Contract including, but not by way of limitation, the execution and delivery to the Buyer of a limited warranty deed to the Property.

Section 3. The Trustee, the Chairman of the Board of County Commissioners, and the County Clerk, or other appropriate staff of the County, are respectively authorized to deliver the documents referenced in Section 2 hereof on behalf of the County at the Closing of the Contract.

Section 4. The Chairman of the Board of County Commissioners and the County Clerk or Deputy County Clerk, or other appropriate staff of the County, and the Trustee, are hereby authorized and directed to take all such other actions not inconsistent herewith as may be appropriate or desirable to accomplish the purpose of this Resolution.

ADOPTED, PASSED AND APPROVED by the Board of County Commissioners of Linn County, Kansas this 5th day of December, 2005.

THE BOARD OF COUNTY COMMISSIONERS OF LINN COUNTY, KANSAS

By: _____
Chairman

By: _____
Commissioner

By: _____
Commissioner

(SEAL)

ATTEST:
By: _____
County Clerk

Approved as to Form
By: _____
County Counselor

Jim Ferrante moved to have a Commission meeting once every two months in the evening starting in January 2006 on the last Monday of the month. Larry Hall proposed having the evening meetings on the 5th Monday of the month. The Clerk informed the Commission that if they wanted County employees to come to the evening meetings, they would have to pay overtime and the 2 hour minimum call in. Also there would not be anyone in the County offices to answer questions that arise. After discussion Jim Ferrante withdrew his motion. Jim Ferrante then moved to have an evening meeting on the 5th Monday of the month at 6:30 PM on every month with a 5th Monday. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to form a committee of 6 members, 2 from each Commission district to study how the jail got into the condition it is in. The motion died for lack of a second.

At 11:42 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:47 AM the executive session ended.

At 11:48 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:53 AM the executive session ended. No action taken.

Herb Pemberton moved to approve the contract with Ellis Plumbing subject to Ellis signing the contract. Larry Hall seconded the motion. The motion passed 3-0. The Clerk will contact Ellis about scheduling.

Larry Hall moved to approve the bid from Nation Contracting for water invasion into the jail in the amount of \$11,868.00 subject to Nation signing the contract. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to open bids for roofing the Sheriff’s office/jail next Monday at 10:00 AM. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk asked the Commission if they had decided who would be the Chairman for next year. The Clerk informed the Commission that he needs to know soon so he can order a new signature plate for signing checks. The Commission agreed that Larry Hall would be the Chairman next year.

Larry Hall stated that he wants to move forward with electronic tethering of prisoners. Jim Ferrante stated that he would prefer renting the necessary equipment for six months rather than buying.

At 12:15 PM Herb Pemberton moved to recess from the Board of Commission meeting into executive session 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 12:20 PM the executive session ended. As a result of the executive session Larry Hall moved to rent 6 electronic monitoring units from BI, Inc. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Jim Ferrante moved to adjourn until 9:00 AM Monday, December 12th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 12, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; Jennie Carbon, Deputy County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting as printed. Larry Hall seconded the motion. The motion passed 3-0.

At the recommendation of Danny Morris, Jim Ferrante moved to hire Timothy Stephens as a blade operator for Road District #1. Herb Pemberton seconded the motion. The motion passed 3-0. Salary with range/step will be determined at next weeks meeting.

Dale Deer approached the commission about purchasing a new truck for solid waste, however there was only one bid from Cox Motors and it was for a Sterling brand truck. Larry Hall moved to extend the truck bidding for 1 more week to allow Cox Motors to obtain a bid on a Freightliner truck. Herb Pemberton seconded the motion. The motion passed 3-0.

Andy Mayhugh presented information on an increase of money on a LEPP Grant from KDHE. Larry Hall made a motion to authorize Andy Mayhugh to sign for the additional grant money. Herb Pemberton seconded the motion. The motion passed 3-0.

Marvin Stites informed the commission of anticipated spending before the end of the year which will put him over his budget. Also discussed the tethering and monitoring of convicted felons.

The commission reviewed the bid for additional work from Sunbelt Environmental Services, Inc. on the mold remediation in the Sheriff building. Larry Hall moved to approve the additional work in the amount of \$2,220.75. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:00AM bids were opened for repairs to the Sheriff building roof. The bids were: Triangle Builders – no bid; Midwest Diversified, \$18,475.00 with an additional \$3,300.00 to remove the air conditioning units from the roof; Metal Roofing Specialists, Base Proposal Option #1, \$72,400.00 with proposed addition to Option #1 of \$6,950.00, Base Proposal Option #2, \$71,700.00 with proposed addition to Option #2, \$6,400.00. Larry Hall moved to call a Special Meeting for Thursday, December 15 at 10:00AM at the Sheriffs Building to meet with Midwest Diversified to discuss more detail of their bid. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante read a draft of a building maintenance work policy which he had created. Commissioners were in agreement with the draft and asked that a final draft be brought to next week commission meeting for approval and signature.

At 10:45AM Larry Hall moved for a 10 minute break until 10:55AM. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton informed the commission of a proposed parking lot and boat ramp to be built by Kansas Fish & Game on their own property along Trego Road between 1700 Rd and 1800 Rd. This work won’t affect the county road. Herb Pemberton moved to allow Kansas Fish and Game and persons to cross the county road to access the parking lot or boat ramp. Jim Ferrante seconded the motion. The motion passed 3-0.

Dennis Arnold informed the commission that there is grant money available through USDA for small cities for storm warning systems. Commission discussed grants in general and asked Dennis Arnold to keep the commission informed of any grants available that would benefit the county and also to assist anyone else seeking grant information.

The Commission reviewed the YTD Park Report through November 2005.

Jim Ferrante moved to approve Adds/Abates 2005-97 through 2005-99. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a Cereal Malt Beverage License renewal for Michael M. Miller dba Millers Corner. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a 3% cost of living raise for everyone except the three commissioners effective January 1, 2006. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:27AM Larry Hall moved to recess from the Board of County Commissioners meeting into executive session on a legal issue with the County Counselor for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. Those attending were Commissioners, County Counselor and Deputy County Clerk.

At 11:42AM the executive session for ended.

At 11:43AM Herb Pemberton moved to extend the above executive session for another 15 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:58AM the executive session ended. No action taken.

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Monday, December 19th. Herb Pemberton seconded the motion. The motion passed 3-0.

ATTEST:

Commission Chair

County Clerk


December 15, 2005

The Board of Linn County Commission met in a special session at 10:00 AM at the Linn County Sheriff’s Office, 107 S. 4th, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; Marvin Stites, Sheriff; and Keith Steiner, Midwest Diversified, Inc.

The Clerk read the Notice of Special Meeting and reminded the Commission that the topics listed in the Notice of Special Meeting were the only topics that could be discussed.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 360, 316 Main
Mound City, KS 66056-0360
913-795-2669
Fax: 913-795-2889

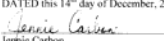


COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Larry Hall
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 10:00 AM on Thursday, December 15, 2005 in the Linn County Sheriff's Office, 107 S. 4th St., Mound City, KS 66056. This meeting will be held to discuss the bid from Midwest Diversified concerning jail repairs and take any necessary action concerning that bid.

DATED this 14th day of December, 2005.


Jeropic Carboos,
Linn County Deputy Clerk



David L. Lamb, County Clerk
Ellie Davey, County Treasurer
John Sutherland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augur, Nutrition / Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Bernard Stewler, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Larry Hall moved to reconvene the special meeting at the Courthouse Annex. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante arrived at the meeting following this motion.

Keith Steiner, Midwest Diversified, Inc. explained the polyurethane roofing from Conklin Roofing Systems and showed a video on the process.

Larry Hall moved to award the roofing contract in the amount of \$18,475.00 to Midwest Diversified, Inc. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed a yearly maintenance plan for the Sheriff’s office building. Midwest Diversified, Inc. offers maintenance and cleaning contracts for the roof. No action was taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, December 19th. Larry Hall seconded the motion. The motion passed 2-0.

ATTEST:

Commission Chair

County Clerk

566

December 19, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Jim Ferrante moved to approve the minutes of the last regular meeting and the December 15th special meeting as printed. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to reschedule the December 26th regular meeting to December 27th and to reschedule the January 2nd regular meeting to January 3rd due to the holidays. Larry Hall seconded the motion. The motion passed 3-0.

Jerry Bedgood presented a bid from Nation Contracting to replace some deteriorated sidewalk near the jail in the amount of \$1,349.00. Larry Hall moved to approve the bid. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to approve repair bills for the computer in a grader and for a starter in a grader for approximately \$2,800.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve 2 permits to bury water lines requested by RWD #1 located at Wakefield Road & Kansas Highway 52 and at 1800 Road east of US Highway 69. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a permit to bury telephone cable requested by Sprint United located at 2200 Road east of Hadsall Road. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to allow Danny Morris to purchase plumbing supplies for the Tech Parts building in the amount of \$1,001.36. Herb Pemberton seconded the motion. The motion passed 3-0.

Bruce Holt asked the Commission for permission to purchase order \$5,000.00 to Vance Brothers, Inc. for a tanker of oil for 2006 from the 2005 Park Budget. Herb Pemberton moved to approve Purchase Order #2005-10 in the amount of \$5,000.00 to Vance Brothers, Inc. for road oil. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve Purchase Order #2005-8 in the amount of \$1,200.00 to Wade Quarries for cover material (chips) to be paid from the 2005 Park Budget. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve Purchase Order #2005-9 in the amount of \$1,195.00 to Jim's Door Service for a 12' x 14' garage door to be paid from the 2005 Park Budget. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to approve Purchase Order #2005-1 in the amount of \$5,000.00 to the United States Postal Service for postage to be paid from the 2005 Treasurer Budget. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to approve signing the Sunbelt Environmental Services, Inc. contract in the amount of \$28,160.50. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve & sign the addendum to Sunbelt Environmental Services, Inc. contract in the amount of \$1,480.75. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve signing the contract with Nation Contracting in the amount of \$11,868.00 for drainage/water invasion of the jail. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to set Timothy Stevens starting salary at \$9.71 (Range 4, Step 3; giving credit for 2 years experience). Jim Ferrante seconded the motion. The motion passed 3-0.

At 9:48 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and Dale Deer attended the executive session.

At 9:58 AM the executive session ended. No action taken.

At 10:01 AM the Commission opened the hearing to amend the 2005 Elderly Budget. Marilyn Augur explained that she would like to pass the budget amendment and go ahead and purchase a vehicle that she had budgeted for this year. The Chairman asked for comments from the public, none were given. Larry Hall stated that his opinion was to not extend the budget. Jim Ferrante agreed and stated that we need to detail the current vehicle. No action was taken on amending the budget.

Augur also presented a bid for snow removal from Jeff Schneider in the amount of \$30.00 and for lawn service from Jeff Schneider in the amount of \$30.00 per mowing for the Bunker Hill site. Larry Hall moved to approve the bid from Jeff Schneider. Herb Pemberton seconded the motion. The motion passed 3-0.

Augur also informed the Commission that she and Ladean Kempinger would be going to a meeting in Chanute on Dec. 22nd.

At 10:35 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Steve Thompson attended the executive session.

At 10:50 AM the executive session ended. As a result of the executive session, Jim Ferrante moved to transfer Tina Aggers from the Clerk's office to the Appraiser's office. Herb Pemberton seconded the motion. The motion passed 3-0. The position in the Appraiser's office is in the same range as the position in the Clerk's office, so Aggers will transfer at the same salary. The transfer will be effective after year end processing is completed.

At 10:51 AM the Commission opened quotes for traffic signs. Bids received were: National Sign Company, \$2,573.53; All Road Barricades, Inc., \$4,591.91; BARCO Municipal Products, Inc, \$3,647.74; Newman Traffic Signs, \$2,544.75; D-C Wholesale, \$2,728.46; and J&A Traffic Products, \$3,229.17. Larry Hall moved to approve the low bid from Newman Traffic Signs in the amount of \$2,544.75 pending Larry Robinson's verification that the bid meets specs. Herb Pemberton seconded the motion. The motion passed 3-0.

Jesse Secrest, Cox Motors informed the Commission that estimated repairs to the existing Solid Waste truck would run between \$3,000.00 and \$4,000.00, not including frame repairs. Herb Pemberton moved to approve the bid from Cox Motors for a new Freightliner for Solid Waste in the amount of \$72,866.00. Larry Hall recommended checking on repairing the frame before buying a new truck. Jim Ferrante seconded the motion. The motion passed 2-1.

Larry Robinson informed the Commission that the Newman Traffic Signs bid did meet specs.

Sheriff Stites informed the Commission that the dash cameras in his patrol are getting old and are very expensive to repair. The Sheriff also informed the Commission that there have been several daytime break-ins, and asked that anyone that thinks someone has been in their house should call the Sheriff's Office.

At 11:18 AM the Commission opened bids for patrol cars. The only bid received was from Cox Motors in the amount of \$25,775.00 each for 3 patrol cars. Larry Hall asked Sheriff Stites if we could postpone replacing one of the vehicles until 2007? Larry Hall moved to approve purchasing 2 cars and to consider the 3rd vehicle next week after the Sheriff checks into the possibility of keeping one of the cars another year. Jim Ferrante seconded the motion. The motion passed 3-0.

John Maloney discussed Household Hazardous Waste with the Commission. He would like to donate an unused trailer that we don't need to another County for Household Hazardous Waste collection. The trailer was purchased with grant money by the Lake Region Solid Waste Authority. The Counselor told Maloney we would need to look at the original agreements, grant applications, etc. before transferring it to another department or County.

The Commission and Bernard Streeter discussed the new fire station building. The Clerk informed the Commission that he was checking with the Auditor on how to handle the money for next year's budget.

Larry Hall moved to approve the following pays/special pays: General, \$115,219.32; Employee Benefit, \$64,465.68; Appraiser, \$7,702.48; Rural Fire, \$2,833.34; Road & Bridge, \$30,244.20; 911 Telephone Tax, \$2,910.54; Crime Victim Assistance, \$745.47; Elderly, \$8,899.03. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve Purchase Order #2005-2 in the amount of \$16,800.00 to Richard M. Fisher, Jr. for Contract Attorney Fees to be paid from the 2005 District Court Budget, Purchase Order #2005-3 in the amount of \$16,800.00 to Gilbert E. Gregory for Contract Attorney Fees to be paid from the 2005 District Court Budget, Purchase Order #2005-4 in the amount of \$16,800.00 to Jesse T. Randall for Contract Attorney Fees to be paid from the 2005 District Court Budget, Purchase Order #2005-5 in the amount of \$16,800.00 to Justin Meeks for Contract Attorney Fees to be paid from the 2005 District Court Budget, and Purchase Order #2005-6 in the amount of \$11,663.00 to Network Technologies for Computer Equipment to be paid from the 2005 District Court Budget. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve Purchase Order #2005-7 in the amount of \$2,500.00 to the United States Postal Service for postage to be paid from the 2005 Election Budget. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2005-100 thru 2005-109. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the Sheriff's monthly fee report for November 2005. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to cancel the remaining balance of \$237.00 on Purchase Order #2004-09. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt the 457 Plan Document as presented. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall moved to adopt Resolution #05-36 cancelling outstanding County warrants that are over 2 years old. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt Resolution #05-37 to amend the KWORCC bylaws as requested by KWORCC. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to adopt Resolution #05-38 setting the official holidays for 2006. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt Resolution #05-39 setting the pay dates for 2006. Larry Hall seconded the motion. The motion passed 3-0. Following are copies of Resolutions #05-36, #05-37, #05-38, and #05-39:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY, KANSAS
RESOLUTION NO. 05-36

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
LINN COUNTY, KANSAS:

That the Board of County Commissioners, being the governing body of Linn
County, Kansas, hereby declared, pursuant to K.S.A. 16-815 that all the
county warrants listed below are hereby cancelled and set aside upon the
records of the county. Such records shall show the date of cancellation
and shall note that such warrant is subject to payment by reason of this
resolution.

The County Warrants to be cancelled are:

GENERAL FUND	
8/10/2003	#4608 KANSAS CITY POWER & LIGHT
8/10/2003	#4609 KELLY E. REYNOLSON
8/10/2003	#4741 SCOTT FRIEDLINE
8/10/2003	#4760 REX E. BOLLINGER
8/10/2003	#4806 BRECK WHITE
10/14/2003	#4801 TAYLOR OF HOME
11/10/2003	#4802 CONLEY CTV COMM COLLEGE
RURAL FUND	
9/8/2003	#4818 TAYLOR'S FIRE EQUIP
11/10/2003	#4803 JOHN BLACK & SONS
12/31/2003	#5074 KANSAS CITY POWER & LIGHT
HOSPITAL BOARD	
3/10/2003	#4488 VERIZON DIRECTORIES
3/10/2003	#4489 DALANA CLEARWATER
3/10/2003	#4500 SUSAN MURPHY
3/10/2003	#4501 DON PEASE
4/14/2003	#4867 JAMES TALLEY
7/14/2003	#4750 CLIFFORD BROWN
7/14/2003	#4750 QUINCY FACILETT
8/11/2003	#4750 ROBERT CHANDLER
CRIME VICTIM ASSIST.	
10/14/2003	#4750 TAYLOR OF HOME
PAYROLL	
10/1/2003	#3700 PROTECTIVE LIFE INS
10/1/2003	#3702 RICHARD FRANKS
10/1/2003	#3703 JOE THORP
6/26/2003	#3870 RICHARD FRANKS
6/26/2003	#3875 LARRY THOMPSON
12/13/2003	#4107 ALBERT NAKHUM
12/13/2003	#4141 KETH BLOOMFIELD

APPROVED AND ADOPTED THIS 18TH DAY OF DECEMBER 2005


David L. Lamb, County Clerk


Larry Hall Vice Chairman


Jim Ferrante, Member

RESOLUTION NO. 05-37
COUNTY OF Linn, STATE OF KANSAS

WHEREAS, the Board of County Commissioners, (Board) of Linn County, Kansas (County) has authority under the Kansas Municipal Group-Funded Pool Act, K.S.A. 12-2616, et seq., as amended, the Interlocal Cooperation Act, K.S.A. 12-2901, et seq., as amended, the Kansas Tort Claims Act, K.S.A. 75-4101, et seq., as amended, to participate in and form a county self-insurance pool for workers compensation coverage; and

WHEREAS, the Board has reviewed an agreement to cooperate with other counties to form such a self-insurance pool entitled By-Laws and Interlocal Cooperation Agreement for the Kansas Workers Risk Cooperative for Counties (KWORCC), a copy of which is attached hereto and incorporated by reference into this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE ABOVE-STATE COUNTY THAT:

1. The Bylaws and Interlocal Cooperation Agreement for the Kansas Workers Risk Cooperative for Counties (KWORCC), a copy of which is attached hereto and incorporated by this reference into this Resolution is hereby approved.
2. The Chairman of the Board is hereby authorized and directed to sign the Agreement on behalf of the County.
3. Neither this Resolution nor the Agreement approved hereby is intended to nor does it waive, nor shall it be construed as waiving, any immunity or limitation on liability proved to the County, its officers or employees, by any law, including but not limited to any such immunity or limitation appearing in the Kansas Tort Claims Act or amendments thereto. Furthermore, neither this Resolution nor the Agreement is intended to, nor does it provide for coverage in excess of the limitation on liability within the Workers Compensation Act, K.S.A. 44-501 et seq, or amendments thereto.
4. The County understands and further by execution of this Resolution and the Agreement agrees that it will comply with the requirements of the Workers Compensation Act and amendments thereto and furthermore understands that in accordance with the BYLAWS AND INTERLOCAL COOPERATION AGREEMENT THAT THE INDIVIDUAL MEMBERS OF THE COOPERATIVE MAY BE SUBJECT TO ASSESSMENT.
5. One copy of this signed Agreement shall be mailed to the Administrator of KWORCC, along with a copy of this Resolution, one copy of the signed Agreement shall be filed with the County Register of Deeds, and one copy of the signed Agreement shall be filed with the Secretary of State of the State of Kansas.

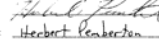
The foregoing Resolution was adopted by a majority vote of the Board of County Commissioners of the above named County, State of Kansas on this 19th day of December, 2005.

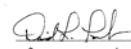
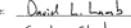

David L. Lamb, County Clerk


Herb Pemberton, Chairman
Board of County Commissioners

In witness whereof, the parties hereto have entered into this Agreement by the execution of this signature page, which shall be attached to and be a part of this Agreement.

Executed by Linn County, Kansas, pursuant to Resolution No. 05-37, said Resolution having been adopted on the 18th day of December, 2005.

By: 
Print Name: Herb Pemberton
Title: Commission Chairman
Date: 12-19-05

ATTEST:

By: 
Print Name: David L. Lamb
Title: County Clerk
Date: 12-19-05

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RESOLUTION #05-38

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

BE IT RESOLVED: That the following schedule be adopted as the official holidays for the year 2006

January 2, Monday	New Year's Day
January 16, Monday	Martin Luther King, Jr. Day
February 20, Monday	President's Day
May 29, Monday	Memorial Day
July 4, Tuesday	Independence Day
September 4, Monday	Labor Day
October 9, Monday	Columbus Day
November 10, Monday	Veteran's Day
November 23 & 24, Thursday & Friday	Thanksgiving Day
December 25, Monday	Christmas Day

APPROVED AND ADOPTED this 19th day of December, 2005 for the year 2006.


BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Herb Pemberton, Chairman

ATTEST:

David L. Lamb, County Clerk

Larry Hall, Vice Chairman

Jim Ferrante, Member



RESOLUTION #05-39


BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS


BE IT RESOLVED: That the following schedule be adopted as the schedule of pay dates for the year 2006.

PAYROLL	VOUCHERS (Due before Noon)	MONTH	VOUCHERS (Due before Noon)	COUNTY CLAIMS
January 13 January 31	January 6 January 24	January	February 2	February 13
February 15 February 28	February 8 February 21	February	March 2	March 13
March 15 March 31	March 8 March 24	March	March 30	April 10
April 14 April 28	April 7 April 21	April	April 27	May 8
May 15 May 31	May 8 May 23	May	June 1	June 12
June 15 June 30	June 8 June 23	June	June 28	July 10
July 14 July 31	July 7 July 24	July	August 3	August 14
August 15 August 31	August 8 August 24	August	August 30	September 11
September 15 September 29	September 8 September 22	September	September 28	October 10
October 13 October 31	October 5 October 24	October	November 1	November 13
November 15 November 30	November 7 November 21	November	November 22	December 4
December 15 December 29	December 8 December 21	December	December 14	December 26

APPROVED AND ADOPTED this 19th day of December, 2005 for the year 2006.


BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Herb Pemberton, Chairman

ATTEST:

David L. Lamb, County Clerk

Larry Hall, Vice Chairman

Jim Ferrante, Member

Jim Ferrante moved to adopt the Maintenance Work Policy effective December 12, 2005. Larry Hall seconded the motion. The motion passed 3-0.

Don George KDWP, asked the Commission about renewing the CFAP for 1, 3, or 5 years. Also George asked about including the barrow pit area in the Pleasanton Industrial Park in the new CFAP. Larry Hall asked George to come in next week after the Counselor has a chance to review the lease.

At 12:18 PM Larry Hall moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and County Clerk attended the executive session.

At 12:28 PM the executive session ended. As a result of the executive session, Larry Hall moved to amend last week's motion to give all employees a 3% COLA, by excluding Bernard Streeter and Cheryl Wallace, and stated that the Commission will discuss contract employees next week. Jim Ferrante seconded the motion. The motion passed 2-1. Bernard Streeter informed the Commission that his proposal when he and Cheryl received their raises was to include Cheryl Wallace and his salaries in any COLA that County employees receive.

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Tuesday, December 27th. Jim Ferrante seconded the motion. The motion passed 3-0.

Attest:

County Clerk

Commission Chair

December 27, 2005

The Board of Linn County Commission met in a regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; and David Lamb, County Clerk.

Herb Pemberton moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 3-0.

Marilyn Augur gave the Commission the estimate on fixing her 1992 Ford Taurus from Cox Motors in the amount of \$1,486.94. After discussing buying a new vehicle as opposed to repairing the existing vehicle, Jim Ferrante moved to repair the vehicle. Larry Hall seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

Larry Robinson gave the Commission a map showing the plans for the new US Highway 69 around the Kansas Highway 52 intersection.

Dan Harden, BG Consultants, Inc. met with the Commission concerning 1700 Road. Harden asked the Commission for information that would help him prepare a proposal for the road project.

Jerry Baker and Steve Jolly, MHS Engineering introduced themselves to the Commission and stated that they would also be bidding on the 1700 Road project.

Sheriff Stites informed the Commission that the repairs on the #12 car for the year were \$10,572.00. Sheriff Stites also informed the Commission that he needs to replace a mobile repeater for \$875.00. The Sheriff also informed the Commission that he has been approved for a 100% grant in the amount of \$142,232.00 for wireless enhanced 911. The Sheriff also informed the Commission that he needs to talk to Bernard Streeter about grant money that is available for law enforcement. The Commission and Sheriff Stites then discussed the need for a 3rd new patrol car next year. Herb Pemberton moved to purchase a 3rd patrol car from Cox Motors next year. Larry Hall seconded the motion. The motion passed 3-0.

Jim Ferrante then stated that he believes that a large part of the crime problem in Linn County is due to drugs. Commissioner Ferrante asked Sheriff Stites if he had any Deputies assigned 100% to fighting the drug problem. Sheriff Stites stated that all his Deputies work on drug related crimes, but he does not have the budget to assign anyone to drug enforcement only. Commissioner Hall asked if the Sheriff had a strategy for fighting drugs. The Sheriff stated that he was not at liberty to discuss the plan in public and added that it his job to formulate the plan and manage the law enforcement for the County, and that it is not the Commission’s job.

Andy Mayhugh informed the Commission that Mike Page does not have his Lot Split ready yet. Mayhugh also presented an Outlay Report and Request for Disbursement from Shafer, Kline, & Warren, Inc. on the Centerville Sewer Project in the amount of \$48,004.10 to be paid from Sewer District funds, not County funds. Larry Hall moved to authorize the Chairman to sign the request for disbursement in the amount of \$48,004.10. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Robinson discussed the 5 Year Plan and the 1700 Road Project. Robinson estimates that the project will cost approximately \$2,000,00.00 if we do the project according to KDOT specifications. Robinson suggested that the County could do the project much cheaper on our own, and could use the 5 Year Plan money for bridges and other projects.

Jim Ferrante moved to approve the following add/abate/refund orders: 2005-110 thru 2005-113 and 2005-115 thru 2005-120. Herb Pemberton seconded the motion. The motion passed 3-0.

Chris Paus, Lake Region Solid Waste Authority, presented the revised Lake Region Solid Waste Management Plan. Jim Ferrante moved to approve the Lake Region Solid Waste Management Plan and adopt Resolution #05-43. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of Resolution #05-43:



At 10:48 AM Jim Ferrante moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission & Bernard Streeter discussed the proposal from the City of La Cygne to join the County Fire District. The County Counselor is also reviewing the proposal. The Clerk also informed the Commission that they will probably need to amend next year’s Fire Budget to pay for constructing the new Station 950 with money that will be left from this year’s Fire Budget.

Herb Pemberton informed the Commission and audience that he received a fax concerning improvements at the La Cygne Power Plant. Larry Hall read a summary of the improvements.

Jim Ferrante moved to adopt Resolution #05-40 designating the Linn County News as the Official County Newspaper for 2006, Resolution #05-41 designating the Official Depositories for County Funds for 2006, and Resolution #05-42, the annual GAAP Waiver for 2006. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #05-40, #05-41, and #05-42:

<p>RESOLUTION NO: 2005-40</p> <p>BEFORE THE BOARD OF COUNTY COMMISSIONERS</p> <p>LINN COUNTY, KANSAS</p> <p>BE IT RESOLVED: That effective January 1, 2006 the "Linn County News" is designated as the official county newspaper for year 2006.</p> <p>APPROVED AND ADOPTED this 27th day of December, 2005 for year 2006.</p> <p>BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS</p> <p><i>Herb Pemberton</i> Herb Pemberton, Chairman</p> <p><i>Larry Hall</i> Larry Hall, Vice Chairman</p> <p><i>Jim Ferrante</i> Jim Ferrante, Member</p> <p>ATTEST:</p> <p><i>David L. Lamb</i> David L. Lamb, County Clerk</p>	<p>RESOLUTION NO: 2005-41</p> <p>BEFORE THE BOARD OF COUNTY COMMISSIONERS</p> <p>LINN COUNTY, KANSAS</p> <p>BE IT RESOLVED: That effective January 1, 2006 the following banks are designated as the official depositories for the county funds and that these and no other banks be utilized by the County Treasurer for such county deposits until this Resolution be succeeded.</p> <p>FARMERS & MERCHANTS BANK FARMERS STATE BANK LADETTE BANK CENTREVILLE STATE BANK PRESCOTT STATE BANK</p> <p>BE IT RESOLVED ALSO: That the FARMERS & MERCHANTS BANK of Mound City, Kansas be designated as the depository to be utilized by the Register of Deeds.</p> <p>SIGNED this 27th day of December, 2005 for the year 2006.</p> <p>BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS</p> <p><i>Herb Pemberton</i> Herb Pemberton, Chairman</p> <p><i>Larry Hall</i> Larry Hall, Vice Chairman</p> <p><i>Jim Ferrante</i> Jim Ferrante, Member</p> <p>ATTEST:</p> <p><i>David L. Lamb</i> David L. Lamb, County Clerk</p>	<p>RESOLUTION NO: 2005-42</p> <p>BEFORE THE BOARD OF COUNTY COMMISSIONERS</p> <p>LINN COUNTY, KANSAS</p> <p>WHEREAS: The Board of Commissioners, Linn County, Kansas has determined that the financial statements and reports for the year ending December 31, 2006 to be prepared in conformity with the requirements of K.S.A. 75-1120a(4) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of Commissioners or the members of the general public of Linn County and.</p> <p>WHEREAS: There are no revenue bond ordinances or other ordinances or resolutions of said municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(4) for the year ended.</p> <p>NOW, THEREFORE BE IT RESOLVED: by the Board of Commissioners of Linn County, Kansas in regular meeting duly assembled this 27th day of December, 2005 that the Board of Commissioners, Linn County, Kansas request the Director of Accounts and Reports to waive the requirements of K.S.A. 75-1120a(4) as they apply to Linn County for the year ending December 31, 2006.</p> <p>BE IT FURTHER RESOLVED: that the Board of Commissioners shall cause the financial statements and financial reports of the Board of Commissioners of Linn County to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.</p> <p>THEREFORE, on this 27th day of December, 2005 the County Clerk is instructed to file a waiver request to the Division of Accounts and Reports in Topeka, Kansas for the year ending December 31, 2006.</p> <p>BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS</p> <p><i>Herb Pemberton</i> Herb Pemberton, Chairman</p> <p><i>Larry Hall</i> Larry Hall, Vice Chairman</p> <p><i>Jim Ferrante</i> Jim Ferrante, Member</p> <p>ATTEST:</p> <p><i>David L. Lamb</i> David L. Lamb, County Clerk</p>
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The Commission reviewed the Emergystat Monthly Report for November 2005.

Jim Ferrante moved to change the amount of Purchase Order #2005-10 from \$5,000.00 to \$4,400.00. Larry Hall seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve Purchase Orders #2005-11 in the amount of \$4,700.00 to Nation Contracting for Gazebo Repairs to be paid from the Special Building line item in the General Fund, #2005-12 in the amount of \$50,000.00 to Cox Motor Company for partial payment on a truck to be paid from the Solid Waste line item in the General Fund, #2005-13 in the amount of \$2,500.00 to The Lockwood Company, Inc. for election supplies to be paid from the Election line item in the General Fund, and #2005-14 in the amount of \$335,000.00 to Linn County Treasurer’s Benefit Trust for health insurance claims to be paid from the Employee Benefits Fund. Larry Hall seconded the motion. The motion passed 3-0.

Wayne Ellis informed the Commission of progress on the sewer project at the jail. The 1st and 2nd phases of the project are complete. Larry Hall moved to pay Ellis for Phase 1 & 2 and to approve payment of \$1,178.00 for additional work that was not included in the original bid. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission opened bids for air conditioner and roof vent work on the Sheriff’s Office. Bids received were: Tholen’s Heating & Cooling, Inc., \$4,142.90; and Douglas & Sons Heating & Air Conditioning, \$2,475.00. After reviewing the bids, the Commission discovered that the Tholen bid included items that were not in the Douglas bid. If the additional items were removed from the Tholen bid, the total of that bid would be \$3,112.85. After discussion, Larry Hall moved to approve the bid from Douglas & Sons in the amount of \$2,475.00 minus the cost of additional roof vents. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to authorize the Chairman to sign the Midwest Diversified, Inc. roofing contract. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that the County’s AS/400 computer system is running low on storage space. Infinitec, Inc. has given the Clerk two proposals to correct the problem. The first proposal is to add storage to the existing AS/400 for \$1,680.00. The second proposal is to replace the AS/400 with a new iSeries 520 for \$29,750.00. No action taken.

The Clerk also informed the Commission that KAC has requested that the Commission appoint a representative to the Regional Council for Homeland Security and send that representative to a meeting in Wichita on January 30 & 31. No action taken.

Larry Hall moved to approve the following pays/special pays: General, \$194,507.50; Appraiser, \$10,951.42; Rural Fire, \$23,655.78; Road & Bridge, \$25,634.09; 911 Telephone Tax, \$2.30; Spl. Fire Equip. Replacement, \$1,571.79; Hospital Board, \$7,742.75; Special Alcohol, \$2,095.00; Elderly, \$9,835.79. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission and Clerk discussed the 3% COLA that was approved for County Employees. The Clerk stated that he felt that a COLA should be given to all employees. After discussion, Jim Ferrante moved to give the 3% COLA to Steve Thompson and Dennis Arnold, but not to Gary Thompson. Herb Pemberton seconded the motion. The Commission also agreed to discuss future raises with contract employees with the employees at contract renewal time. The motion passed 3-0.

Larry Hall discussed departments going over budget in the last 12 years. Larry Hall then proposed removing the Sheriff’s budget from the general fund into a separate fund. Larry Hall moved to remove the Sheriff’s budget from the general into a separate fund pending confirmation from legal counsel. Jim Ferrante seconded the motion. The Clerk stated that he would need to check with the auditor and County Counselor to see if it was legal to move the Sheriff’s budget to a separate fund. The Clerk also stated that the 2006 Budget had already been published and approved with the Sheriff’s budget in the General Fund. After discussion the motion passed 2-1. Herb Pemberton voted no.

Don George, KDWP discussed CFAP agreements on the County strip pit and on the barrow pit at the Pleasanton Industrial Park. George also discussed the recreational usage of the PWWSD #13 Lake. No decisions were made.

The Commission & Clerk discussed agendas, staying on schedule at Commission meetings, responsibility for buildings, etc. Jim Ferrante stated that we need to stay on schedule and that County employees need to be on the agenda, so they won't be sitting in the meeting waiting to speak to the Commission. The Clerk stated that the Commission also needs to do a better job of staying on schedule so people won't have to wait as long. Herb Pemberton showed the other Commissioners a Statute that states that the Commission is responsible for the maintenance of all County buildings

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Tuesday, January 3rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 28, 2005

The Board of Linn County Commission met in a special session at 1:00 PM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Chairman; Larry Hall, Vice Chairman; Jim Ferrante, Member; and David Lamb, County Clerk.

The Clerk read the Notice of Special Meeting and reminded the Commission that the topics listed in the Notice of Special Meeting were the only topics that could be discussed.

Following is a copy of the Notice of Special Meeting:

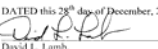
LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2559
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District:
Herb Pemberton
Second District:
Larry Hall
Third District:
Jim Ferrante

**NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS**

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 1:00 PM on Wednesday, December 28, 2005 in the Linn County Courthouse Annex, Mound City, KS 66056. This meeting will be held to discuss the bids concerning repairs/replacement of the heating & air conditioning system in the Sheriff’s office and take any necessary action concerning those bids.

DATED this 28th day of December, 2005.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Scherland, County Attorney
Marvin Stiles, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Auger, Nutrition / Transportation

John Maloney, Necessus Wheel
Dennis Arnold, Economic Development
Bernard Strecker, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Larry Hall stated that Cass Douglas informed him that the current Heat & A/C units at the Sheriff’s Office were not designed for roof mounting and that they do not have economizers. Douglas also told Commissioner Hall that it would not be possible to stop all the leaks with the current units.

At 1:10 PM the Commission moved the meeting to the Sheriff’s office.

Cass Douglas arrived at the meeting and explained the need for new Heat & A/C units with economizers. The Commission looked at the units from inside the Sheriff’s Office and from the roof.

After discussion, Herb Pemberton moved to purchase 3-5 ton units and 2-3 ton units from Douglas & Sons Heating & Air Conditioning for approximately \$22,000.00 including installation. This price does not include the cost of renting a crane to remove the old units and place the new units. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Hall moved to purchase 5 new 3 phase fused disconnects for the new units from Douglas & Sons Heating & Air Conditioning for approximately \$750.00. Jim Ferrante seconded the motion. The motion passed 3-0.

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Tuesday, January 3rd. Herb Pemberton seconded the motion. The motion passed 3-0.

ATTEST:

Commission Chair

County Clerk