

January 3, 2008

The Board of Linn County Commission met in special session at 6:00 PM in the Pleasanton City Hall, Pleasanton, Kansas with the Pleasanton City Council. Those present were Herb Pemberton, Vice Chairman; Jason Sabine, Member; John Copple, Deputy County Clerk; Gary Thompson, County Counselor; Andy Mayhugh, Planning Director; and Dennis Arnold, Economic Development Director. Also present were the Pleasanton Mayor and City Council.

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
Doug Barlet
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 6:00 PM on Thursday, January 3, 2008 in the Pleasanton City Hall, Pleasanton, Kansas. This will be joint meeting with the Pleasanton City Council. The special meeting has been called to discuss infrastructure and annexation, the County's role in those issues, and to take any necessary action.

DATED this 2nd day of January, 2008.


David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sutherland, County Attorney
Marvin Stiles, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marlyn Augur, Nutrition / Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
David Yates, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Herb Pemberton called the meeting to order. John Copple read the Notice of Special Meeting.

Mayor Tim Staton said there have been ongoing discussions about extending sewer and water utilities to the east side of the existing path of Highway 69 to allow for business development and expansion. Staton said that the city is requesting that the county provide labor and equipment to assist in installing water lines and building a new road into property being developed by Mercy Hospital for its Pleasanton physician facility. The property being developed is currently within the city limits, and is subject to the city's zoning and review processes.

Pemberton said that if the county is going to be involved he wants to be sure that the project is being coordinated with the state. In response to a question, Pemberton said the county does not have equipment to bore under the current highway. Pemberton said that he recognizes that this may set a precedent for other cities in the county, and that he recognizes that this kind of collaborative effort will be necessary between the county and cities.

Larry Robinson, Pleasanton Planning Commission, said that the Kansas Department of Transportation has built a road to the east from the current Highway 69 toward the property that Mercy Hospital plans to develop. Gary Thompson said that for the property owner to be allowed to split the property that road will need to be extended. A new paved road will be built from 1100 Road to the planned Mercy location, to provide for ease of access from the new location of Highway 69. John Woodrich, Mercy Hospital representative, agreed that Mercy would not require the north extension until the new Highway 69 construction is completed.

Charles Rowe, Pleasanton City Council member, asked the commission what the county had told the developers that the county would do to assist in the developments prior to the property being annexed by the city. Gary Thompson said the commission had said it would do whatever it could do to help in the developments, in a very general sense.

Dennis Arnold suggested that he and Andy Mayhugh be included in ongoing discussions as county representatives. Jason Sabine made a motion to allow Dennis Arnold and Andy Mayhugh to be the county's representatives in ongoing planning discussions with the city. Herb Pemberton seconded the motion. The motion was approved 2-0. Staton asked if the commission was committing to provide people and equipment. Pemberton and Sabine agreed that they were so doing.

Thompson summarized: the county is committed to help with digging on the water line to extend water supply to the planned development area, and to get started at the appropriate time on the construction of a road to connect to 1100 Road. Thompson said details on the cost and design have not be established yet.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, January 7, 2008. Herb Pemberton seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

January 7, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; Jason Sabine, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jim Ferrante led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the January 3, 2008 special meeting as printed. Jason Sabine seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-182 thru 185. Jason Sabine seconded the motion. The motion passed 3-0.

Donna Thomas asked the Commission to sign a grant application for \$7,457.00 for pandemic influenza planning. Jason Sabine moved to allow the Chairman to sign the grant application. Herb Pemberton seconded the motion. The motion passed 3-0.

Thomas also informed the Commission that she has money left in the General Fund that needs to be transferred to the Health Dept. Fund. The Clerk is waiting to hear from the Auditor on how to transfer the money.

Dan Morris presented a resolution to declare an old pickup as surplus property. Jason Sabine move to adopt Resolution #08-01 declaring a 1991 Ford F150 as surplus property. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-01:

RESOLUTION NO. 08-01

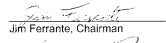
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY, KANSAS

BE IT RESOLVED, that the following equipment be declared as surplus property:


1991 Ford Pickup F150 VIN# 1FTEF15H6MPA73542 (Unit 101)

APPROVED AND ADOPTED THIS 7th day of January, 2008.

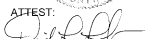
BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas


Jim Ferrante, Chairman


Herbert Pemberton, Vice Chairman


Jason Sabine, Member



ATTEST:

David Lamb, County Clerk

Joe Maloney informed the Commission that our old landfill passed the KDHE inspection. Maloney also informed the Commission that the truck has been repaired by Merle Kelley Ford and is back in service. Herb Pemberton suggested servicing the trucks more often.

At 9:13 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Maloney attended the

executive session.

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

John Maloney then discussed a proposed Noxious Weed checklist that explains the procedure for Noxious Weed complaints. Maloney stated that the Noxious Weed Director should be contacted to resolve problems before the complaints are given to the Commission. Gary Thompson will prepare a notice for the paper that explains the procedure.

Doug Barlet asked for a 10 minute executive session for legal issues. The Commission asked Barlet to come back at 11:00 AM for the executive session.

Ed Andersen presented 2 quotes for materials to finish the La Cygne Fire Station. The City of La Cygne will pay \$1,500.00 of the material cost. The quotes were: Big Sugar Lumber, \$2,973.65; and Diversified Supply, \$3,374.00. Jason Sabine moved to accept the bid from Big Sugar Lumber in the amount \$2,973.65. Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur asked the Commission about submitting an application for a new vehicle for Elderly Transportation. The application would be for an 80/20 grant. The County would be responsible for 20% (\$12,570.00) in 2009. The Commission stated that they want to think about applying for the grant and discuss it again next week. The Commission discussed maintenance and cleaning of the Senior Centers.

Harry Wisdom informed the Commission that he needs a load of salt. Jason Sabine moved to allow Wisdom to purchase a load of road salt. Jim Ferrante seconded the motion. The motion passed 3-0.

Larry Robinson informed the Commission that we are due for our bridge inspections. Robinson has a letter prepared requesting bids for bridge inspections. Jason Sabine moved to allow Robinson to send the letters requesting bridge inspections bids. The bids will be due Feb. 4th at 9:00 AM to be opened at 10:00 AM on that day. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:53 Jim Ferrante moved to take a break until 10:00 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:00 AM the Commission opened bids for a 2008 Ford F550 sign truck. Bids received were: Cox Motors, \$79,996.00; Shawnee Mission Ford, \$78,146.00; and Shepherd Team Auto Plaza, \$82,828.33. Larry Robinson recommends accepting the bid from Cox Motors, the local business. Jason Sabine moved to accept the bid from Cox Motors in the amount of \$79,996.00. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:11 AM Jason Sabine moved to recess from the Board of Commission 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, Counselor, and Doug Barlet attended the executive session.

At 10:21 AM the executive session ended.

At 10:22 AM Jason Sabine 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 10:32 AM the executive session ended.

At 10:32 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Jason Sabine seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:34 AM Doug Barlet left the executive session.

At 10:37 AM the executive session ended. No action taken.

Doug Barlet informed the Commission that he needs to purchase approximately \$1,200.00 worth of medical supplies for the Fire Stations. Jason Sabine moved to approve the purchase as requested. Herb Pemberton seconded the motion. The motion passed 3-0. Barlet also informed the Commission that we need some oxygen bottles for the Fire Stations but he does not have prices on the bottles yet.

At 10:40 AM the Chairman asked for public comments. None were given.

At 10:41 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:50 AM Doug Barlet entered the executive session.

At 10:56 AM Doug Barlet left the executive session.

At 11:01 AM the executive session ended.

At 11:02 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Larry Robinson attended this portion of the executive session.

At 11:12 AM the executive session ended. As a result of the executive session, Jason Sabine moved to repeal the extra money that Larry Robinson was receiving as the Emergency Management Coordinator, change Larry Robinson's salary to \$16.15 per hour for Traffic Control Coordinator, and give Robinson \$1.43 per hour as Alternate Emergency Management Coordinator, making his total wage \$17.58 per hour effective immediately. 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, January 14, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

January 14, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; Jason Sabine, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jim Ferrante led the Pledge of Allegiance.

Jim Ferrante moved to appoint Jason Sabine as the 2008 Commission Chairman. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to appoint Herb Pemberton as the 2008 Commission Vice Chairman. Jason Sabine seconded the motion. The motion passed 3-0.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-172 and 187. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the Sheriff's Monthly Fee Report for December 2007. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for December 2008.

The Clerk informed the Commission that they will need to meet on Friday as the Board of Canvassers because of next Monday being a holiday. Herb Pemberton moved to schedule a special meeting in the Clerk's office on Friday, January 18th at 9:00 AM to canvass the election. Jason Sabine seconded the motion. The motion passed 3-0.

Herb Pemberton moved to reschedule the January 21st regular meeting to Tuesday, January 22nd at 9:00 AM due to the Martin Luther King, Jr. Holiday. Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk presented the annual KAC 2008 Dues invoice in the amount of \$2,807.13. This is a decrease from last year's dues of \$2,868.74. Herb Pemberton moved to pay the annual KAC Dues for 2008 in the amount of \$2,807.13. Jim Ferrante seconded the motion. The motion passed 3-0.

Sheriff Stites discussed extended service policies on patrol cars. There are 4 levels of protection that are offered. The extra coverage would cost \$2,675.00. Sheriff Stites does not recommend purchasing the coverage for that price. The Commission and the Sheriff also discussed the need for mold remediation on a small area of insulation in the Sheriff's office. The Sheriff stated that the insulation may need to be replaced in the entire jail area. The Commission stated that we need to take a look at the problem.

Doug Barlet informed the Commission that he needs to attend an Emergency Management meeting in Overland Park tomorrow, NIMS 300 training in Iola on January 23rd & 24th, and Security Readiness meeting in Wyandotte County on January 25th. Donna Thomas will also attend the meeting on the 25th. Barlet also informed the Commission that he can rent the oxygen bottles that we need for the Fire Dept. for \$4.25 per month per bottle plus \$2.25 per refill. These oxygen bottles would be the same type that AMR uses. Herb Pemberton moved to approve and enter into the rental agreement for the oxygen bottles. Jim Ferrante seconded the motion. The motion passed 3-0.

Barlet then informed the Commission that there are some water problems in the insulation under the roof in the Pleasanton fire station. Barlet will check on what is needed to fix the problem.

Barlet presented a proposal from BKD, LLC for forensic accounting of the Fire Dept. for the years of 2002 thru 2006 for an amount not to exceed \$10,000.00. BKD also requires a retainer fee of \$4,000.00. Jim Ferrante moved to approve and enter into the agreement with BKD for forensic accounting of the Fire Dept. for an amount not to exceed \$10,000.00 including a retainer fee of \$4,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney discussed nuisance and abatement on the Week's property. Maloney stated that one of the neighbors started working on cleaning up their own property but have stopped because nothing has been done on the Week's property. The Counselor will check into what needs to be done next.

Maloney then presented the annual Noxious Weed Eradication Report. Herb Pemberton moved to sign and submit the Annual Noxious Weed Eradication Progress Report for 2007. Jim Ferrante seconded the motion. The motion passed 3-0.

Maloney also presented the annual Noxious Weed Management Plan for 2009. Jim Ferrante moved to sign and submit the Noxious Weed Management Plan for 2009. Herb Pemberton seconded the motion. The motion passed 3-0.

John Byington discussed the expenditures for Road & Bridge All District. Byington stated that we could use a County Engineer on staff. Byington also stated that the Road Dept. is working on their annual inventory. Byington discussed various projects that are scheduled for this year. Byington also asked the Commission to evaluate his job description. Currently Byington is listed as an Assistant Road Foreman but he believes he should be listed as a Road Foreman.

Dan Morris reported on the Road Dist. #1 expenditures. Herb Pemberton discussed the rotation system of working on roads in the district. Herb Pemberton suggested that the other districts should set up a rotation schedule for their roads.

Larry Robinson gave an update on FEMA funds. So far we have received a check for \$49,449.38 of which \$2,049.11 went to Fire & Emergency Preparedness and \$47,400.27 went to Road & Bridge. We have also received a check for \$23,932.12 which all went to Road & Bridge. There is an additional \$114,763.62 that has been turned in, but some of that money is for two bridges that we have not repaired yet. Jim Ferrante asked about the 2 bridges on County Road 1077. Robinson stated that those bridges are on the top of the list in the five year plan.

Gary Thompson presented a letter from County Surveyor Jim Schmitz concerning his fees for 2008. Jim Ferrante moved to accept the fee schedule from the County Surveyor. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:02 AM the Chairman asked for public comments. Chuck Simpson asked a question concerning help from the State for bridges. Larry Robinson stated that we accumulate approximately \$140,000.00 per year in the 5 year plan that can be used for projects like the bridges on 1077. The County has to provide 20% of the funds for projects in the 5 year plan.

At 10:07 AM Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed the grant proposal for a new Transportation Van. We can apply for the grant now for 2009. Jim Ferrante asked if we need a vehicle that large. Herb Pemberton stated that the vehicle has a wheelchair lift, so it has to be a large vehicle.

At 10:29 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, and Counselor attended the executive session.

At 10:39 AM the executive session ended. No action taken.

At 10:40 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Andy Mayhugh attended the executive session.

At 10:50 AM the executive session ended.

At 10:51 AM Jason Sabine 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 11:01 AM the executive session ended. No action taken.

Terry Sercer, CPA asked the Commission for a 15 minute executive session for personnel. At 11:01 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Counselor, and Terry Sercer attended the executive session.

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

Jason Sabine stated that he would like to use some of the FEMA reimbursement to purchase road rock. Currently funds are available for rock, but we could amend the budget later in the year if we need to spend more than budgeted.

Herb Pemberton moved to approve the following pays/special pays: General, \$153,528.15; Employee Benefit, \$140,880.46; Appraiser, \$9,977.83; Rural Fire, \$3,966.42; Road and Bridge, \$61,134.63; 911 Telephone Tax, \$3,356.09; County Health Dept., \$5,109.41; Crime Victim Assistance, \$904.71; Elderly, \$16,839.75; and Zoning LEPP, \$216.67. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission asked Marilyn Augur about the usage of the transportation vehicle. Augur stated that the wheelchair lift is probably used about 3 times a month. The only smaller vehicle available that is wheelchair accessible is a mini-van that has a very low ground clearance. The Commission suggested getting a mini-van, but keeping the current vehicle to use when needed. A ramp accessible mini-van would cost \$42,488.00. The County's cost would be approximately \$8,944.00. No action was taken at this time.

At 11:32 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

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

Jason Sabine asked the Clerk about getting a phone line and answering machine for the Maintenance Dept. The Clerk stated that he will need to contact Embarq about an additional phone line.

Herb Pemberton asked Gary Thompson about the recordings of the meetings. Pemberton would like to destroy the recordings after the minutes are approved. Gary Thompson stated that the Commission is not required to keep recordings. The minutes are the official record of the meeting. Herb Pemberton moved to not keep archive copies of the Commission meeting recordings. The motion died for lack of a second.

Mary Gilkison asked about recordings that are made by the audience, could they be used for legal reasons? Gary Thompson stated that we would not have to provide recordings if they are not our records.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Friday, January 18, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

January 18, 2008

The Board of Linn County Commission met in special session as the Board of Canvassers at 9:00 AM in the County Clerk's Office, Linn County Courthouse, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; and David Lamb, County Clerk.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66096-0350
913-795-2668
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Doug Barlet
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 Friday, January 18, 2008 in the Linn County Clerk's Office, 315 Main St., Mound City, KS. The special meeting has been called to canvass the January 15, 2008 Special Election.

DATED this 14th day of January, 2008.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Sell, County Treasurer
John Suteland, County Attorney
Marvin Shtes, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Manlym Augur, Nutrition / Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
David Yates, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Herb Pemberton moved to appoint Andy Mayhugh to serve as the 3rd canvasser. Jason Sabine seconded the motion. The motion passed 2-0.

Election Officer David Lamb 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 6 Provisional Ballots. After discussion, Jason Sabine moved to accept the recommendation of the Election Officer to not count 1 provisional ballot, and to count the remaining 5 provisional ballots. Herb Pemberton seconded the motion. The motion passed 3-0.

The Board of Canvassers then ran the provisional ballots through the ballot scanner, after which the Board of Canvassers certified the total election results.

At the end of the canvass, with nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Tuesday, January 22nd. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

January 22, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the January 18th Election Canvass as printed. Jason Sabine seconded the motion. The motion passed 2-0.

Herb Pemberton left the meeting for a few minutes to take a phone call. Jason Sabine announced that the new Commissioner for Dist. #3 will be Mike Page. The Commission asked Page to join them at the Commission table. Page will not be able to vote on anything this week because the Governor has not had time to make the appointment yet.

The Clerk presented a proposal from Midwest Diversified, Inc. for cleaning and inspections on the District Court roof. Midwest will clean and inspect the roof annually for \$300.00 and will repair the roof for materials plus \$65.00 per man hour. Herb Pemberton moved to approve the proposal from Midwest Diversified, Inc. as presented. Jason Sabine seconded the motion. The motion passed 2-0.

The Clerk presented the audit contract from Diehl, Banwart, and Bolton for the 2007 Audit. The total price for the audit is \$13,330.00 (4% increase). Herb Pemberton moved to approve the audit contract with Diehl, Banwart, and Bolton in the amount of \$13,330.00. Jason Sabine seconded the motion. The motion passed 2-0.

Marilyn Augur addressed the Commission concerning the Transportation Grant application. Augur stated that the transportation van is being used more than it used to be. Augur does not think the mini-van would work very well for our transportation needs. We could wait another year to apply for a grant for a new van. Herb Pemberton recommends waiting another year before applying for a grant for a new van. The Commission agreed to submit the transportation plan without applying for a new vehicle this year. Herb Pemberton moved to allow Augur to sign the transportation grant application for operating expenses. Jason Sabine seconded the motion. The motion passed 2-0. Herb Pemberton moved to sign the letter of support for the Linn County Transportation Program. Jason Sabine seconded the motion. The motion passed 2-0.

Herb Pemberton asked the Chairman to allow the front row of seats in the Commission room to be saved for the Road Foremen.

Joe Maloney informed the Commission that one of the Solid Waste containers is broken, the side of the container ripped out. Maloney asked for permission to go out for bids for 2 new containers. Herb Pemberton moved to allow Maloney to go out for bids for 2 new containers. Jason Sabine seconded the motion. The motion passed 2-0. Mike Page stated that we also need to look at the electrical service on the compactor sites. The site at Parker has a 240 volt panel with 480 volts running into it.

Harry Wisdom informed the Commission that he needs 10 new truck tires. He can purchase the tires from Cross Midwest for \$301.88 each. Herb Pemberton moved to approve the purchase of 10 tires from Cross Midwest for a total of \$3,018.80. Jason Sabine seconded the motion. The motion passed 2-0.

Jason Sabine stated that he talked to Nation Rock about purchasing rock from him. Sabine would like to work something out with Nation so we can purchase rock for the south part of the County. Herb Pemberton stated that we have had contracts with Nation for the last four or five years, but Nation has not been able to fulfill his contract.

At 9:43 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, John Black, and Mike Page attended the executive session.

At 9:53 AM the executive session ended.

At 9:54 AM Jason Sabine moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 9:57 AM John Black left the executive session and John Byington entered.

At 10:09 AM the executive session ended.

At 10:12 AM Jason Sabine 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 2-0. The Commission, Clerk, Counselor, Mike Page, and Jim Schmitz attended the executive session.

At 10:22 AM the executive session ended.

At 10:22 AM Jason Sabine moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 10:32 AM the executive session ended.

As a result of the executive sessions, Herb Pemberton moved to increase Mike Vrbanc from Range 4, Step A to Range 4, Step F (\$11.83 per hour), effective Feb. 1, 2008, due to his prior experience. Jason Sabine seconded the motion. The motion passed 2-0.

Also as a result of the executive sessions, Herb Pemberton moved to reclassify Asphalt Foreman John Byington from Range 6 to Range 8 (\$15.85 per hour) effective Feb. 1, 2008. Jason Sabine seconded the motion. The motion passed 2-0.

At 10:34 the Chairman asked for public comment. None was given.

At 10:35 Herb Pemberton moved to take a 15 minute break. Jason Sabine seconded the motion. The motion passed 2-0.

Chris Paus presented the Lake Region Solid Waste Authority Annual Regional Solid Waste Plan. Paus informed the Commission that Linn County has an open position on the Solid Waste Management Committee. Paus also presented a Draft Resolution to adopt the Lake Region Solid Waste Management Plan. The Clerk will prepare the Resolution for next week’s meeting.

Rick Daulton asked the Commission for permission to use the Courthouse parking lot for a car show on April 26, 2008. Daulton would also like to park some cars on the grass if weather permits. Herb Pemberton moved to allow Daulton to have the car show at the Courthouse and to use the lawn if it is not too wet. Jason Sabine seconded the motion. The motion passed 2-0.

Charlie Blevins asked the Commission about a fence view that occurred several years ago. Blevins has not been able to collect from the other land owner. Blevins already has a lien on the property. Gary Thompson explained the role of the Commissioners in a fence view. The Commissioners can determine the sufficiency of an existing partition fence, decide which landowner is responsible for which part of the partition fence, and can determine how long the landowner has to build his portion of the fence. The Commission does not have any role in collecting the money from a landowner for building his portion of the fence. Mr. Blevins would have to go back to court to collect the money.

Doug Barlet informed the Commission that Matt Byerly has resigned from Station 950 and has accepted employment with the Garden City Fire Dept. Barlet also informed the Commission that they need to appoint a designee to the Northeast Regional Homeland Security Council. Jason Sabine moved to appoint Doug Barlet as our representative to the Northeast Regional Homeland Security Council. Herb Pemberton seconded the motion. The motion passed 2-0.

Herb Pemberton moved to allow the Chairman to sign the contract with BKD, LLC for forensic accounting. Jason Sabine seconded the motion. The motion passed 2-0.

The Commission discussed Fire Ban Resolution, False Alarm Fees, and the water problem at Station 920 with Barlet.

At 11:29 AM at the request of Doug Barlet, Herb Pemberton 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. Jason Sabine seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, Doug Barlet, and Mike Page attended the executive session.

At 11:44 AM the executive session ended.

At 11:45 AM Jason Sabine moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 11:50 AM the executive session ended.

At 11:50 AM Jason Sabine moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 11:55 AM the executive session ended. No action taken.

At 11:56 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes for the preliminary discussion on the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, Dennis Arnold, Andy Mayhugh, and Mike Page attended the executive session.

At 12:11 PM the executive session ended.

At 12:12 PM Jason Sabine moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 12:22 PM the executive session ended. No action taken.

At 12:22 PM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and Mike Page attended the executive session.

At 12:27 PM the executive session ended. No action taken.

The Commission agreed to have a workshop on Friday, February 1 at 9:00 AM to discuss policies, procedures, etc. with the County Counselor and Clerk.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, January 28, 2008. Herb Pemberton seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

January 28, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

After reviewing the letter of appointment from the Governor, the Clerk administered the Oath of Office for Mike Page as District #3 Commissioner.

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

Herb Pemberton stated that Heartland has the deed ready for the Extension Office building. Gary Thompson will check on mortgage release and give Heartland the check.

The Clerk asked the Commission to approve a payment to Moto Power Farm Service in the amount of \$23,161.95 for fuel for Road Dist. #2 so the check can be released on Thursday. Herb Pemberton moved to approve the payment. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #08-02, adopting the Lake Region Solid Waste Management Plan. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-02:

RESOLUTION #08-02

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

WHEREAS, K.S.A. 65-3401 et seq., encourages the several counties of Kansas to join together in establishing regional groups for the purpose of developing workable plans for the management of solid waste, in lieu of separate county plans; and

WHEREAS, Linn County, Kansas is a municipal government with the authority, pursuant to K.S.A. 12-2901, et seq., to enter into agreements with other government entities; and

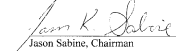
WHEREAS, The Board of County Commissioners entered into an interlocal agreement among the counties of Anderson, Coffey, Franklin, Linn, Miami, and Osage in 1993 for the purpose of creating a Lake Region Solid Waste Management planning authority to develop and adopt a regional solid waste management plan pursuant to K.S.A. 65-3401 et seq.; and

WHEREAS, a regional solid waste management committee was created in September 1993 and said committee has met and reconvened in 2001 to review, revise and submit to the counties a Lake Region Solid Waste Management Plan and said plan was presented to the Lake Region Solid Waste Authority on Nov. 6, 2007 and to the Board of County Commissioners on Jan. 22, 2008.

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINN COUNTY, KANSAS, that the Lake Region Solid Waste Management Plan be, and is hereby adopted by said Board.

RESOLVED This 28th day of January, 2008.

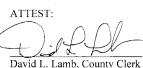
BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS


Jason Sabine, Chairman


Herb Pemberton, Vice Chairman


Mike Page, Member



ATTEST:

David L. Lamb, County Clerk

The Clerk told the Commission that he had been informed that Emergystat went out of business.

Doug Barlet informed the Commission that the Fire Board recommends hiring James McAtee at Station 950. Mike Page moved to accept the recommendation of the Fire Board and hire James McAtee as a firefighter at Station 950. Herb Pemberton seconded the motion. The motion passed 3-0.

Barlet then informed the Commission that he needs 2 radios for the new tankers. Deep South Fire Trucks, Inc. will install the radios and antennas before shipping the tankers to us. The cost should be around \$1,300.00 for the radios, installation, shipping, etc. Herb Pemberton moved to allow the purchase of two

radios to be installed in the new tankers by Deep South. Mike Page seconded the motion. The motion passed 3-0.

Barlet also informed the Commission that the National Weather Service Storm Spotter Training will be held on February 7th at 7:00 PM at Bunker Hill. The class is open to the public, but our primary goal is to train our Firefighters.

Dan Morris presented the proposed bid specs. for box culverts. Morris asked the Commission to look over the specs. before they are sent out.

John Black presented a permit to bury water line requested by KDOT located on Wall Street Road north of Mound City. Herb Pemberton moved to approve the permit as requested. Mike Page seconded the motion. The motion passed 3-0.

Black also asked for permission to purchase 4 road grader tires for a total of \$4,730.88 from Cross Midwest. Herb Pemberton moved to approve the purchase as requested. Mike Page seconded the motion. The motion passed 3-0.

Carmen Self presented the year end reports on interest and delinquent taxes. Interest for 2007 was \$376,790.89 (\$39,223.88 increase over 2006). Delinquent Real Estate taxes on December 31, 2007 were \$465,388.29. Delinquent Personal Property taxes on December 31, 2007 were \$51,987.43.

Andy Mayhugh presented Lot Split #08-225 requested by James Stinner located at 2000 Road and Umphrey Road. The lot split meets our requirements and Mayhugh recommends approval and acceptance of easement. Herb Pemberton moved to approve Lot Split #08-225 and accept the accompanying grant of easement. Mike Page seconded the motion. The motion passed 3-0.

Mayhugh then presented CUP #1207323 (Huebert). The Planning Commission recommended approval by an 8-0 vote with the following findings: 1) As conditioned, the proposed use will not detrimentally affect nearby properties, 2) The proposed use will not detrimentally impact existing infrastructure, 3) The proposed use conforms to the character of the neighborhood, and 4) The proposed use will be a benefit to the general welfare of the county; and the following conditions: 1) The machine shop shall use the existing building and shall make no additions or structural alterations, 2) No outdoor storage of materials is permitted with this use, 3) No signage shall be installed on the site, and 4) This Conditional Use Permit shall be valid for a period of 3 years from the date of issuance. After reviewing and discussing the findings and conditions, Herb Pemberton moved to approve CUP #1207323, adopt the findings of the Planning Commission, and adopt Resolution #08-03. Mike Page seconded the motion. The motion passed 3-0.

Mayhugh also presented CUP #1207324 (Horvath Tower). The Planning Commission recommended approval by an 8-0 vote with the following findings: 1) The application conforms to the comprehensive plan as it reduces the need for additional towers. The application also conforms with the urban transition policy of the Comprehensive Plan, 2) The future land use of the site is commercial and it is proposed near a railroad right of way. Location of such uses should not conflict with future growth of the city since residential is typically not planned near railroad right of ways, and 3) The proposed use benefits the health, safety, and welfare of the public by providing better wireless coverage; and the following conditions: 1) The use shall meet all federal and state requirements, 2) The tower is to be removed if it fails to be used for a period of 1 year, and 3) The site shall be screened as proposed in the application. After reviewing and discussing the findings and conditions, Mike Page moved to approve CUP #1207324, adopt the findings of the Planning Commission, and adopt Resolution #08-04. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #08-03 & #08-04:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 08-03
A RESOLUTION APPROVING CONDITIONAL USE PERMIT # 1207323 (HUEBERT)
TO PERMIT THE OPERATION OF A CONTRACT CNC MACHINE SHOP
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 December 19th, 2007, publish a notice of a public hearing to consider Conditional Use Permit #1207323 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on January 8th, 2008 to consider said Conditional Use Permit for the operation of said Contract CNC Machine Shop in the A Zone on property described in Section 1; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimonies did, by 8-0 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 and affirmation of the findings and recommendation of the Planning Commission together with all public comment finds to adopt the following findings and issue said Conditional Use Permit as follows:

- 1) As conditioned, the proposed use will not detrimentally affect nearby properties.
- 2) The proposed use will not detrimentally impact existing infrastructure.
- 3) The proposed use conforms to the character of the neighborhood.
- 4) The proposed use will be a benefit to the general welfare of the county.

SECTION 1: Conditional Use Permit #1207323 is hereby issued on the following described property:

In the NW ¼ of Section 12, Township 22, Range 24, Linn County, Kansas; except the South 288' of the West 1114' of said Section 12.

SECTION 2: Conditional Use Permit #1207323 (Huebert) is issued for the property subject to the following conditions:

- 1) The machine shop shall use the existing building and shall make no additions or structural alterations.
- 2) No outdoor storage of materials is permitted with this use.
- 3) No signage shall be installed on the site.
- 4) This Conditional Use Permit shall be valid for a period of 3 years from the date of issuance.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 28th day of January, 2008.



Attest:
David Lamb - Clerk

Chairman
Vice-Chairman
Member

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 08-04
A RESOLUTION APPROVING CONDITIONAL USE
PERMIT #1207324 (Horvath Towers) TO PERMIT THE INSTALLATION AND
OPERATION OF A WIRELESS TELECOMMUNICATIONS TOWER FACILITY 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 December 19th, 2007, publish a notice of a public hearing to consider Conditional Use Permit #1207324 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on January 8th, 2008 to consider said Conditional Use Permit for the installation and operation of a Cellular Communications Tower Facility 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 8-0 vote, recommend approval of said Conditional Use Permit based on the following findings and subject to the conditions as listed in Section 2;

- 1) The application conforms to the comprehensive plan as it reduces the need for additional towers. The application also conforms with the urban transition policy of the Comprehensive Plan
- 2) The future land use of the site is commercial and it is proposed near a railroad right of way. Location of such uses should not conflict with future growth of the city since residential is typically not planned near railroad right of ways,
- 3) The proposed use benefits the health, safety, and welfare of the public by providing better wireless coverage.

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 #1207324 is hereby issued on the following described property:

A 100' by 100' lease area and three 20' wide guy anchor easements located in that portion of the North ½ of the Southwest ¼ of Section 30, Township 21, Range 25, lying East of the railroad R/W and West of US 69 highway R/W, all in Linn County, Kansas.

SECTION 2: Conditional Use Permit #1207324 (Horvath Towers) is issued for the property to be used subject to the following conditions:

- 1) The use shall meet all federal and state requirements,
- 2) The tower is to be removed if it fails to be used for a period of 1 year,
- 3) The site shall be screened as proposed in the application.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 28th day of January, 2008.



Attest:
David Lamb - Clerk

Chairman
Vice-Chairman
Member

Marilyn Augur addressed the Commission concerning the supplies and equipment at the Senior Centers. Mike Page asked about maintenance on the buildings. The Custodians are taking care of maintenance issues. The Commission agreed that Augur should be in charge of ordering supplies, equipment, etc. (Items that are not a part of Mid-America's responsibility and are not a part of building maintenance.) Mike Page moved to allow Marilyn Augur to take care of ordering paper goods, janitorial supplies, and equipment issues for the senior centers. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:10 AM the Chairman asked for public comment. Hal Bradley stated that he is concerned about increasing taxes. Bradley would like to know if there is extra money in department budgets.

Larry Robinson stated that he has talked to KDOT about repairs on the old 69 Highway before it is turned over to the County. KDOT plans on putting a 2 inch overlay now, and then an additional 2 inch overlay before it is turned over to the County. Robinson also presented a letter from KDOT concerning elevating 152 Highway west of La Cygne. It would cost \$6.5 million and funding is not available at this time.

At 10:23 AM Herb Pemberton moved to take a 15 minute break. Mike Page seconded the motion. The motion passed 3-0.

Sharon Geiss, Mid-America Nutrition Program, Inc. presented the quarterly report for the 4th quarter of 2007. The average donation for congregate meals was \$1.72, the average for home delivery was \$1.36. The suggested donation is \$2.50. A menu revue was recently completed and they also had their second site manager meeting. All of the staff that worked for Linn County is working for Mid-America. Some Counties only have small sites open 3 days per week, ours are all open 5 days per week. The Commission would like to continue to receive quarterly reports.

The Clerk announced that Mark Schuler and Doug Barlet will conduct a program on Crop/Field Burning Practices on Feb. 28th at 7:00 PM at Bunker Hill.

At 10:55 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes for the preliminary discussion on the acquisition of real estate. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Joe Perkins attended the executive session.

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

Jason Sabine stated that the custodians will look at the mold problem in the jail to see if it is something they can take care of.

At 11:14 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Andy Mayhugh attended the executive session.

At 11:21 AM Sheriff Stites entered the executive session.

At 11:24 AM Andy Mayhugh left the executive session.

At 11:44 AM the executive session ended.

At 11:44 AM Jason Sabine moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. Sheriff Stites left the executive session at this time.

At 11:49 AM the executive session ended.

At 11:50 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jason Sabine seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:55 AM the executive session ended. As a result of the executive session, Jason Sabine announced that Andy Mayhugh has resigned his position as Planning & Zoning Administrator. Mayhugh will start his new job on February 18, 2008. The Clerk will post the position for County employees and will place ads. in the newspapers.

At 12:01 PM Jason Sabine 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. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Friday, February 1, 2008. Mike Page seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

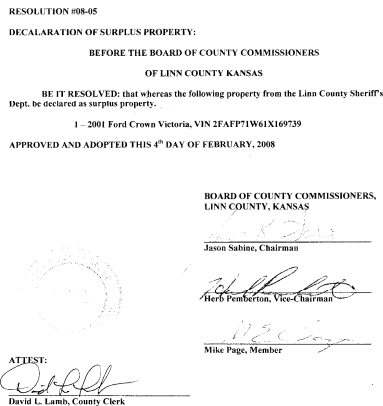
February 4, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-189. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #08-05 declaring a Sheriff's vehicle as surplus property. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-05:



Joe Maloney asked about the bids on the containers. Maloney would like to know if he needs bids for repairs on old containers or just bids on new containers. Maloney stated that there is a local person that would like to bid so he is planning on advertising locally. Maloney also stated that last year J. R. Kerr worked up bid specs. but did not submit a bid. Maloney recommends replacing 2 containers instead of trying to repair them. The Commission would like to see bids for repair and replacement to be opened on February 19th.

Herb Pemberton moved to reschedule the February 18th regular meeting to Tuesday, February 19th due to President's Day. Mike Page seconded the motion. The motion passed 3-0.

Dan Morris asked if the Commission had a chance to look at the box culvert bid specs. Mike Page moved to take bids for box culverts, bids will be due by 4:00 PM, Feb. 22nd and will be opened at 10:00 AM, Feb. 25th. Herb Pemberton seconded the motion. The motion passed 3-0. Herb Pemberton moved to take bids for solid waste containers, bids will be due by 4:00 PM, Feb. 15th and will be opened at 10:00 AM, Feb. 19th. Mike Page seconded the motion. The motion passed 3-0.

Larry Robinson asked the Chairman to sign 3 Wireless 911 Grant Reports for the State of Kansas. Herb Pemberton moved to allow the Chairman to sign the reports as presented. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet gave the Commission a draft of suggested members for the Local Emergency Planning Committee. Mike Page volunteered to be on the committee. Herb Pemberton moved to appoint Mike Page as the elected official for Linn County on the LEPC. Jason Sabine seconded the motion. The motion passed 2-0.

Barlet stated that the County needs to designate a NIMS contact person. Mike Page moved to appoint Doug Barlet as the County NIMS Contact Person. Herb Pemberton seconded the motion. The motion passed 3-0.

Barlet also stated that the City of Ottawa has a boat that they would like to donate to someone. Station 950 would like to have the boat for use as a rescue boat. The City of Ottawa would also like a mutual aid agreement for use of the boat. The Commission agreed to accept the boat and work out a mutual aid agreement.

Barlet informed the Commission that Station 920 would like to hire Chris Martin as a firefighter. The Fire Board and Barlet recommend hiring Martin. Mike Page moved to hire Chris Martin as a Firefighter for Station 920. Herb Pemberton seconded the motion. The motion passed 3-0.

Barlet showed the Commission a credentials badge that we can make for our emergency responders. The credentials badge will be needed to enter an emergency area on a large scale emergency. The equipment to produce the credentials badges was provided by the Northeast Region Homeland Security.

Barlet reminded the Commission that the NWS Storm Spotter training will be held Thursday at Bunker Hill at 7:00 PM, and Mark Schuler will give a Burn Practices class on Feb. 28th at Bunker Hill at 7:00 PM.

At 9:51 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. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Doug Barlet attended the executive session.

At 10:01 AM the executive session ended.

At 10:01 AM Jason Sabine moved to extend the above executive session for 5 minutes. Mike Page 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.

At 10:06 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Doug Barlet attended the executive session.

At 10:15 AM Larry Robinson and Josh Marshall entered the executive session.

At 10:21 AM the executive session ended.

At 10:21 AM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended this portion of the executive session.

At 10:31 AM the executive session ended. As a result of the executive session, the Clerk announced that

Larry Robinson is resigning as the Alternate Emergency Management Director. Mike Page moved to appoint Josh Marshall as the Alternate Emergency Management Director, and increase Marshall's salary by \$1.43 per hour for the Emergency Management duties effective February 1, 2008. Robinson's pay will be reduced by \$1.43. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:33 AM the Commission opened bids for bridge inspections. Bids received were: B&G Consultants, \$46.70 per bridge; Schwab- Eaton, \$37.75 per bridge; and Cook, Flatt, and Strobel, \$40.00 per bridge. We have 205 bridges that need to be inspected. Larry Robinson recommends accepting the bid from Schwab-Eaton. Herb Pemberton moved to accept the bid from Schwab-Eaton in the amount of \$37.75 per bridge. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$178,703.62; Employee Benefit, \$40,282.93; Appraiser, \$10,878.95; Rural Fire, \$21,954.93; Road and Bridge, \$129,642.97; Law Enforcement Trust, \$14.60; 911 Telephone Tax, \$0.37; County Health Dept., \$6,713.78; Crime Victim Assistance, \$904.71; Elderly, \$8,225.10; and Zoning LEPP, \$1,665.59. Mike Page seconded the motion. The motion passed 3-0.

At 10:41 AM the Chairman asked for public comment. Jean Vaughn asked if the Treasurer's Report that was given last week was a yearly or quarterly report. The Clerk stated that the report showed the 4th Quarter 2007 interest and 2007 YTD interest.

At 10:42 AM Herb Pemberton moved to take a 15 minute break. Mike Page seconded the motion. The motion passed 3-0.

Dennis Arnold updated the Commission on the Junior Achievement Program. High School students participate in this program by forming and running their own company.

Arnold also informed the Commission that he has been working with the City of Pleasanton with the proposed ALCO, and Mercy Hospital projects. The Chairman asked for update on IPC. Arnold stated that IPC is still moving along with their project, but the soil will not compact as needed so some more work will need to be done.

Herb Pemberton moved to schedule a Commissioner's Workshop for Friday, Feb. 8th at 9:00 AM in the Commission room. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton stated that the Mound City Chamber of Commerce would like to have the Commissioners come to the next Chamber meeting.

Gary Thompson gave the Commission copies of the lease agreement on the Linn County Park. It is a 30 year lease that expires this year. Thompson suggested talking to Bruce Holt and then contacting KCPL about renewing the lease. The Clerk will ask Holt to come to next week's Commission meeting.

Herb Pemberton moved to set special meeting for Noon on Thursday, Feb. 7 with Mound City Chamber of Commerce at the F&M Bank Community Building. Mike Page seconded the motion. The motion passed 3-0.

At 11:17 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 20 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 Counselor attended the executive session.

At 11:37 AM the executive session ended. No action taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until Noon Thursday, February 7, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

February 7, 2008

The Board of Linn County Commission met in special session at Noon in the F&M Bank Community Building, 427 Main St., Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Also present were members of the Mound City Chamber of Commerce and Pat Katzer, Olathe Medical Services.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2558
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

**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 Noon on Thursday, February 7, 2008 in the F&M Bank Community Building, 427 Main St., Mound City, KS. This special meeting has been called to meet with the Mound City Chamber of Commerce to discuss the medical services in Mound City. No action will be taken at this special meeting.

DATED this 6th day of February, 2008.


David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Superfund, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Savven Thompson, County Appraiser
Marilyn Augur, Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Doug Bailey, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

The Commission discussed possible locations for a medical clinic and Pat Katzer announced that Olathe has a new doctor that should be here by April 1st. Katzer will also contact the Clerk with updated costs for remodeling a building or building a new clinic.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Friday, February 8, 2008. Mike Page seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

February 8, 2008

The Board of Linn County Commission met in special session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Following is a copy of the Notice of Special Meeting:

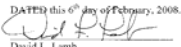
LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2668
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

**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 Friday, February 8, 2008 in the Linn County Courthouse Annex, 306 Main St., Mound City, KS. This special meeting has been called for a workshop for the Commissioners to discuss policies, procedures, etc., with the County Counselor and County Clerk. No action will be taken at this special meeting.

DATED this 6th day of February, 2008.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Sell, County Treasurer
John Sulherland, County Attorney
Marvin Sotes, Sheriff

Kirsty Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augat, Transportation

John Matoney, Nuisance Weed
Dennis Arnold, Economic Development
Doug Barlett, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Gary Thompson presented information on Open Meetings, Open Records, Supervisory Authority of Elected and Appointed Officials, Bidding Procedures, and Conflicts of Interest.

Andy Mayhugh discussed Planning & Zoning Regulations, Comprehensive Plan, Sanitation Regulations, and Floodplain Maps.

David Lamb presented information on the Health Insurance Plan, Employee Benefits, Salary Schedules, and Budgets.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, February 11, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

February 11, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Mike Page moved to approve the following add/abate/refund orders: 2007-190 thru 192. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$166,042.30; Appraiser, \$4,597.40; Rural Fire, \$11,982.12; Road and Bridge, \$92,250.58; Special VIN, \$408.00; 911 Telephone Tax, \$2,301.05; Spl. Fire Equip. Replacement, \$9,809.61; Health Dept., \$801.33; and Elderly, \$2,922.33. Mike Page seconded the motion. The motion passed 3-0.

J. R. Kerr asked what bids specs. we are using for the solid waste containers. Joe Maloney stated that he wrote up specs. for the contractors to use. Kerr stated that the 11 gauge floor does not hold up very well. Mike Page stated that we can also accept an alternate bid from contractors if they would like to submit them. The Commission made some changes to the bid specs.

Joe Maloney announced that due to the weather, he cannot haul trash to Arcadia today. Mike Page stated that 3 of the compactor sites have some electrical issues. Page will give the Commission a written report on his findings.

Stacey Jones, AMR, stated that AMR has found a supplier for signs for house numbers. AMR will sell the signs to residents at cost and will install the signs for the residents. Mike Page asked Jones about GPS units for the ambulances. AMR is looking into getting GPS.

John Maloney informed the Commission that he has an out of county Noxious Weed meeting tomorrow and an annual conference in Hutchinson on March 3-6. The Commission agreed to allow Maloney to attend the meetings. Maloney also asked about buying the old copier from the Fire Dept. when the Fire Dept. gets a new copier.

At 9:31 AM the Chairman asked for public comment. Mary Grosshart, Silver Haired Legislator, stated that she has an 800 number that people can call to get converters to convert their TV's from analog to digital. J. R. Kerr asked if anything needed to be repaired on the floors of the containers. Mike Page stated that Kerr should include floor repairs in his alternate bid if it is needed.

Randy Glessner from AMR arrived and showed the Commission an example of the signs that AMR can get for the house numbers. The signs will cost \$12.00 and AMR will install the signs. Mary Grosshart stated that she will work with the Senior Groups and see if they can do some type of fundraiser to help pay for signs. Mike Page asked if any of the ambulance personnel does any drive arounds to get familiar with the area. Glessner stated that many of the employees are familiar with the area and they do drive around to get more familiar.

At 9:49 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Sheriff Stites attended the executive session.

At 10:04 AM the executive session ended. As a result of the executive session, Jason Sabine stated that we have lost another Sheriff's Dept. employee. The Sheriff stated that he has lost 5 employees in the last year and another employee is looking for another job. The Sheriff has been asking for increases in salary for his

employees for 4 years. Jason Sabine moved to adjust and amend the salary schedule as follows: move the Receptionist and Cook to Range 3, move the Dispatchers to Range 6, move the Head Jailer to Range 7, add Ranges 5a and 8a, revise Range 10, and make the adjustments to salaries as shown in the proposed schedule. Mike Page seconded the motion. The motion passed 3-0. The changes will be effective Feb. 16, 2008. Herb Pemberton stated that this makes us more competitive with surrounding Counties.

Donna Thomas informed the Commission that she needs to attend the following meetings: WIC Program Meeting in Greenbush on March 31 & April 1, Bioterrorism Meeting in Topeka on April 21, and a Bioterrorism Meeting in Topeka on May 6 and pay dues of \$75.00 to Kansas Public Health Association. The Health Dept. office will be closed on March 31 & April 1 so all Health Dept. employees can attend the WIC Program Meeting.

At 10:20 AM the Chairman asked for additional public comment. Fred Kautt asked about adding additional public comment at the end of new business or at the end of the meeting. Jean Vaughn asked about the status of the Fire Audit. It has been contracted and retainer fee (\$4,000.00) was paid today.

At 10:25 AM Mike Page moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed the easement and lease on the County Park with Park Director Bruce Holt. Holt has talked to Joe Warner from KCPL and KCPL would like to meet with the Commissioners in about a month to work on renewing the lease with some minor changes. Jason Sabine moved to designate Herb Pemberton as the representative for the Commission for that meeting. Mike Page seconded the motion. The motion passed 3-0.

Holt also informed the Commission that there are a lot of deer on the Park grounds. Holt suggested having a special deer hunt for youth and handicapped hunters on the Park grounds. The Kansas Dept. of Wildlife and Parks would set up the special hunt. The Commission agreed to proceed with the special deer hunt. Jason Sabine moved to allow Holt to work with KDWP to set up the special hunt. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet presented a grant application for the Local Hazard Mitigation Program. Herb Pemberton moved to approve the application and to allow the Chairman to sign the application. Mike Page seconded the motion. The motion passed 3-0.

Barlet also presented a copy of the requirements for the Local Emergency Planning Committee and proposed membership for the LEPC. The State makes the appointments to the committee. Herb Pemberton moved to allow Barlet to send the list to the State for the appointments. Mike Page seconded the motion. The motion passed 3-0.

Barlet asked the Commission about purchasing a copier. Barlet has bids for used, refurbished copiers. The copier Barlet would like to purchase costs \$3,500.00. The company would also give \$1,500.00 as a trade in for the old copier. The Solid Waste & Noxious Weed Depts. would like to have the old copier and would pay \$1,500.00 of the cost of the new machine. Jason Sabine moved to allow Barlet to try the copier and to purchase the copier if it meets his approval and to approve charging the Solid Waste and Noxious Weed Depts. \$1,500.00 for the old copier. Mike Page seconded the motion. The motion passed 3-0.

Gary Thompson informed the Commission that the Annex copier also needs to be replaced. Some of the cost could be taken out of Road Special Machinery.

Gary Thompson also gave the Commission proposed job descriptions for the Annex Office Manager and the Annex Office Assistant for review.

The Commission discussed giving preference to local businesses that bid on County equipment/projects. Jason Sabine moved that all bids specs. shall include, "Special consideration may be given to local vendors and we reserve the right to reject any or all bids." Herb Pemberton seconded the motion. The motion

passed 3-0.

The Clerk informed the Commission that he has a quote from last August on the Parker Senior Center roof but does not have anything on the Centerville Senior Center roof. Mike Page stated that he plans on taking a look at the roof at Centerville before taking bids. Page also stated that there needs to be some work done for drainage away from the building. Page will talk to Harry Wisdom about the drainage work.

At 11:37 AM Jason Sabine 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, and Counselor attended the executive session.

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

At 11:51 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 1 hour to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Maloney attended the executive session.

At 12:17 PM John Maloney left the executive session.

At 12:41 PM Gary Thompson left the executive session.

At 12:51 PM the executive session ended.

At 12:51 PM Jason Sabine moved to extend the above executive session for 30 minutes. Mike Page seconded the motion. The motion passed 3-0. The Commission and Clerk attended this portion of the executive session.

At 1:21 PM the executive session ended.

At 1:21 PM Jason Sabine moved to extend the above executive session for 30 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Andy Mayhugh attended this portion of the executive session.

At 1:51 PM the executive session ended. No action taken.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Tuesday, February 19, 2008. Mike Page seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

February 19, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Herb Pemberton led the Pledge of Allegiance.

Mike Page moved to approve the minutes of the last regular meeting and the special meetings as printed. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-193. Mike Page seconded the motion. The motion passed 3-0.

At 9:03 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes for preliminary discussion of the acquisition of real estate with Tim Staton, Pleasanton Mayor. Mike Page seconded the motion. The motion passed 3-0. The Commission, Counselor, Dennis Arnold, and Tim Staton attended the executive session.

At 9:18 AM the executive session ended. As a result of the executive session, Pleasanton Mayor Tim Staton asked the Commission to help the City with matching funds to acquire property for the clinic in Pleasanton. The property that was already donated for the clinic would be deeded to the City and County. The total price for the property is \$110,000.00. The City has approved paying \$55,000.00 and Staton is asking the County to pay the other \$55,000.00. Dennis Arnold stated that the infrastructure on the donated property would have cost almost \$900,000.00. The infrastructure costs for the new property would only be \$30,000.00. The City of Pleasanton would pay the \$30,000.00. This property is adjacent to the property that Alco is building on, but Alco is still purchasing its own property. Mike Page moved to enter into the cost share agreement with the City of Pleasanton in the amount of \$55,000.00 to purchase property for the new clinic in Pleasanton. Herb Pemberton seconded the motion. The motion passed 3-0. The payment will be taken from the General Fund. Staton thanked the County and Dennis Arnold for their help with this project.

John Byington presented a proposed agreement with the City of Mound City for resurfacing Hemlock/850 Road and 1st Street/Osborn Road. The material cost for the project is \$33,643.00. The City's responsibilities would be: 1) Right of way acquisition, 2) Utilities relocation, 3) Primary ditch relocation and establish drainage areas, 4) AB-3 base to establish new road bed edge, 5) Property owners fence lines relocated as needed in agreement with landowners, 6) Replacement of culverts as needed, and 7) Hot mix material cost. The County's responsibilities would be: 1) Existing road preparation, 2) Finish grade for ditch, fore slope, and back slope on new drainage areas, and 3) Applying 2" hot mix overlay. The Commission would like to see the total cost for the project.

Dan Morris presented a permit to bury telephone cable requested by Embarq located at 9014 W 2000 Road. Herb Pemberton moved to approve the burial permit as requested. Mike Page seconded the motion. The motion passed 3-0. Harry Wisdom presented a permit to bury telephone cable requested by Embarq located at 11523 Nickell Road. Herb Pemberton moved to approve the burial permit as requested. Mike Page seconded the motion. The motion passed 3-0. Harry Wisdom also presented a permit to bury telephone cable requested by Embarq located at 1100 Road & Farris Road. Herb Pemberton moved to approve the burial permit as requested. Mike Page seconded the motion. The motion passed 3-0.

Harry Wisdom asked about Donnie Snow's pay. Snow is the Assistant Foreman at Road District #3. Wisdom would like to increase Snow's pay to the Assistant Foreman range. No action was taken at this time.

Donna Thomas presented a cooperative agreement on public health emergencies. Herb Pemberton moved to approve and sign the agreement allowing employees to participate in training for emergency situations. Mike Page seconded the motion. The motion passed 3-0.

Thomas also discussed hiring an Office Assistant/Secretary/Bookkeeper. Thomas can use her Emergency Preparedness funds to pay the office assistant. At 10:03 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. Herb Pemberton, Mike Page, the Clerk, Counselor, and Donna Thomas attended the executive session. Jason Sabine recused himself from the discussion.

At 10:13 AM the executive session ended. As a result of the executive session, Donna Thomas stated that she received 3 applications for the position of Part-Time Office Assistant. After reviewing the applications, the only person that met the requirements for the position (education, experience, etc.) was Jennifer Sabine. Thomas recommends hiring Sabine. Mike Page moved to hire Jennifer Sabine as a Part-Time Office Assistant for the Health Dept. for 16 hours per week at \$8.75 per hour. Herb Pemberton seconded the motion. The motion passed 2-0. Jason Sabine then returned to the meeting.

At 10:19 AM the Commission opened bids for the solid waste containers. Jason Sabine moved to allow Mike Page to contact the bidders for more information/clarification. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney asked for permission to go out for chemical bids for Noxious Weeds. The Commission agreed to allow Maloney to advertise for bids.

Maloney then presented information on Nuisance Abatement on the Zimmerman property in Centerville. Gary Thompson will work with Maloney on this and other properties.

Larry Robinson presented a railroad crossing agreement with KDOT for the 850 Road crossing east of US 69 Highway. Mike Page moved to enter into and allow the Chairman to sign the agreement. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that employees that volunteer to help with emergencies/disasters will need NIMS 100 & 700. Barlet also informed the Commission that Deep South should have the tankers ready in 6 weeks. Barlet will attend NIMS 400 training tomorrow and Thursday. Jason Sabine would like to add NIMS requirements to the employment handbook. Almost all of the Road Dept. employees have completed their NIMS training, the Solid Waste employees are working on their training, two of the Fire Stations still need to complete their training, one of those stations is meeting with Barlet tonight to complete their training. The other station still needs to get their training done. Mike Page asked Barlet to let him know by Thursday if he needs to talk to that station about completing their training. Barlet also informed the Commission that volunteers from the community must take NIMS 100 & 700 before we can allow them to help with an emergency situation.

At 10:53 AM Herb Pemberton moved to take a 15 minute break. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine reminded everyone that the Commission does reserve the right to not answer questions from the public during public comment. Some comments/questions may require some research before they can be answered. At 11:11 AM the Chairman asked for public comment. Fred Kautt presented pictures of street signs in Centerville. Larry Robinson explained that the existing signs were not purchased by the County. If the County decides to purchase signs for Centerville and other unincorporated towns, it would cost approximately \$12,250.00. The Commission agreed to discuss this issue next week.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for January 2008. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$87,138.58; Employee Benefit, \$49,826.94; Appraiser, \$9,983.23; Rural Fire, \$5,521.73; Road and Bridge, \$35,901.13; DARE, \$2,469.21; Health Dept., \$4,569.21; Crime Victim Assist., \$904.72; Elderly, \$2,119.65; Econ. Dev. Grant, \$13,000.00; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that another County Clerk sent an email to all Clerks, asking how many Counties record their Commission meetings. 24 Clerks responded to the email. Of those 24 responses, 17 do not record Commission meetings, 2 record meetings and then destroy the recordings after the minutes are approved, and 5 record the meetings and did not say how long they keep the recordings.

The Clerk then presented a comparison of Linn County salaries and State average salaries for Counties.

Jason Sabine discussed AMR procedures when both ambulances are out of County. Mike Page discussed procedures for calling air ambulances. Jason Sabine also discussed AMR employees' attitude when dealing with patients. Sabine stated that he has had some complaints about how AMR employees are dealing with patients and family members. Jason Sabine moved to request log entries from the Sheriff's Office showing how many times in the last six months both of AMR's ambulances have been out of the County at the same time. Mike Page seconded the motion. The motion passed 3-0. Herb Pemberton would also like to know who has the authority to request an air ambulance.

The Clerk informed the Commission that he received another application for the Zoning Administrator position after the deadline for applications had passed. Gary Thompson stated that the Commission does not have to accept the application but it would be okay to accept it if they want to.

The Clerk then presented information on the Hospital District funds that were left from the Linn County Hospital District. Currently there is \$430,000.00 in that line item. The Clerk explained that the money came from all of the County except Linn County Hospital District #1. The Clerk's information showed how the money could be split up according to valuation and population. The Clerk also stated that there is nothing that says the money has to be split up. It could all be spent in one area in the County.

Donna Spencer asked about the acquisition of land for the clinic in Pleasanton, does that come out of the hospital funds? The money will come out of the General Fund, probably from hospital funds.

At 12:07 PM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:37 PM the executive session ended.

At 12:37 PM Herb Pemberton moved to extend the above executive session for 30 minutes. Jason Sabine seconded the motion. The motion passed 3-0. Herb Pemberton, Mike Page, the Clerk, and Counselor attended this portion of the executive session. Jason Sabine had a prior commitment and had to leave the Commission meeting at this time.

At 12:47 PM Larry Erickson entered the executive session and the Clerk and Counselor left the executive session.

At 1:07 PM the executive session ended. No action taken.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, February 25, 2008. Herb Pemberton seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

February 25, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Mike Page led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-194, 195, and 196. Mike Page seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for January 2008.

The Clerk read a thank you note from Gary Thompson for the flowers for his mother's funeral.

The Clerk informed the Commission that the next SEK County Officials meeting will be held on Thursday, March 20th, in Greenwood County. We need to tell Greenwood County how many people will be attending by March 17th.

Herb Pemberton moved to approve the annual dues for the Kansas County Commissioners Association in the amount of \$280.80. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to pay the \$300.00 for the District Court roof maintenance agreement out of Special Building. Mike Page seconded the motion. The motion passed 3-0. The Commission asked the Clerk to inform Ann Ware to include the maintenance agreement in her 2009 budget.

John Maloney asked about opening chemical bids. The Commission agreed to open bids on March 10th at 11:00 AM.

The Clerk informed the Commission that March 10th is County Government Day.

Maloney also discussed licensing for sanitation haulers (sanitation permits) in the County. Maloney is working on issues with haulers.

Mel Bolling presented Lot Split #08-226 requested by Jason Mensing located at 1100 Rd. and Vernon Rd. The lot split meets our requirements and Bolling recommends approval and acceptance of easement. Mike Page moved to approve Lot Split #08-226 and accept the accompanying grant of easement. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed a moratorium on planning and zoning until a new Zoning Administrator is hired. Gary Thompson stated that the Commission could decide to not accept any new applications until someone is hired. It is also possible to have the hearings without a staff report and then continue the item to the next Planning Commission meeting. Mike Page also stated that we are going to advertise for a County Engineer. The Commission decided not to have a moratorium at this time. The Clerk gave the Commission copies of a proposed advertisement for an Engineer. The Commission agreed to place the advertisement and start reviewing applications on March 17th.

Doug Barlet gave the Commission a list of fire personnel that have not completed their NIMS training. Barlet also stated that there will be a workshop on burning practices at 7:00 PM Thursday at Bunker Hill. Jason Sabine asked Doug Barlet about complaints he received about AMR. Sabine asked Barlet to let Steve Hoeger know about complaints he has received. Barlet stated that AMR is supposed to have a 3rd ambulance in route when both ambulances are out of County. Also, a Fire Chief requested an air ambulance but AMR personnel cancelled the air ambulance until the AMR ambulance arrived on scene. Then AMR called the air ambulance. Barlet stated that under NIMS, the Incident Commander should be

able to call an air ambulance when needed. Barlet also stated that he and Josh Marshall need to attend a meeting in Topeka Wednesday for Homeland Security.

Jason Sabine stated that he received a call from Ellie Davey asking all three Commissioners attend the March 10th Republican Central Committee meeting to discuss plans for the health clinics. Herb Pemberton moved to schedule a special meeting for March 10th at 7:30 PM at Bunker Hill. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine stated that no decisions have been made about a clinic in Mound City. Pat Katzer from Olathe Health System is supposed to get back with us within 30 days with estimates on building a new clinic or buying and remodeling a building for a clinic in Mound City. The Commission will review the information as soon as it is available.

At 10:00 AM the Commission opened bids for box culverts. Bids received were:

	<u>Foote Construction</u>	<u>Thoele Foundations</u>
Class A Concrete (per Cu. Yd.)	\$237.00	\$240.00
Co. Furnished Reinforcing Steel (per Lb.)	\$.37	\$.30
Class I Excavation (per Cu. Yd.)	\$ 24.00	\$ 20.00
Class III Excavation (per Cu. Yd.)	\$ 29.00	\$ 24.00

Jason Sabine moved to award the bid for the north half of the County to Thoele Foundations and the south half of the County to Foote Construction. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson announced that we received another \$97,273.17 from FEMA for last year's flood damage. Robinson stated that his records show that FEMA still owes us \$17,000.00.

Rubie Scott stated that the Republican meeting will be at 8:00 PM on March 10th, not 7:30 PM. Scott also stated that Olathe has made a commitment that we will have a doctor. Donna Spencer asked what other information the Commission needs concerning the clinic in Mound City. Public opinion is one of the things that the Commission needs to know about. The people in attendance at the Commission are here showing their support for the clinic.

At 10:21 AM the Chairman asked for additional public comment. Bernita Robbins thanked Dan Morris for road work last Thursday during the storm. Mary Grosshart announced that there will be a Legislative Forum on March 15th, 9:00 AM, in the F&M Bank Community Building. Pat Apple, Shirley Palmer, Jene Vickrey, and Bill Feuerborn will attend the Forum. Bob Ming asked about addressing in Centerville. That will be part of the discussion at 11:30 today. Jean Vaughn asked about the log books for County vehicles, is anyone checking on the log books? Tom Coryell stated that he did not agree to the price for pest control stated in the contract. Coryell stated that he wanted to split the pest control for \$1,500.00 dollars per year, not \$15.00 per building. The Commission asked the Clerk to bring the bids to next week's meeting.

At 10:33 AM Jason Sabine moved to take a 15 minute break. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine read a letter from Ed Lacey thanking the County for the Transportation Service and stating that Rebecca Patience is a very good and helpful employee. Jason Sabine also read an announcement from IPC about a job fair on March 4th and March 5th at Pleasanton City Hall.

Mike Page announced that we do not currently have a County Extension Agent and will not have one for approximately six months.

Elizabeth Maxwell, Director of the East Central Kansas Area Agency on Aging, gave her annual report and an overview of the ECKAAA responsibilities.

The Commission discussed addressing issues in Centerville with Larry Robinson. We also have Boicourt, Trading Post, and Goodrich as other unincorporated towns. Robinson and Josh Marshall gave the following estimates of costs for new signs for the 4 unincorporated towns: Boicourt, 32 signs, \$1400.00;

Goodrich, 36 signs, \$1750.00; Trading Post, 50 signs, \$2450.00; and Centerville, 76 signs, \$3325.00. Those costs were based on the old regulations regarding street signs. In order to meet current State requirements, all new street sign need to be green & white, Type 4, high intensity prismatic. The high intensity prismatic signs will be more expensive. Robinson also stated that a property owner in Goodrich has asked to vacate several streets, so we wouldn't need as many signs if those streets are vacated. We do also have a problem with vandalism of signs. Steve Hoeger discussed the use of GPS units the ambulances. Hoeger stated that at this time, GPS is not that reliable in Linn County. The Commission discussed various addressing issues with Larry Robinson, Doug Barlet, Dave Striegel, and Steve Hoeger.

The Commission then discussed various issues/complaints about the ambulance service with Steve Hoeger. The Commission discussed what the procedure is when both ambulances are out of the County, the policy for calling an air ambulance, transporting bodies in ambulances, attitude of ambulance employees, etc. Hoeger stated that the contract does state that AMR will make a 3rd ambulance available when needed. Hoeger stated that Fire, Law Enforcement, and EMS can all call for an air ambulance, but the public cannot make that call. Air ambulances are not first response vehicles. Hoeger also stated that EMS does assume Medical Command when they arrive on scene. Hoeger stated that he will look into issues about specific calls/situations but he needs to have times and dates so he can investigate the issues. Hoeger also stated that it is against AMR's policy to transport bodies in the ambulances. AMR does not take an ambulance out of service for transporting a body because that ambulance may be needed for a patient.

Mel Bolling presented information on cell phone plans that the County has. Bolling stated that we can upgrade to a better plan and save money because of no roaming fees. The Commission will review the options and discuss it next week.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, March 3, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

March 3, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-197 thru 199. Mike Page seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that we received a notice from WCA that the disposal charges for solid waste are going up 3% effective April 1, 2008. The new rate will be \$20.22 per ton. Our contract with WCA allows a 3% increase per year.

Mel Bolling asked about the US Cellular plan. Herb Pemberton stated that we are being charged roaming and we could save \$200.00 to \$300.00 per month by changing plans. Herb Pemberton moved to allow Bolling to upgrade our cell phone plan to a plan with no roaming or long distance charges. Mike Page seconded the motion. The motion passed 3-0.

John Maloney informed the Commission that he found a building at Tanglewood Lakes that extends into the right of way. The property owner has not responded to letters that Maloney sent telling the owner that he needs to get a variance from the Zoning Board. Jason Sabine suggested having Gary Thompson look into the issue.

John Black presented a permit to bury water line requested by RWD #2 located at 800 & Vernon Road (Trenton Umphenour). Jason Sabine moved to approve the permit to bury water line as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Harry Wisdom presented a permit to bury telephone cable requested by Embarq located at 8951 Botkin Road. Jason Sabine moved to approve the permit to bury telephone cable as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Wisdom also presented a permit to bury water line requested by Mike Page located at 8108 W. 1100 Rd. Herb Pemberton moved to approve the permit to bury water line as requested. Jason Sabine seconded the motion. The motion passed 2-0. Mike Page abstained.

The Commission and Road Foremen discussed buying road salt and storing it for next year. The Commission agreed that we should order another load of salt for each road district.

Mike Page moved to increase Donnie Snow's pay to Range 5, Assistant Road Foreman. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton suggested that Dan Morris should also have an Assistant Foreman. John Black already has an Assistant Foreman.

Doug Barlet informed the Commission that next week is Severe Weather Awareness Week. There is a tornado drill scheduled for March 11th at 1:30.

Barlet informed the Commission that the Fire Board recommends terminating D. J. Mitchell as a Firefighter from Station 920 due to lack of participation. Jason Sabine moved to accept the recommendation of the Fire Board to terminate D. J. Mitchell's employment from Station 920. Herb Pemberton seconded the motion. The motion passed 3-0.

The Fire Board has also set a deadline of March 7th for Firefighter NIMS training. Firefighters that have not completed NIMS training by that date would be suspended. Firefighters that have not completed their NIMS training by March 31st will be recommended for termination.

The Fire has also drafted Burn Resolution, False Alarm Resolution, and Mutual Aid Agreements. Gary Thompson is reviewing the Mutual Aid Agreements.

Barlet also informed the Commission that a roof was blown off a building in Pleasanton yesterday, and we lost a mobile home from a structure fire in Sugar Valley Saturday.

Barlet received bids for batteries and chargers for mobile radios. The lowest bid was from Commenco, \$1,287.00 for 20 batteries and 5 chargers. Herb Pemberton moved to approve the purchase as requested. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow the Chairman to sign a Hazard Mitigation Plan Grant Agreement with Kansas Emergency Management. Mike Page seconded the motion. The motion passed 3-0.

The Commission discussed the electrical bids for Station 950. Mike Page stated that we should have a presentation ready for next week's meeting.

Joe Maloney presented permits for hauling trash. Maloney also needs to attend a conference in Overland Park on March 28th. Maloney also presented information on repairing or replacing solid waste containers. The bids received for 2 new containers were: MWM, Inc., \$13,408.00; Roy Conley & Company, Inc., \$14,373.52; and Downing Sales & Service, \$14,865.00. The bid from JRK Portable Welding for repairing 2 containers was \$9,528.76. Maloney recommends buying two new containers. The Commission agreed that we should buy 2 new containers, but Mike Page wants to ask MWM about their price increase before making a decision. Mike Page also wants to keep the old containers for use as cardboard containers. Jason Sabine moved to accept the bid from MWM, Inc. for 2 new containers for \$13,408.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Solid Waste Hauling Permits for Arnold Ayers, Hester Transportation (Sandstone Farms Trust), Al Doan, David Cummings, and L&K Services, Inc. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold announced that we have received the grant for constructing a new airport runway for up to \$1,000,000.00 with a 90% grant.

Arnold recommends appointing a City/County Airport Commission to manage the project. The City of Pleasanton was the applicant and the grant will go to the City, but the airport will become County property after it is completed. Arnold also submitted a grant application for repairing the Courthouse.

The Commission discussed the pest control bids. Tom Coryell stated that he agreed to take half of the pest control for \$1,500.00, not \$15.00 per building per spraying. After discussion, Mr. Coryell stated that he is withdrawing his bid. Mr. Coryell then stated that he would accept \$25.00 per building for the 14 buildings he had originally agreed to spray. Herb Pemberton moved to award the bid for 14 buildings to Coryell for \$25.00 each and leave the other buildings with Purinton at \$15.00 each. The motion died for lack of a second. Mike Page moved to pay Coryell \$25.00 per building for the work he has already done and accept the bid from Purinton Pest Control for all the buildings for the year at \$15.00 per building per spraying. Jason Sabine seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

At 10:50 AM Jason Sabine moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:07 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss legal issues (attorney/client privilege) with the County Counselor and members of the Extension Council. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, Judy Houtman, Bob Weickert, and John Sawyer attended the executive session.

At 11:27 AM the executive session ended.

At 11:28 AM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 3-0. The Commission and Counselor attended this portion of the executive session.

At 11:38 AM the executive session ended. No action taken.

Larry Robinson presented a listing of the costs of street signs. The current cost for materials per intersection is \$147.89. Robinson stated that the cost including labor would be \$200.00 to \$250.00.

Robinson also informed the Commission that the check we received last week is the final check from FEMA for last year’s flood damage. FEMA only pays 85% of actual cost. Herb Pemberton asked Robinson about a letter from KDOT about blacktopping or chip & sealing intersections. Robinson was unaware of the letter. KDOT wants to know if we want blacktop or chip & seal. Robinson will check with Hugh Bogle. Herb Pemberton also asked about an agreement with KCPL on 2200 Road, Power Plant Dam. Robinson does have a copy of the proposed agreement now. Mike Page also informed Robinson about some signs that have been knocked down. Mike Page also stated that he has had a request from Wes’s Recycling about “Trucks Entering” signs. Robinson stated that there is adequate site distance and no signs are needed. Robinson provided information about duties that require an engineer.

At 11:55 AM the Chairman asked for public comment. Ed Samyn asked about the wages for a County Engineer. We advertised a starting salary of \$60,000.00 to \$70,000.00, commensurate with experience. Jean Vaughn asked about the building that we would not need to spray for pest control after this year. The building that would not need to be sprayed for pest control after this year would be the old fire station in La Cygne. Fred Kautt asked about feedback from AMR about address markers. The Commission hasn’t heard anything yet.

Mike Page moved to approve the following pays/special pays: General, \$168,844.67; Employee Benefit, \$50,846.53; Appraiser, \$10,085.04; Rural Fire, \$13,525.51; Road and Bridge, \$37,971.93; Health Dept., \$4,319.49; Crime Victim Assist., \$904.71; Elderly, \$3,358.19; and Zoning LEPP, \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk stated that he talked to Pat Katzer and Darren Lawrenz with Olathe Medical Service about costs for clinic. They do not have the new estimates yet. The Clerk will check with Katzer and Lawrenz again this week.

The Clerk informed the Commission that we did not receive the grant for the fire station in Prescott.

The Clerk reminded the Commission that next week is County Government Day.

The Clerk updated the Commission on the County Engineer advertisement.

Mike Page stated that the small mold problem at the jail has been taken care of, the insulation has been removed.

Mike Page also stated that we do have an Extension Agent in the County, Joy Purkeypile. Mike Page will have a letter from Extension Office for needed repairs on their building next week.

Gary Thompson presented an application from an individual for an Agricultural Anhydrous Ammonia Permit. Mike Page moved to approve signing the application. Herb Pemberton seconded the motion. The motion passed 3-0.

Mike Page also stated that he and the janitor reviewed the roofs at Centerville & Parker Senior Centers. We will probably need to do some work on the roofs.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, March 10, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

County Clerk

Commission Chair

March 10, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Herb Pemberton led the Pledge of Allegiance.

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

Mike Page moved to approve the following add/abate/refund orders: 2007-200 thru 202. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for February 2008.

The Clerk informed the Commission that he has sent in the request for the CDBG Grant funds for the 2 new tanker trucks. The money will be deposited in our account and we will write the check to the supplier, so we will need to amend this year's Fire Dept. budget for the amount of the grant.

The Clerk read a letter from Jayhawk Linn thanking Doug Barlet and Dave Striegel for their participation in Career Day.

Doug Barlet stated that all Firefighters have completed their NIMS training. Barlet also reported that a Firefighter was injured on a call yesterday and will be off work for 4 to 6 weeks.

At 9:13 AM the Commission went to the old courtroom to greet the students for County Government Day. At 9:37 AM the Commission returned to the Commission room.

Herb Pemberton moved to approve a permit to bury a 6" gas line requested by KEBO O&G, Inc. located at Botkin Road and 700 Road. Mike Page seconded the motion. The motion passed 3-0.

Donna Thomas presented 3 KDHE grant applications for Commission signatures. The requested amount of these grants is \$25,479.00. Thomas also stated that she should receive a total of \$74,981.00 in grant money for the year. Mike Page moved to allow the Chairman to sign the grant applications. Herb Pemberton seconded the motion. The motion passed 3-0.

Thomas also asked the Commission to sign an agreement for use of the 4-H Building for emergencies. Jason Sabine moved to sign the agreement for the use of the 4-H Building. Herb Pemberton seconded the motion. The motion passed 3-0.

Rick Porter, Lake Region RC&D presented the 2007 Annual Report and the 2008 Work Plan. Porter also discussed a grant program for the Marais des Cygnes River Basin and the objectives for that project.

The Government Day students introduced themselves.

Gary Thompson informed the Commission that Mel Bolling has several Building Permit applications, but she has not been authorized to issue the permits. Jason Sabine moved to authorize Mel Bolling to issue Building Permits for interim period until we have a Zoning Administrator or County Engineer. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that Tom Job from KCAMP presented a memorandum concerning uninsured/underinsured motorist coverage and information on historical property insurance. Job recommends rejecting the increased uninsured/underinsured motorist coverage. Herb Pemberton moved to allow Chairman to sign the rejection of higher limits. Mike Page seconded the motion. The motion passed 3-0. The historical property insurance would provide additional coverage for buildings that are listed on the State or National Historical Registry. We would have to have properties appraised to see what it would

cost to restore a building to original condition. Mr. Job told the Clerk that it could cost 8 to 10 times as much to insure the Courthouse with this type of coverage. The Commission asked the Clerk to see what it would cost to have the Courthouse appraised and to see if there are other County buildings that would qualify for this type of coverage.

Herb Pemberton moved to approve the following pays/special pays: General, \$198,750.91; Employee Benefit, \$3,197.60; Appraiser, \$1,723.00; Rural Fire, \$8,714.04; Road and Bridge, \$53,276.55; Law Enforcement Trust, \$35.40; 911 Telephone Tax, \$3,356.16; Health Dept., \$1,215.55; Crime Victim Assist., \$192.20; and Elderly, \$3,482.81. Mike Page seconded the motion. The motion passed 3-0.

Gary Thompson discussed a budget amendment for Road & Bridge for the power plant dam road. KCPL plans on paying us \$215,000.00 for repairing the road and then we would pay the suppliers. We could include that amendment with the Fire Dept. budget amendment. Jason Sabine also discussed using the FEMA reimbursement for additional road rock for each district.

The Commission reminded the audience that there is a special meeting tonight with Republican Central Committee at 8:00 PM at Bunker Hill. The Clerk informed the Commission that Pleasanton Mayor Tim Staton has requested a special meeting with the Commission on Wednesday at 6:00 PM at Pleasanton City Hall. Jason Sabine moved to schedule a special meeting at 6:00 PM Wednesday at Pleasanton City Hall to discuss the new airstrip. Mike Page seconded the motion. The motion passed 3-0.

At 10:34 AM the Chairman asked for public comment. Fred Kautt commented on the road districts and the amount of roads in each district. Kautt also discussed the 911 system.

The Commission thanked the students for coming today.

At 10:41 AM Jason Sabine moved to take a break until 11:00 AM. Mike Page seconded the motion. The motion passed 3-0.

At 11:03 AM the Commission opened bids for Noxious Weed Chemicals. The Commission wants to discuss the bids with Noxious Weed Director John Maloney next week.

The Commission discussed items needed to finish the La Cygne Fire Station. It will cost approximately \$6,000.00 for the materials for the electrical work. The Commission also discussed heaters for the office and training areas of the station and an exhaust fan for the truck bay area. The Commission agreed to inform Doug Barlet to go ahead with the electrical work at the Fire Station.

Dr. Allen presented plans for the new clinic in Pleasanton. Dr. Allen discussed the usage of the clinic from all areas of the County and surrounding areas. Dr. Allen also discussed the types of procedures they are planning in the new clinic. Dr. Allen stated that he is not here asking for money, but if the County is going to subsidize medical care, we should subsidize all providers in the County.

With nothing further on the agenda Mike Page moved to adjourn until 8:00 PM Monday, March 10, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

March 10, 2008

The Board of Linn County Commission met in special session at 8:00 PM in the Bunker Hill Community Center, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Ellie Davey led the Flag Salute.

The Clerk read the following Notice of Special Meeting:

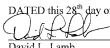
LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2068
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

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 8:00 PM on Monday, March 10, 2008 in the Bunker Hill Community Center, Mound City, KS. This special meeting has been called for the Commissioners attend the Republican Central Committee meeting to discuss plans for the Mound City Clinic. No action will be taken at this special meeting.

DATED this 28th day of February, 2008.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sutherland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augie, Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Doug Barker, Rural Fire / Emerg. Mgt.
Ancy Mayhugh, Zoning & Sanitation

Jason Sabine informed the audience that Dr. Allen from Pleasanton attended today's Commission meeting. Dr. Allen stated that the new clinic at Pleasanton may not be owned by Mercy, it may be owned by a private company and leased to Mercy. Dr. Allen will lease space from Mercy in the clinic. (The Commission had not heard anything about a private developer owning the building until today.) The plan is to eventually have a doctor in that clinic from 7:00 AM to 11:00 PM. Dr. Allen is not bound to send patients to Mercy, they can choose where they want to go. Dr. Allen is planning on talking to Mr. Woodrich at Mercy to see if he has any interest in putting a clinic in Mound City.

Mike Page stated that the Commission has made a commitment to the people to see this project through. We need to look at the need for a clinic in Mound City and do we have the means for a clinic.

Herb Pemberton stated that we can't tell people a lot until we hear from Olathe Medical System. We need to know what their plans are before we make any decisions. At one time, Olathe did offer to put some money in on remodeling the old clinic. Herb Pemberton stated that he would like to know if they are willing to put money in on building a new clinic.

We do have 2 ½ years left on our agreement with Olathe. Their biggest issue is space in the current clinic. Olathe will have a new doctor here in April. The question that has arisen is, if we are going to subsidize one health care provider, are we going to subsidize all health care providers? Mike Page met with Joe Perkins and looked at the Baptist Church buildings, Mayor Bob Meyer and looked at the City property, and met with Mr. Burns and looked at the property next to the pharmacy. Mike Page stated that upon his initial review, the pharmacy property looks like the best option at the moment.

Mike Burns asked how much funding we can expect for a Mound City clinic. Jason Sabine stated that we

are waiting to see what Olathe will do. Mr. Burns stated that Olathe is probably waiting to see what we will do. Jeff Dawson suggested splitting up the money and putting it in the hands of Trustees from each area of the County. Mike Page volunteered to take the lead and contact Olathe Medical System.

With nothing further on the agenda Jason Sabine moved to adjourn until 6:00 PM Wednesday, March 12, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

March 12, 2008

The Board of Linn County Commission met in special session at 6:00 PM in the Pleasanton City Hall, Pleasanton, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Also present were the Pleasanton Mayor and City Council. Tim Staton led the Flag Salute.

Following is the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2666
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

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 6:00 PM on Wednesday, March 12, 2008 in the Pleasanton City Hall, Pleasanton, KS. This special meeting has been called for the Commissioners to meet with the Pleasanton City Council to discuss the new airstrip and to take any necessary action concerning the new airstrip.

DATED this 10th day of March, 2008.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sutherland, County Attorney
Marvin Stiles, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Mariygn Augur, Transportation

John Maloney, Notious Weid
Dennis Arnold, Economic Development
Doug Barlett, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Dennis Arnold announced that we will not receive the money for the airstrip grant until July. Arnold recommends appointing a joint City/County Airport Authority. Arnold recommends Clarence Easley to head up the Airport Authority.

Clarence Easley stated that he has 5 people that have agreed to be on the Airport Authority and 2 more that he is waiting to hear from. Tim Staton volunteered to be a City representative on the Airport Authority. Jason Sabine stated that he would like to have Dennis Arnold on the board. Jason Sabine also volunteered to be on the board.

Clarence Easley recommended John Byington, Larry Robinson, Toby Conrad, David Yeamans, and himself for the board. Dennis Arnold stated that Gary Troth and Larry Cleaver have approached him about being on the board. Mr. Cleaver is also planning on bidding on the project.

The City appointed Toby Conrad, John Byington, David Yeamans, Larry Robinson, Tim Staton, Jason Sabine, and Clarence Easley to the airport committee, with Clarence Easley being the Chairman. Dennis Arnold will also be an ex-officio member. Larry Cleaver will also be available to advise the committee.

Jason Sabine moved to accept the same committee members as the City. Mike Page seconded the motion. The motion passed 3-0.

Rick Thomas spoke against the project. Mr. Thomas stated that there are a lot of questions that have not been answered. Mr. Thomas would like to know what the benefits are to Linn County and to Pleasanton. Lea Ann Davenport stated that IPC and Alco both have small planes that would use the airstrip. Tim

Staton stated that the current airstrip is less than ideal. Dennis Arnold stated that we have had public meetings and it has been discussed at Commission meetings several times. Arnold explained the reasons that we need a new airstrip and the problems with the current airstrip. We will also have more ground for an industrial park. We currently have no ground left in the Pleasanton Industrial Park. Jason Sabine stated that we could also land medical transport planes at the proposed airstrip. They cannot land at Gilmore. Herb Pemberton stated that KCPL will also use the new airstrip. Bernita Robbins asked about the liability issues with the airstrip. The County currently carries liability insurance on Gilmore Airport. We will also have to carry liability insurance on the new airstrip. The City Council, County Commission, and Dennis Arnold all stated that they would be happy to answer questions about the airstrip. Citizens just need to contact them when they have questions.

Herb Pemberton moved to sign an agreement with the City of Pleasanton for the grant and ownership of the property to be used for the runway. Mike Page seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, March 17, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

March 17, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Mike Page led the Pledge of Allegiance.

Jason Sabine moved to approve the minutes of the last regular meeting and the 2 special meetings as printed. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for February 2008. Mike Page seconded the motion. The motion passed 3-0.

The Chairman read a thank you card from the Republican Central Committee for attending the meeting last week.

The Chairman read a proposed Proclamation concerning Underage Drinking in Linn County. Herb Pemberton moved to approve the proclamation. Mike Page seconded the motion. The motion passed 3-0.

John Byington presented oil quotes for this year. Byington recommends purchasing the road oil from Costal Energy this year. The Commission agreed to accept the quote from Costal Energy.

John Black asked the Commission for permission to purchase a new tire machine. The current machine will not handle tires bigger than 16". Mike Page moved to approve purchasing the tire machine from Tech Supply for \$3,395.00 (including a \$500.00 trade in). Herb Pemberton seconded the motion. The motion passed 3-0.

Dan Morris informed the Commission that he purchased 1000 gallons of diesel last week but he does not have the bill yet.

At 9:28 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Dan Morris attended the executive session.

At 9:38 AM the executive session ended. No action taken.

Dan Morris informed the Commission that he would like to move Steve Hisel to the Assistant Road Foreman position in Dist. #1. Herb Pemberton moved to appoint Steve Hisel as District #1 Assistant Road Foreman and move him to Range 5. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet presented a draft resolution for open burning that will be presented to the Fire Board on Thursday. Barlet is working on 3 grants that need to be submitted in the next few weeks.

At 9:51 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Counselor, and Doug Barlet attended the executive session.

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

Doug Barlet informed the Commission that he and two Firefighters are leaving Sunday morning to drive to Mississippi to inspect and drive the new tankers home.

Mel Bolling presented Lot Split #08-227 requested by Estalee Phillips located in Sec. 36, Twp. 21, Range 22. Jason Sabine moved to approve Lot Split #08-227 and accept the accompanying grant of easement. Mike Page seconded the motion. The motion passed 3-0.

John Maloney informed the Commission that he has reviewed the chemical bids for Noxious Weeds for 2008 and he recommends accepting the bids from Van Diest Supply. The bids received were from Vegetation Management

Supply, Inc. and Van Diest Supply Co. The Commission asked Maloney to review total costs of the bids including the surfactants and make a recommendation next week.

Maloney also informed the Commission that he needs to run a Notice on Noxious Weeds ad in the newspaper. Jason Sabine moved to allow Maloney to publish the ad. Herb Pemberton seconded the motion. The motion passed 3-0. Maloney also needs to advertise for part-time help for the summer.

At 10:17 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 7 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and John Maloney attended the executive session.

At 10:24 AM the executive session ended. No action taken.

Linda Elder and Frankie Howard addressed the Commission concerning the AMR response time to 402 Park in La Cygne. The Commission did discuss this issue with AMR and are waiting for a response on this and other issues. The Commission wants the LEPC members to work on issues with addressing, etc. Howard stated that she is not satisfied with the information that she has received from Larry Robinson. She would like to have a review done on this ambulance call. Elder wants to see a policy in place requiring emergency responders to study maps.

Herb Pemberton moved to approve the following pays/special pays: General, \$90,229.32; Employee Benefit, \$39,237.42; Appraiser, \$10,058.78; Rural Fire, \$267,185.18; Road and Bridge, \$34,474.20; Law Enforcement Trust, \$7,000.00; 911 Telephone Tax, \$1,054.74; Health Dept., \$4,928.30; Crime Victim Assist., \$904.71; Elderly, \$1,909.38; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

At 10:47 AM the Chairman asked for public comment. Fred Kautt asked again about new street signs for Centerville.

Joe Maloney informed the Commission that he has a 1996 Roll-off truck that has over 250,000 miles. The current trade in value is \$15,000.00 to \$18,000.00. Maloney wants to know if the Commission wants him to keep using it or look into getting a new truck. It would cost around \$70,000.00 to purchase a new truck. The Commission will discuss this issue during budget time this year.

Larry Robinson informed the Commission that there is a meeting with KDOT scheduled for Thursday, March 20th at 1:30 PM. The Asphalt Foreman, Larry Robinson, and the Road Foremen need to attend the meeting. There are some scheduling conflicts on that day. The Commission suggested asking KDOT to meet with us in the Annex next Monday afternoon.

At 11:04 AM Jason Sabine moved to take a break until 11:30 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:30 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session until Noon to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Chad Bahr attended the executive session.

At Noon the executive session ended.

At 12:01 PM Jason Sabine moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission and Chad Bahr attended this portion of the executive session.

At 12:16 PM the executive session ended. No action taken.

At 12:20 PM Jason Sabine moved to recess for lunch until 1:00 PM. Mike Page seconded the motion. The motion passed 3-0.

At 1:00 PM the Board of Commission meeting reconvened.

At 1:03 PM Jason Sabine moved to recess from the Board of Commission 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 Pat Katzer & Darren Lawrenz from Olathe Medical System, Inc. attended the executive session.

At 1:18 PM the executive session ended.

At 1:20 PM Jason Sabine moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 1:35 PM the executive session ended. No action taken.

The Commission informed the audience that they have discussed two options for new clinics with Pat Katzer and Darren Lawrenz. Option 1 is to purchase and remodel the Baptist Church Annex. That option would cost approximately \$142.90 per sq. ft. There are some issues with site development, parking, electric, etc. The total cost of Option 1 is \$345,000.00. Option 2 is to build a new clinic on the site donated by AuBurn Pharmacy. That option would cost approximately \$150.00 per sq. ft. for a 2400 sq. ft. to 3500 sq. ft. building. A similar size building to the Baptist Church Annex would cost \$360,000.00. The Commission agreed that they would rather build a new clinic instead of buying and remodeling the Church Annex.

Olathe Medical has agreed to contribute \$60,000.00 toward the project, and could possibly contribute up to \$98,000.00. Jeff Dawson, F&M Bank, has offered low interest financing for a clinic building. The Commission would also like to hear what City of Mound City would be able to do to help. Donna Spencer asked about reducing to the size of the building to 2400 sq. ft., would that limit us to 1 doctor? OMS would design so building could be expanded in the future for an additional provider. Wes Coffel asked if there was a commitment from OMS for a specific time, how long would they agree to provide service? OMS stated that they rarely enter into agreements for less than 5 years. Currently OMS loses over \$100,000.00 per year in the Mound City clinic. That figure does not include referral income. Coffel also asked how much ground would be needed for 3500 sq. ft. building? Lawrenz did not have a definite answer at this time. The Commission also discussed what it would take to attach to Lincoln/Scott Hospital District. Gary Thompson stated he would have to look into it, but the Lincoln/Scott Hospital District would have to agree to allowing other area to join their district, a petition would have to be circulated in the new area, and the new area would have to be adjacent. Wes Coffel stated that maybe some business owners could help financially. Coffel volunteered to help with the financing issue. After review statutes, Gary Thompson stated that to add to the Lincoln Scott Hospital District, a petition would have to be signed by 51 % of the voters in the new area, the Lincoln/Scott Hospital District would have to pass a resolution accepting the new area, and the new area would not have to be contiguous with the existing district.

At 2:37 PM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss trade secrets of a corporation. Mike Page seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 2:47 PM the executive session ended. No action taken.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, March 24, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

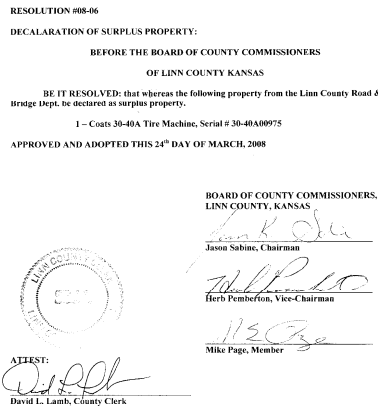
March 24, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Jason Sabine moved to approve the following add/abate/refund orders: 2007-203. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to adopt Resolution #08-06, declaring a tire machine surplus property. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-06:



The Clerk read a letter from the Kansas Dept. of Revenue, Cigarette and Tobacco Enforcement, stating that a controlled buy investigation was recently conducted at the Park Marina, and our staff refused to sell to the underage person.

The Clerk presented a Tax Exemption application on Extension Office building that is owned by Linn County. Mike Page moved to file for the exemption for the Extension Building. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that he has received a bid from Bradley Heating & A/C for the La Cygne Fire Station, Office, Bathroom, & Training areas. The Commission asked the Clerk to keep the bid until more bids are received or a decision is made.

Gary Thompson presented a proposed Resolution Establishing Regulations and Required Procedures for Agricultural Open Burning. The Commission reviewed the proposed resolution and made some suggestions. Gary Thompson will make the suggested changes and bring the resolution back next week.

John Maloney informed the Commission that Vegetation Management Supply, Inc. bid for Noxious Weed chemicals is \$87.48 lower than the Van Diest Supply Co. bid. Jason Sabine moved to award the Noxious Weed Chemical bid to Vegetation Management Supply, Inc. in the amount of \$6,551.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Maloney discussed setbacks on a property within a lake development. Mike Page suggested writing a letter to Tanglewood Lakes explaining the County's position on this issue. Maloney also discussed some problems with possible illegal hauling by septic haulers. Maloney will send a certified letter to the alleged parties involved. The Commission will discuss setbacks within lake developments next week.

Mike Page read a letter and petition from residents of Parker asking for paving of streets in Parker. Some of the streets may be partially owned by the County. The letter asks for the County to participate in the paving of the streets. The Clerk will ask Larry Robinson to look into the ownership of the streets.

Tim Prock addressed the Commission concerning painting a mural on a County building in La Cygne. The Commission asked Mr. Prock to give the Commission an estimate on the cost of the project. Mr. Prock is asking the Commission to 1) Allow him to paint the mural on the wall, 2) Pay for the supplies; primer, paint, varnish, etc., 3) Provide a bucket lift or other device to reach high areas, and 4) Pay a stipend for his time.

Dennis Arnold discussed the infrastructure for the IPC site. Arnold recommends having our Road & Bridge Dept. do the work that we can do, and reimburse IPC for other work that needs to be done. The County has agreed to provide the services to the site.

At 10:20 AM Herb Pemberton moved to recess from the Board of Commission into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor and members of the Extension Council. Mike Page seconded the motion. The motion passed 3-0. The Commission, Counselor, Roger Carbon, and John Sawyer attended the executive session.

At 10:30 AM the executive session ended. No action taken.

At 10:31 AM Jason Sabine moved to take a 15 minute break. Mike Page seconded the motion. The motion passed 3-0.

At 10:46 AM the Chairman asked for public comment. Bernita Robbins asked why the proposed open burning resolution doesn't allow burning at night. Robbins stated that they always burn at night, and they get a better burn at night. (State Statute prohibits burning at night.) Charlie Blevins showed the Commission a large rock that he picked up on 200 Road. Blevins stated that the County Road crew blades the road keeps moving the large rocks back and forth across the road but never pick up the rocks. Jason Sabine stated that he will talk to John Black about the problem. Blevins stated that the County hauled the rocks in and dumped them on the road. Herb Pemberton stated that the County does not haul big rocks in on County roads.

At 10:55 AM Jason Sabine 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. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Steve Thompson attended the executive session.

At 11:10 AM the executive session ended.

At 11:13 AM Jason Sabine moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 2-0.

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

Steve Thompson informed the Commission that valuation notices will be going out on April 1st. Overall

our valuations on homes are up about 5%. Ag. values are down overall. Commercial values are stable.

The Commission talked to Larry Robinson about the street in Parker that was referred to in the petition mentioned earlier in the meeting. Robinson stated that the street appears to be in the City limits. The Commission also asked Robinson about the cost of signs for unincorporated towns. Robinson does not have a new cost estimate yet. The Commission asked Robinson if he had any information on the status of a road that Mr. Kerr asked about. Robinson stated that he found that the road had been vacated to the north of the railroad tracks.

At 11:50 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. Mike Page seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At Noon the executive session ended. No action taken.

At Noon the Commission met with the Road Foremen to discuss salary schedules. Dan Morris suggested changing the scale for Equipment Operators, adding classifications for Equipment Operator I, II, & III. The Clerk stated that we would need job descriptions that define the requirements for each category. Jason Sabine would like to see raises tied to performance, not years of service. If we are going to tie the increases to performance, we need to rework the whole scale. The Commission agreed that they need to look at the scale for all employees, not just the Road Dept.

At 1:02 PM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed the infrastructure work for IPC with John Black. Black and the Commission agreed that it would be better to have the same people dig the trenches and lay the pipe for the water and sewer. The Clerk asked about a limit for the project. How much would we be willing to spend? Dennis Arnold stated that the project would be limited by the amount of budget he has available for incentives. Mike Page stated that we would probably want IPC to get at least two bids for the project.

Herb Pemberton moved to increase Tod Moeller, Ricky Stephens, and Larry Erickson to Range 4, Step F, \$11.83 per hour based on prior experience. Mike Page seconded the motion. The motion passed 3-0.

The Commission asked the Road Foremen to come back in two weeks to discuss salary schedules again.

At 1:35 PM the Commission met with KDOT representatives Rusty Drake, David Weirich, Brian Schafer, and Hugh Bogle concerning the frontage roads that will be turned over to the County. Robinson, Byington, and the Road Foremen agreed with the proposals for blacktopping the frontage roads. John Black stated that he thinks Hugh Bogle, Larry Robinson, John Byington, and the County Road Foreman for the district should drive and inspect all the access roads before they are signed over to the County.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, March 31, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

March 31, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; John Copple, Deputy County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Joe Maloney presented a report on recycling and open-top container rental revenue for 2007, indicating a total of \$38,862.60 from recycling and \$4,000.00 from open-top container rental. Maloney also reported the compactor at La Cygne broke down over the weekend, and will be repaired today. Maloney reported that he recently attended a meeting where he learned that nationwide approximately 70% of what goes into landfills could be composted or recycled.

Herb Pemberton moved to approve the purchase of two 55-gallon barrels of motor oil, one barrel of automatic transmission fluid, one barrel of hydraulic oil, and one barrel of anti-freeze from Wallace Oil for a total price of \$2,421.32 for Road District #1. Mike Page seconded the motion. The motion passed 3-0.

Harry Wisdom reported that he had researched the issue of fencing on the new access road to the west side of the new water reservoir. Wisdom said it appears that it is up to the property owner to install any fencing. Gary Thompson said his research agreed that the property owner is responsible if he wants to install fencing along the new road.

Doug Barlet reported that he is working on a grant application for approximately \$530,000 for new equipment with a five percent match, with the county paying \$26,500.

The Fire Board recommended the reinstatement of Firefighter Wes McClain with a two-month probationary period and paid status at Station 920. Herb Pemberton moved to approve the reinstatement with probation. Mike Page seconded the motion. The motion passed 3-0.

The Fire Board recommended hiring Jake Mattingly at Station 920 as a new Firefighter, with six months probation pending completion of a physical and paperwork. Jason Sabine moved to hire Mattingly. Herb Pemberton seconded the motion. The motion passed 3-0.

Barlet requested approval to attend a class on pipelines at Pittsburg tomorrow. The commission approved his attendance.

Barlet reported that the two new fire trucks have arrived from Mississippi. Barlet said the trucks will be placed in service once the radios are installed this week.

Gary Thompson reported that he has made changes to proposed Burn Resolution #08-07, as requested. Barlet said the Fire Board has discussed requiring training before issuing agricultural open burning (as defined by Kansas Statute.) Barlet said five people attended the burning training class held earlier this year. Mike Page suggested implementation of the resolution as currently proposed with monitoring to determine if training is desirable and practical. Thompson clarified that the resolution applies to agricultural open burning and would not affect things such as burning leaves in a yard in rural areas. Herb Pemberton moved to adopt Resolution #08-07. Mike Page seconded the motion. The motion passed 3-0. Gary Thompson will make corrections to the resolution before the Commission signs, and the signed resolution will be included in next week's minutes.

Herb Pemberton asked about materials for electrical work at the new fire station in La Cygne. Mike Page said he has produced a list of what is needed. The list will be sent to potential bidders today, with responses to be returned to Barlet as soon as possible so that materials can be received onsite and the work can proceed on the building.

Barlet presented an award on behalf of the Fire Board in recognition to Larry Robinson for his service as Interim Emergency Preparedness Director during the flooding last year.

The Commission heard from Gary Brown, Tanglewood Lakes property owner, who spoke in favor of zoning and permits for building projects in the entire county. The Commission discussed the general issue of enforcing zoning regulations inside lake developments. John Maloney said the discussion was prompted by one issue of a permit in one lake development. Maloney said the specific issue is now being addressed through the zoning appeals process. Mike Page said he feels that the County needs to review zoning regulations and determine how they will be applied to lake developments in the county. Page said the County appreciates the input of residents in all of the lake developments. Gary Thompson said zoning regulations technically apply to every lot in the county, outside of city limits. Thompson said it is his understanding that historically the Commission has allowed lake developments to take care of their own issues. Thompson also clarified that the County does not have building codes. The zoning code requires permits and in general regulates setbacks. The County also has a sanitation code that regulates sewage disposal. Thompson suggested waiting to see how the current specific appeal goes and waiting until the Commission decides on hiring a new zoning director or county engineer, then decide on the enforcement of zoning codes in lake developments. Herb Pemberton said that the county cannot just go out and hire three or four people that might be required to begin enforcing zoning in lake developments without money budgeted. Pemberton also said that hiring the needed additional staff could raise taxes. It was suggested that permit fees could be increased to help recover some of the costs. The Commission stated its appreciation for those who have taken an interest in the issue, and encouraged people to be involved in the current zoning appeal case.

Tim Prock presented a photograph of a mural he had painted, along with his proposed costs for painting a new mural on the outside of the medical clinic building now in use in La Cygne. Herb Pemberton said the building is not in very good shape, and that he is not in favor of keeping the building after a new clinic building is built. Jason Sabine said he is not in favor of spending money on the building since he expects that the county will sell the building. Mike Page suggested that Prock pursue other locations in La Cygne for the project and offered to help with a lift or scaffolding if Prock finds a suitable site.

Public comments: Fred Kautt suggested that if County funds are going to be used to fund the painting of a mural that it would be better to be painted on a building at the Linn County Fairgrounds. Kautt reported that the 30 miles per hour speed limit sign is missing at Centerville. Kautt suggested the posting of the newly passed burn resolution in public libraries. Ed Samyn reported that a road sign on a concrete culvert on 200 Road near Montgomery Road has been down for over two years. Samyn asked if the County is hauling rock for IPC. Jason Sabine said that part of the agreement with IPC is that we would haul some rock for them. Mike Page said it doesn't appear that it is going to be feasible for county crews to actually haul the rock. Samyn stated that he believes the road crews should work only on road projects. Page said he believes it is just good business for the county, on the basis of economic development, to do things that will help draw in new businesses that will continue to help grow the county. Bernita Robbins asked how the audit is progressing on the fire fund. Doug Barlet said the audit company has received the information they needed and they are ready to proceed.

At 10:47 AM Jason Sabine moved to take a 13 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The meeting reconvened at 11:00 AM.

At 11:03 AM Jason Sabine moved to go into executive session for 30 minutes for personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and Doug Barlet attended the session.

At 11:33 AM the meeting reconvened. Jason Sabine made a motion to extend the executive session for 15 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission, Counselor, and Joe Maloney attended the session.

At 11:48 AM the meeting reconvened. Jason Sabine made a motion to extend the executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission, Counselor and John Maloney attended the session.

At 11:58 AM the meeting reconvened. No action was taken as a result of the executive sessions.

John Maloney requested permission to look for a truck to replace the 1988 one-ton dually truck used to carry the noxious weeds spraying unit. The truck carries 300 gallons of water. The current truck is worn out. Maloney said the Mound City fire department has indicated interest in the old truck. The Commission agreed to allow Maloney to look at used trucks for pricing. Maloney will report back to the Commission with prices.

Herb Pemberton moved to approve the following pays/special pays: General, \$182,036.49; Employee Benefit, \$71,319.55; Appraiser, \$9,975.27; Rural Fire, \$13,419.44; Road and Bridge, \$85,291.18; Health Dept., \$5,616.58; Crime Victim Assist., \$904.71; Elderly, \$3,495.75; Econ. Dev. Grant, \$15,000.00; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, April 7, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

April 7, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Herb Pemberton led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for March 2008. Mike Page seconded the motion. The motion passed 3-0.

The Commission signed Resolution #08-07 that was approved at last week's meeting. Following is a copy of Resolution #08-07:

RESOLUTION 08-07

A RESOLUTION ESTABLISHING REGULATIONS AND REQUIRED PROCEDURES FOR AGRICULTURAL OPEN BURNING.

WHEREAS, agricultural open burning is a common and prudent land management practice within Linn County; and,
WHEREAS, agricultural open burning can present risk of harm to neighboring lands, neighboring residents, and users of public roads; and
WHEREAS, it is appropriate to assist fire departments with the deployment and the utilization of equipment and personnel for actual emergency circumstances.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LINN COUNTY:

(1) Agricultural open burning, defined as open burning of vegetation such as grass, woody species, crop residue and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management, shall be conducted only under the following conditions which meet or exceed K.A.R. 28-19-648.

(a) The person conducting the burn shall notify the Linn County Dispatch Center before the burning begins, and shall provide the dispatcher with the proposed burn location, estimated burn time, responsible party conducting said burn, and means of contacting responsible party during the burn event; additionally the person coordinating and conducting the burn shall notify the Linn County Dispatch Center when the burn is extinguished.

(b) A person shall not conduct a burn that creates a traffic safety hazard. If conditions exist that may result in smoke blowing toward a public roadway, the person conducting the burn shall give adequate notification to the highway patrol, sheriff's office or other appropriate state or local traffic control authorities before burning.

(c) A person shall not conduct a burn that creates an airport safety hazard. If smoke may affect visibility at an airport, the person conducting the burn shall give adequate notification to the appropriate airport authorities before burning.

(d) The person conducting the burn shall insure that the burning is supervised until the fire is extinguished.

(e) A person shall not burn heavy smoke-producing materials including but not limited to heavy oils, tires, and tarpaper.

(f) A person shall not initiate burning during the nighttime, which for the purposes of this resolution is defined as the period from two hours before sunset until one hour after

sunrise. A person shall not add material to a fire or light additional fire after two hours before sunset.

(g) A person shall not burn during inclement or foggy conditions or on very cloudy days, which are defined as days with more than 0.7 cloud cover and with a ceiling of less than 2,000 feet.

(h) A person shall not burn during periods when surface wind speed is less than 5 mph or more than 15 mph or at any time where projected wind speeds for the burn period will be outside this range.

(i) A person shall not burn when the Linn County Dispatch Center advises that burning is not permitted due to expected weather or fire safety index ratings for the area which make burning conditions unsafe or create an unreasonable risk for burning. The Linn County Fire Chief/Emergency Management Coordinator or his designee shall be authorized to make the determination as to whether fire is to be permitted pursuant to this sub-section, and shall contact the Dispatch Center when, in his opinion, conditions change. The Dispatch Center shall be authorized to approve or disapprove individual burning requests in compliance with the Fire Chief's determination.

(j) A person shall not burn within 1,000 feet of any occupied dwelling in rural areas of the county, unless the occupant of that dwelling has been notified before the burn. A person shall not burn within 1,000 feet of any city's boundary, unless the City Clerk or other appropriate City Official has been notified before the burn.

2. Violation of this resolution, upon conviction, may be punished by a fine of up to \$1000.00 per day of violation per location. In addition, violators may be required to pay restitution for all damages done by a fire set in violation of this Resolution and may be required to reimburse the County for the costs of fighting said fires.

3. The County Fire Chief or the local Fire Chief having jurisdiction of the involved area in the absence of the County Fire Chief or the designee of said Chief, shall have the right to issue a cease and desist order in written form or verbally with a written confirmation and request the issuance of a Citation by the Linn County Sheriff for violations of said cease and desist order. Additionally, the local fire department has the right to extinguish all fires that are in violation of this resolution.

4. The Board of County Commissioners may, in circumstances where public burning may jeopardize the safety and welfare of the population and/or property, ban open burning in the unincorporated areas of the county. In the event said circumstances arise when the Board of County Commissioners is not in scheduled open meeting, and when a special meeting of the Board of County Commissioners is impractical or impossible, the Chairman of the Board of County Commissioners may declare an emergency and implement a ban of open burning in the unincorporated areas of the county. PROVIDED, however, such action shall be reviewed by the Board of County Commissioners at its next regular scheduled open meeting, or at a special meeting called for said purpose, and the ban imposed by the Chairman shall be endorsed or

rescinded, as the case may be, by action of the Board of County Commissioners.
This resolution shall take effect immediately upon its passage and publication in the official county newspaper.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF LINN, STATE OF KANSAS, THIS 31ST DAY OF MARCH, 2008.

Jason Sabine, Chairman

Herb Pemberton, Vice-Chairman

Mike Page, Member

ATTEST:

David Lamb, County Clerk



Jason Sabine discussed mowing at the Extension office. We are short one employee in our maintenance department right now and may not have time to mow the Extension office property. The Commission agreed that they want the Extension Council to find someone to mow this year.

At 9:10 AM at the request of Sheriff Marvin Stites, Jason Sabine 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, Counselor, and Sheriff Stites attended the executive session.

At 9:20 AM the executive session ended. No action taken.

John Byington asked to hire Jim Hendrix beginning April 14th as a temporary employee for the Road Dept. at \$8.75 per hour. Herb Pemberton moved to allow Byington to hire Hendrix at \$8.75 per hour as a temporary employee for the Road Dept. Mike Page seconded the motion. The motion passed 3-0.

Dan Morris stated that he needs a load of diesel fuel for approximately \$26,300.00. The Commission agreed to allow Morris to order the diesel.

John Black presented a permit to bury water line requested by RWD #2 located on Yankee Road. Herb Pemberton moved to approve the permit to bury water line as requested. Jason Sabine seconded the motion. The motion passed 3-0.

Black also stated that he needs to order 5-12" tubes, 5-15" tubes, 5-18" tubes, and 5-24" tubes for a total of \$5,951.10 from J&J Metal. Jason Sabine moved to approve the purchase of tubes from J&J Metal. Herb Pemberton seconded the motion. The motion passed 3-0.

Harry Wisdom stated that he also needs the same sizes and quantities of tubes. Herb Pemberton moved to allow Wisdom to order tubes from J&J Metal for \$5,951.10. Mike Page seconded the motion. The motion passed 3-0.

Joe Maloney informed the Commission that he has a Lake Region meeting tomorrow in Osage County. Maloney also discussed hiring another full time employee. The position would need to be posted to County employees for one week before advertising. The Commission agreed to let Maloney post the position to County employees.

At 9:34 at the request of John Maloney, Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and John Maloney attended the executive session.

At 9:44 AM the executive session ended. As a result of the executive session, Herb Pemberton moved to hire Dan Black as a temporary employee in the Noxious Weed Dept. at \$8.75 per hour. Mike Page seconded the motion. The motion passed 3-0.

John Maloney then presented the following prices for a used truck for the Noxious Weed Dept.: Coffman Auto, 2003 Chevy 1 Ton, 100,000 miles, \$13,400.00; Cox Motors, 2005 Ford 1 Ton, 41,000, \$16,500.00; and Beckman Motors, 2007 Chevy 1 Ton, 3,000 miles, \$19,000.00. Maloney suggested donating his old 1988 truck to the Fire Dept. No decision was made at this time.

At 9:50 AM Jason Sabine 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. Mike Page seconded the motion. The motion passed 3-0. The Commission, Counselor, Loyd Brownback, and John Brownback attended the executive session.

At 10:00 AM the executive session ended. No action taken.

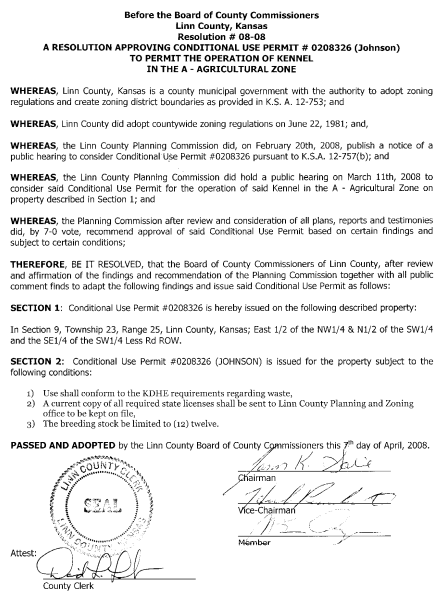
Doug Barlet informed the Commission that he submitted a grant application for \$529,936.00 for new apparatus. Barlet is also looking into a grant for broadcasting emergency information through our storm sirens. The Commission agreed that Barlet should look into the grant. Barlet stated that the CPR/AED classes were completed this weekend. We need to purchase about \$3,000.00 of medical supplies for CPR/AED use. Jason Sabine moved to allow Barlet to purchase the supplies for an amount not to exceed \$3,000.00. Mike Page seconded the motion. The motion passed 3-0.

Barlet stated that the Fire Board recommends purchasing a pump and motor for the Blue Mound grass truck for approximately \$2,500.00. Jason Sabine moved to approve purchasing the pump and motor for Station 970 for an amount not to exceed \$2,500.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Barlet also stated that he ordered \$6,700.00 for electrical supplies for Station 950. We will also need approximately \$8,000.00 for the exhaust system, plumbing, and other supplies. Herb Pemberton has a bid for heating and A/C for the east side of the building. Mike Page also has a bid for heating and A/C and the exhaust system. Mike Page will get some more bids for the heating and A/C.

Barlet asked about the status of the proposed Automatic Aid Agreements between the County and the Cities. Gary Thompson would like to discuss it next week.

Mel Bolling presented CUP #0208326 (Johnson) for a kennel. The Planning Commission recommended approval by an 7-0 vote with the following findings: 1) Kennel does conform to the agricultural uses in the neighborhood, and 2) The proposed use will not negatively effect the nearby uses or property values; and the following conditions: 1) Use shall conform to the KDHE requirements regarding waste, 2) A current copy of all required State licenses shall be sent to the Linn County Planning and Zoning office to be kept on file, and 3) The breeding stock be limited to (12) twelve. After reviewing and discussing the findings and conditions, Jason Sabine moved to approve CUP #0208326, adopt the findings of the Planning Commission, and adopt Resolution #08-08. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-08:



Marilyn Augur informed the Commission that she is currently handling the rental duties on the Prescott Senior Center, but that was not listed in her duties. The Commission asked her to continue with those duties. Augur also asked about getting people to mow at the senior centers. The Commission asked Augur to arrange for the mowing.

Mayor Bob Meyer addressed the Commission concerning Hemlock St. The City only wants to pay for the overlay on the area that has City property on both sides of the street. The City is also concerned that a 2" overlay is not enough. John Byington stated that the 2" overlay should be enough to hold up. Byington stated that the original idea was for the County to do the prep. work for the whole road and the City would pay for the overlay. The material cost for the hot mix for the County road portion of the project would be \$16,321.00. Mike Page suggested meeting with Bob Meyer and John Byington to review the project before making a decision.

At 10:49 the Chairman asked for public comment. Fred Kautt thanked Larry Robinson for replacing the sign that was discussed last week. Kautt asked the street signs in Centerville, when will they be replaced? Kautt also discussed Market St. in Centerville. Market St. was not resurfaced last year when the other streets were done. John Byington stated that Market is scheduled this year. Robinson stated that he is waiting to see what is going to be done in Goodrich, so he can purchase all the street signs at the same time. Robinson informed the Commission that the Linn County Conservation District is putting on a program for 4th graders at the Fairgrounds that he needs to attend on April 16. There is also a Traffic Signal Workshop in Lawrence that Robinson and Josh Marshall need to attend on April 15th. The workshop costs \$225.00 for each person. The Commission agreed to allow Robinson and Marshall to attend the workshop. Robinson also discussed some comments that

were made at a meeting in Prescott yesterday concerning the airport. Robinson stated that the people of the County were invited to participate with the development of the Comprehensive Plan. The proposed airport does comply with the County Comprehensive Plan. Robinson stated that he needs to resign from the Airport Committee because he is the Chairman of the Pleasanton Planning Committee. Robinson stated that he would be interested in the Planning & Zoning position if we had a County Engineer to handle public works issues. Mary Grosshart discussed a county in Missouri that has address signs at every drive in the county. Grosshart suggested trying to find grant money to install signs at every address. Jean Vaughn asked what requires an executive session? Gary Thompson explained that an executive session for legal issues is for the Commission to get advice from the Counselor. A personnel executive session is to protect the privacy of an employee. The legal issues sessions today were for the Commission to get legal advice from the Counselor. The session with the Brownback's was called because the Commission wanted the Counselor's legal advice on an issue that the Brownback's were involved in. Jean Vaughn stated that this case is in court. Gary Thompson stated that we are not dealing with any case that currently exists in court. Thompson stated that the individual had questions for the Commissioners, and in order for the Commissioners to answer those questions, they needed his legal advice. Nothing in the legal session dealt with anything except Thompson giving the Commission legal advice.

At 11:22 AM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Bill Gabauer and Bob Woodard from Lake Chaparral addressed the Commission concerning zoning issues at the lake development. Gabauer wants to get help from County Zoning and from the Sheriff when needed. Lake Chaparral is making improvements to their property and wants to work with the County on any issues that arise.

The Chairman discussed information from KAC & the League of Municipalities on a new Comprehensive Transportation Program for Kansas. The Clerk will copy the information for all the Commissioners.

Gary Thompson presented a deed for the property that will be used by Mercy Health System. The County will trade this property for property that Mercy received from Pointer. Jason Sabine moved to convey the property, execute the deed, and deliver the deed when we receive the deed from Mercy on the donated property. Mike Page seconded the motion. The motion passed 3-0.

The Clerk discussed minimum wage issues that are facing the County in the next two years.

Jason Sabine moved to set a special meeting for Monday, April 14th at 8:00 PM with the Republican Central Committee with no action to be taken. Herb Pemberton seconded the motion. The motion passed 3-0.

At 12:08 PM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Larry Robinson attended the executive session.

At 12:23 PM the executive session ended. No action taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, April 14, 2008. Mike Page seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

April 14, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

The Commission reviewed the YTD Park Report for March 2008.

Mel Bolling presented Lot Split #08-228 requested by Charles & Phyllis Johnson located on K239 Highway in Sec. 9, Twp. 23, Rng. 25. The lot split meets our requirements. Jason Sabine moved to approve Lot Split #08-228 as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney discussed nuisance abatement at Sugar Valley Lakes. Gary Thompson stated that it would take a lot of time for a nuisance abatement employee in the lake developments and it would take a lot more of Thompson’s time. Gary Thompson stated that having a County Codes Court would help with enforcement.

Maloney and the Commission discussed the bids for a used truck for Noxious Weed. They also discussed the possibility of buying a new truck. Herb Pemberton moved to allow Maloney to purchase the 2007 Chevy 3/4 ton 4 wheel drive truck from Beckman Motors for \$19,000.00. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet stated that he gave Gary Thompson a copy of the contract for the Hazard Mitigation Plan. Jason Sabine moved to allow Doug Barlet to sign the contract. Mike Page seconded the motion. The motion passed 3-0.

At 9:42 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and Doug Barlet attended the executive session.

At 9:52 AM the executive session ended. As a result of the executive session, Jason Sabine announced that Cheryl Wallace has turned in her resignation effective two weeks from today. Jason Sabine moved to accept Wallace’s resignation. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk asked about paying for the NIMS training out of Emergency Management. The Commission and Barlet agreed that the payments should be taken from the Emergency Management Dept. Also, next week’s NIMS classes have been moved to the Courthouse Annex.

Dennis Arnold discussed the Youth Employment Grant Program. The businesses that were chosen to receive the grant money are: JRK Welding, F&M Bank, Farmers State Bank, Double K Construction, Sugar Valley, Big Sugar Lumber, Linn County News, Mid America Hydraulics, Prescott State Bank, and Dillard’s Fencing. Herb Pemberton moved to award the grants to the above mentioned businesses. Jason Sabine seconded the motion. The motion passed 3-0.

Bruce Holt asked the Commission to hire the following people as temporary employees for the Park at \$7.09 per hour:

Jean Ruse	May 1 st to Sept. 30 th	Marina Employee	60 hours per pay period
Josh Jordan	May 16 th to Aug. 15 th	Maintenance	60 hours per pay period
Jimmy Weeks	May 1 st to Sept. 15 th	Lifeguard	60 hours per pay period
Patsy Rhynerson	May 16 th to Sept. 15 th	Cabin Cleaning	15 hours per pay period
Calvin Brown	Continue Part Time Employment		16 hours per pay period
Logan Smith	May 1 st to Sept. 15 th	Pool Employee	48 hours per pay period

Jason Sabine moved to allow Holt to hire his part time (temporary) help as requested. Mike Page seconded the motion. The motion passed 3-0.

The Park will be opened for a special deer hunt during bow season for 30 applicants (15 must be from Linn County). There will also be a youth hunt in January. Hunters will have to shoot a doe before shooting a buck.

Holt also stated that he will need to re-roof some more buildings at the Park this year.

Jason Sabine moved to approve the following pays/special pays: General, \$90,970.13; Appraiser, \$848.65; Rural Fire, \$6,167.28; Road and Bridge, \$115,030.28; Special Machinery, \$35,000.00; 911 Telephone Tax, \$4,280.46; Health Dept., \$2,092.59; and Elderly, \$17,614.97 and the following pays/special pays: General, \$69,708.36; Employee Benefit, \$43,921.62; Appraiser, \$10,074.97; Rural Fire, \$1,778.39; Road and Bridge, \$32,907.59; Health Dept., \$5,149.62; Crime Victim Assist., \$904.71; Elderly, \$1,787.78; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

Gary Thompson informed the Commission that we have received a letter and petition from an attorney representing John Brownback, asking the Commission to open a road. Gary Thompson also gave the Commission a first draft of the procedure that would need to be followed. The attorney would like to meet with the Commission next week.

The Chairman wants to spend some time in the next couple of weeks to start discussing the pay schedule.

At 10:36 AM the Chairman asked for public comment. Bernita Robbins stated that when the lake developments started, they didn’t want any help from the County. Why should we pay taxes to help them now?

Gary Thompson gave the Commission copies of a proposed Automatic Aid Agreement between the County and the Cities. The Commission will discuss the agreements with Doug Barlet next week.

Mary Grosshart discussed how the Counties she talked about last week purchased the address signs. The Counties used money from the E911 Funds and then taxed the residents to repay the E911 Funds. Charlie Blevins stated that the rocks on E 200 Road have not been taken care of. Jason Sabine stated that District #2 is going to pick up the big rocks, but it has been too wet recently to get the work done. Jean

At 11:02 AM Jason Sabine moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:50 AM the executive session ended.

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

At 12:26 PM the executive session ended. No action taken.

At 12:31 PM the executive session ended. No action taken.

[illegible]

With nothing further on the agenda Jason Sabine moved to adjourn until 8:00 PM Monday, April 14, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

April 21, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Mike Page led the Pledge of Allegiance.

At 9:00 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:15 AM the executive session ended. No action taken.

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

Jason Sabine moved to approve the following add/abate/refund orders: 2007-204. Mike Page seconded the motion. The motion passed 3-0.

Jesse Secrest, Cox Motor Co., addressed the Commission concerning the used truck that was approved last week for the Noxious Weed Dept. Secrest stated that he told John Maloney that the County would be eligible for price breaks on a new truck. Secrest did not receive a list of specifications for a new truck, so he did not know what to bid on. Secrest was available last Monday to answer questions, but was not called. Secrest also stated that the truck that was approved last week has many options that may not be needed on a Noxious Weed truck. Secrest then stated that a new truck from Cox Motors that lists for \$30,005.00 could be purchased by the County for \$20,650.00, due to government discounts. Secrest also stated that he is the only dealer in Linn County and pays taxes in Linn County, Beckman Motors does not pay taxes in Linn County.

Carmen Self presented the Quarterly Interest Report and the Delinquent Tax Report. Interest for the 1st quarter of 2008 was \$82,895.96 (down from \$108,248.24 last year). Delinquent Real Estate taxes as of 3/31/08 were \$417,427.10 and delinquent Personal Property taxes as of 3/31/08 were \$79,237.12.

Kristy Schmitz informed the Commission that she has hired Lu Ann Hargrove as a temporary (part-time) employee at \$7.38 per hour in the Register of Deeds office.

Marilyn Augur informed the Commission that we received approval for our Transit Grant in the amount of \$26,837.50 for 2009. It is a 50/50 grant.

John Maloney stated that he wanted to buy a used truck to save money for the Noxious Weed Dept. Maloney also presented pictures of nuisance properties at lake developments. Gary Thompson stated that the statute that allows County Code Courts does not apply to Linn County, but we could contact our Legislators and ask them to amend the statute to include Linn County.

Jason Sabine moved to take bids for a new truck for the Noxious Weed Dept. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to rescind the motion to buy the used truck from Beckman Motors. Jason Sabine seconded the motion. The motion passed 3-0.

Joe Maloney presented the Plot Plan for the landfill. The Commission instructed Maloney to contact Jim Schmitz for the required surveying. Maloney asked about a pay raise for Rick Post. The Commission stated that they are going to start talking about reworking the pay schedule this week, so they don't want to make any pay changes right now. Joe Maloney presented a copy of the maintenance log for the Solid Waste trucks. Herb Pemberton stated that Dan Morris brought copies of the Road Dist. #1 maintenance records today.

Sharon Geiss presented the YTD Report from Mid-America Nutrition. Geiss stated that attendance is steady in Linn County. There will be a satisfaction survey in May. Chuck Hampton from Parker is now on the Mid-America Nutrition Policy Board. Mid-America will submit bids for next years service to the East Central Kansas Area Agency on Aging in May. Geiss also stated that food prices are up about 9% and fuel prices are also up.

The Road Foremen reported on their March expenditures.

Dan Morris asked to hire Vic Roche & Matt Higgins for summer help at \$8.75 per hour. Herb Pemberton moved to hire Matt Higgins and Vic Roche as summer help for Road Dist. #1 at \$8.75 per hour. Mike Page seconded the motion. The motion passed 3-0. Morris also discussed a grant that employs people to work on items that are flood related, such as cutting brush around bridges. The Commission asked Morris to work on the grant.

Harry Wisdom presented a permit to bury water line requested by RWD #2 located at 13068 W 600 Road. Jason Sabine moved to approve the permit to bury water line as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

John Byington stated that our road oil prices are locked in for the year, but cover material is not.

Doug Barlet presented information on NIMS requirements. Barlet also discussed the proposed Automatic Aid Agreement. It has not been presented to the Cities yet. Jason Sabine moved to approve the form of the Automatic Aid Agreement. Herb Pemberton seconded the motion. The motion passed 3-0. Doug Barlet will present the proposed agreement to the Cities.

The Commission opened bids for completion of the La Cygne Fire Station. The Commission will review the bids and make a decision at a later time.

At 10:37 AM the Chairman asked for public comment. Rubie Scott stated that she was disappointed that none of the Commissioners commented on the Nutrition Program when Sharon Geiss was here. Scott stated that people are not satisfied with the meals they are receiving. Lonnie Martin asked if the Commission has considered what to do about our County roads. Martin stated that there is not enough rock on the roads. Helen Wright stated that the meals at the Senior Centers are not as good as they used to be. Bernita Robbins stated that we have the same cooks as when the County ran the meals, so the quality of the meals shouldn't have changes.

At 10:47 AM Jason Sabine moved to take a 13 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Blake Hudson, attorney for John Brownback discussed their petition for access road to landlocked property. Hudson stated that Brownback has been denied access. Gilkison did provide a letter giving restricted access. There is a case pending in District Court concerning the existing situation. Nate Harbur, attorney for the Gilkison Trust discussed their views on the issue of road easement. Harbur stated that access has been given to Brownback.

At 11:22 AM Jason Sabine 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 11:37 AM the executive session ended. As a result of the executive session, the Chairman asked Mr. Hudson if he had any rebuttal to Mr. Harbur's comments. Mr. Hudson stated that the issue is, will the fact that they have been given some kind of partial permission be enough to bar Mr. Brownback from proceeding with the petition to open the road. The Chairman then asked if Mr. Harbur had any other comments. Mr. Harbur stated that Mr. Brownback landlocked himself, by his own actions, and Mr. Harbur believes there is an easement by necessity. Gary Thompson asked what was the nature of the permission that is now in place for Mr. Brownback? Mr. Harbur stated that they are asking for 2 days notice from Mr. Brownback to access his land for husbandry purposes. Husbandry would be anything agricultural. They would agree to give Mr. Brownback the combination to the lock, if he would agree not to give it to 3rd parties. Gary Thompson asked Mr. Hudson if this track was on a separate deed. Mr. Hudson stated that it was not on a separate deed when purchased, but there is no practical access to north. Gary Thompson stated that Commission wants to give Harbur 10 days to file a written response to the brief filed by Mr. Hudson, then Mr. Hudson will be given 5 days to respond, and Commission will take this under advisement. Gary Thompson advised Commission not to discuss this issue with any of the parties. The responses need to be filed with County Clerk.

Jason Sabine moved to sign the Pest Control contract with Purinton Pest Control. Mike Page seconded the motion. The motion passed 3-0.

Gary Thompson also presented an agreement with Mercy Health System of Kansas, Inc. concerning the use of the land for building a medical clinic. Mercy agrees to start construction within one year on the land that will be deeded from Linn County. If construction does not start within one year, Linn County has the option to rescind the agreement. Mike Page moved to enter into agreement with Mercy concerning the land use. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:47 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session until Noon

to discuss personnel issues related to non-elected personnel with Doug Barlet. Mike Page seconded the motion. The motion passed 3-0. The Commission, Counselor, and Doug Barlet attended the executive session.

At Noon the executive session ended.

At Noon, Jason Sabine moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 12:15 PM the executive session ended.

At 12:17 PM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission and Counselor attended this portion of the executive session.

At 12:27 PM the executive session ended. As a result of the executive session, the Chairman announced that they have decided to post a Deputy Fire Chief/Alternate Emergency Management Coordinator position to County Employees.

At 12:29 PM Jason Sabine moved to recess from the Board of Commission meeting into executive session until 1:00 PM to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Larry Robinson attended the executive session.

At 1:00 PM the executive session ended.

At 1:02 PM Jason Sabine moved to extend the above executive session for 30 minutes. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Larry Robinson attended this portion of the executive session.

At 1:20 PM Doug Barlet entered the executive session.

At 1:32 PM the executive session ended.

At 1:32 PM Jason Sabine moved to extend the above executive session 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Marilyn Augur attended this portion of the executive session.

At 1:36 PM Marilyn Augur left the executive session.

At 1:42 PM the executive session ended. As a result of the executive session, the Chairman announced that we are increasing Marilyn Augur's hours to 8 hours per day to take over bookkeeping duties with the Fire Dept.

Doug Barlet asked for permission to spend approximately \$5,000.00 for vehicle inspections and pump testing from Murphy Fire & Rescue. Jason Sabine moved to allow the expenditure. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission and Clerk discussed salary schedules. Jason Sabine stated that pay raises should be tied to evaluations and the employee's start date. Jason Sabine stated that Miami County has a good model to look at. The Commission suggested getting samples of salary schedules from at least 5 other Counties.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, April 28, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

April 28, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Herb Pemberton led the Pledge of Allegiance.

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

Bob Meyer, Mound City Mayor informed the Commission that the City Council agrees with the proposal for Hemlock Street. The Commission will instruct Gary Thompson to draw up an agreement between the City and Council. Councilperson Shayna Lamb thanked the Commission, Mike Page, and John Byington for their help.

Doug Barlet asked about the bids for the La Cygne Fire Station and informed the Commission that he is working with Donna Thomas to set up an exercise on May 8th in the County for dispensing drugs in an emergency. The Commission discussed sending a letter to department heads encouraging employees to volunteer. Jason Sabine asked Doug Barlet if the Fire Board had approved changing the position in the Fire Chief's office. Doug Barlet stated that the Fire Board had been informed but had made no comment. Gary Thompson stated that the Fire Board should be given a chance to make a recommendation since this would be a policy decision. Mike Page has requested more information from the bidders on the heating & air conditioning for the fire station. Page would like to get that information before making a decision. The Commission discussed the payment terms on the Stevens Plumbing bid. The Commission wants to pay for materials when delivered instead of 50% up front. Jason Sabine moved to approve the bid for plumbing from Stevens Plumbing in the amount of \$4,700.00 along with the contingencies that were discussed. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission opened bids for a new truck for Noxious Weed. Raymond Beckman explained the options on the used truck that was previously approved. The used truck had power windows, power locks, and carpeted floors. A large percent of the warranty is still available. Beckman asked about the County's bidding practices. What are the concessions that will be given to a company in the County? Bids received were: Beckman Motors, \$19,510.00, 2008 Chevrolet 2500HD 4WD; and Cox Motors, \$20,929.00, 2008 Ford F250 XL 4X4. The Commission compared the options on the bids. Mike Page moved to accept the bid from Beckman Motor for the Chevrolet for \$19,510.00. Herb Pemberton seconded the motion. The motion passed 2-1. Jason Sabine voted no.

John Maloney presented information concerning a sanitation complaint at Tanglewood Lakes. Mike Page stated that we need to enforce the sanitation hauling regulations on everyone, not just this individual.

Mel Bolling presented a Subdivision Plat requested by David Woodrum located in the E1/2 SW1/4 Section 23, Township 20, Range 23. The Planning Commission recommends approval by a 5-0 vote. The Commission reviewed the following findings: 1) fits the characteristic of the neighborhood, and 2) does not detrimentally effect nearby properties or property values; and condition: 1) the water line be constructed to the property and a letter from the water company stating they will provide a meter be submitted before approval by the County Commissioners. After review, Jason Sabine moved to approve the Subdivision Plat as requested. Mike Page seconded the motion. The motion passed 3-0.

The Commission asked Bruce Holt how the RV sanitation is handled in the Park. The RV's either dump directly into the dump station or the RV owners use a cart to haul to the dump station. The Commission stated that the lake developments should police their own sanitation issues.

At 10:21 AM the Chairman asked for public comment. Steve Hoeger advised the Commission that they have moved the location of their Pleasanton station. AMR has also used the 1st 25 address signs that they have ordered and will be ordering more signs as needed. Dennis Arnold announced that we helped Solar Wind in La Cygne receive \$80,000.00 in financing for their business (80% loan, 20% grant).

At 10:26 AM Jason Sabine moved to take a break until 10:40 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

Keith Couch presented information on the National Day of Prayer, May 1, 2008. Couch asked the Commission to sign a proclamation, proclaiming Thursday, May 1, 2008, as a Day of Prayer in Linn County, Kansas. Citizens will gather at the gazebo on the Courthouse lawn at Noon on Thursday. Herb Pemberton moved to sign the proclamation. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of the Proclamation:

LINN COUNTY, KANSAS
PROCLAMATION
LINN COUNTY COMMISSIONERS

WHEREAS, the National Day of Prayer is a tradition first proclaimed by the Continental Congress in 1775, and

WHEREAS, May 1, 2008, has been declared a National Day of Prayer by President Bush, and

WHEREAS, it is eminently fitting and proper that we in Linn County observe a day when our community may acknowledge our many blessings and express our gratitude to God while recognizing the need for strengthening of religious and moral values in our land, and

WHEREAS, the United States of America is beset with differences and a host of problems which are bringing division to our people, and


WHEREAS, the power of prayer and power of God through prayer, have been the strength and shield of the American experience throughout our history, and

WHEREAS, we are called to "be joyful in hope, patient in affliction, and faithful in prayer" despite troubling circumstances that surround us as a country, it behooves us to call Christians of Linn County to come together in a day of prayer for this nation, state, county, cities, and schools. Let America be united in prayer.

NOW THEREFORE, we the Linn County Commissioners, do hereby proclaim Thursday, May 1, 2008, as a Day of Prayer in Linn County, Kansas.

IN WITNESS WHEREOF, we hereunto this 28th day of April, 2008 set our signatures.


Herbert Pemberton, Commissioner


Jason Sabine, Commissioner


Michael Page, Commissioner

Herb Pemberton moved to approve the following pays/special pays: General, \$194,855.75; Employee Benefit, \$55,157.54; Appraiser, \$9,964.74; Rural Fire, \$18,015.44; Road and Bridge, \$66,372.75; 911 Telephone Tax, \$2,342.96; Health Dept., \$5,325.34; Crime Victim Assist., \$904.71; Elderly, \$2,122.49; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

At 10:48 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session until 11:00 AM to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Doug Barlet attended the executive session.

At 11:00 AM the executive session ended.

At 11:01 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:16 AM the executive session ended.

At 11:17 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Doug Barlet, and Josh Marshall attended the executive session.

At 11:29 AM Josh Marshall left the executive session.

At 11:32 AM the executive session ended. As a result of the executive session, Herb Pemberton moved to hire Josh Marshall as the Deputy Fire Chief/Alternate Emergency Management Coordinator at \$15.04 per hour (Range 9, Step E). Mike Page seconded the motion. The motion passed 3-0.

At 11:36 AM Mike Page 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, and County Counselor attended the executive session.

At 11:46 AM ended. No action taken.

At 11:48 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission attended the executive session.

At 12:03 PM the executive session ended.

At 12:04 PM Jason Sabine moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 3-0. The Commission and Larry Robinson attended this portion of the executive session.

At 12:19 PM the executive session ended. As a result of the executive session, the Chairman announced that Larry Robinson will become the Planning and Zoning Administrator, combined with E911 Coordinator, Traffic Control Coordinator, and Assistant to the County Engineer. This will be an exempt position with a salary of \$42,500.00 per year. Herb Pemberton moved to hire Robinson for the jobs listed above. Mike Page seconded the motion. The motion passed 3-0.

Mike Page explained the heating and cooling bids in the La Cygne Fire Station building, we asked bidders to bid: Option 1, a 2-ton unit to cover the offices and restroom; Option 2, a 5-ton unit to cover above and also the meeting area (If we don't put in the 5-ton unit we will have to spend money on heaters in that additional area.); Option 3, exhaust fan with motorized louver; and Option 4, install venting for the restroom exhaust fans. The following bids were received:

	<u>Elliot HVAC</u>	<u>Bradley AC & Heating</u>
Option 1	\$6,497.00 13 Seer	\$4,352.12 13 Seer
Option 2	\$9,995.00 13 Seer	\$6,853.96 13 Seer, \$7,542.14 14
Seer		
Option 3	\$5,995.00	\$2,058.70 11,800 CFM, \$2,531.70
15,000 CFM		
Option 4	\$295.00	\$110.54
	<u>Eastwood HVAC</u>	<u>Dave's Heating & A/C</u>
Option 1	\$5,400.00 13 Seer + \$500.00 14 Seer	\$4,475.00 13 Seer, \$4,775.00 14
Seer		
Option 2	\$6,750.00 13 Seer + \$500.00 14 Seer	\$6,480.00 13 Seer, \$6,950.00 14
Seer		
Option 3	No Bid	\$3,100.00 15,000 CFM, \$1,950.00
11,800 CFM		
Option 4	No Bid	No additional cost.

The total cost of Options 2, 3, & 4 with a 14 seer unit and an 11,800 CFM exhaust fan: Bradley A/C & Heating, \$9,711.38; Dave's Heating & A/C \$8,900.00. Herb Pemberton moved to accept the bid from Dave's Heating & Cooling for \$8,900.00. Mike Page seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that Charlene Smith is retiring May 15th. The Clerk would like to look at duties, hours needed, etc. before hiring a replacement. The Clerk and Commission also discussed

mowing of County property.

Jason Sabine moved to set a special meeting tonight in La Cygne at 7:00 PM with Lincoln-Scott Township Hospital District. Mike Page seconded the motion. The motion passed 3-0. No action will be taken at this special meeting.

With nothing further on the agenda Jason Sabine moved to adjourn until 7:00 PM Monday, April 28, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

May 5, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the following pays/special pays: General, \$150.00; Employee Benefit, \$864.23; and Noxious Weed Eradication, \$19,510.00. Mike Page seconded the motion. The motion passed 3-0.

Bruce Holt presented bids for roofing materials for the Park. Bids received were: Big Sugar Lumber, \$1,775.90; Maschino Lumber, \$1,495.37; Diversified Supply, \$1,464.50. Herb Pemberton moved to accept the bid from Diversified Supply in the amount of \$1,464.50. Jason Sabine seconded the motion. The motion passed 2-0. Mike Page abstained.

Dan Morris presented permits to bury fiber optic line requested by Peoples Telecom located on 2275 Road, 2250 Road, and K152 & Robertson Road. Herb Pemberton moved to approve the permits to bury as requested. Jason Sabine seconded the motion. The motion passed 3-0.

Morris also needs to replace a power washer at the Dist. #1 shop. Morris presented bids from Hotsy Equipment Company, \$4,873.00; and Jetstream Equipment Company, \$5,135.00. Herb Pemberton moved to approve purchasing a power washer from Hotsy Equipment Company in the amount of \$4,873.00. Mike Page seconded the motion. The motion passed 3-0.

Morris then discussed dust control on County roads. We have received some requests after the cutoff date. Gary Thompson suggested putting people on a waiting list for a later date. The Commission agreed that we should stick with our cutoff date and tell people that it is too late to be added to this year's list.

Joe Maloney recommended hiring James Folsom for the Truck Driver position in the Solid Waste Dept. Mike Page suggested waiting another week and checking Folsom's references. Maloney also informed the Commission that part time employee John Aleshire has taken another job and will no longer be working for us.

Maloney needs to buy tires for Solid Waste trucks. He can get 8 tires from Cross Midwest for \$3,435.12. Herb Pemberton moved to approve purchasing 8 tires from Cross Midwest for \$3,435.12. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that the Board of Trustees has asked him to approach the Commission concerning a used pumper truck that will be available from Johnson County in June of 2009 for \$80,000.00. The Commission agreed to allow Barlet to check into purchasing the truck before budgets are approved for next year.

Herb Pemberton suggested installing an ADA bathroom in the new fire station in La Cygne with carpentry supplies that are left over from construction. Mike Page suggested getting a total price for the project, including fixtures. Gary Thompson then presented contracts for the plumbing and the heat & air conditioning for the La Cygne Fire Station. Herb Pemberton moved to allow the Chairman to sign the contracts with Don Stevens Plumbing and Dave's Heating and Air Conditioning. Mike Page seconded the motion. The motion passed 3-0. Doug Barlet will contact the companies and acquire their signatures on the contracts.

The Chairman asked Barlet about using Josh Marshall to help with the dust treatment on the roads. The Commission asked Larry Robinson and Barlet to work out a schedule for Marshall. Robinson informed the Commission that no County employees applied for the Assistant Traffic Control position, so it needs to be advertised in the newspaper. The Commission agreed to take applications until May 19, 2008 at 10:00 AM.

Roger Carbon addressed the Commission concerning blacktopping roads in the fairgrounds. Carbon stated that he believes that the roads have been dedicated as County Roads. Carbon asked the Commission to budget for blacktopping the roads.

At 10:11 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Maloney attended the executive session.

At 10:32 AM John Maloney left the executive session.

At 10:41 AM the executive session ended. No action taken.

At 10:42 AM the Chairman asked for public comment. Jean Vaughn asked about the correction to last week's minutes. Tom Coryell asked about investigating vendors for required licenses. Steve Riley stated that if the roads are built up 8" at the fairgrounds, most cars won't be able to pull off the roads to park. Herb Pemberton stated that the overlay won't be that thick on the fairgrounds roads. Riley also stated that there are no women on the Fair Board.

The Clerk stated that he is advertising for a part-time evening custodian. Changing the position to part-time could save the County \$5,000.00 to \$20,000.00 per year, including benefits.

The Clerk also presented 2 bids for mowing the Courthouse, Annex, and Concern lawns. Schneider Lawncare \$210.00 per mowing, Harlow's Lawn Mowing, \$165.00 per mowing. Schneider Lawncare has insurance, Harlow's Lawn Mowing does not but would get insurance if required to do so. Jason Sabine moved to award the bid to Harlow's Lawn Mowing, provided Harlow shows proof of insurance within 3 days. If proof of insurance is not shown within 3 days, the bid will be awarded to Schneider Lawncare. Herb Pemberton seconded the motion. The motion passed 3-0.

Mike Page has developed a list of lighting needs for the Extension Office. The Commission discussed hiring a local contractor to do the repair work.

Gary Thompson informed the Commission that a group in Mound City is working on establishing a Hospital District for Mound City and Paris Townships. Gary Thompson would like to ask for an Attorney General’s Opinion on establishment of a Hospital District by the Commission, if the Commission will allow him to request the opinion. Jason Sabine moved to allow Gary Thompson to ask for an Attorney General’s Opinion. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed blacktopping fairgrounds. The Clerk reviewed last year’s minutes and reported that nothing was budgeted this year for blacktopping at the fairgrounds.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, May 12, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

May 12, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting as printed. Jason Sabine seconded the motion. The motion passed 2-0.

Commissioner Page arrived at 9:07 AM.

The Commission reviewed the YTD Park Report for April 2008.

Jason Sabine moved to approve the following add/abate/refund orders: 2007-205 thru 210, 213 thru 235. Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney asked the Commission to approve hiring James Folsom as a Truck Driver for Solid Waste. Jason Sabine moved to hire James Folsom as a Truck Driver for the Solid Waste Dept. at \$10.50 per hour (Range 4, Step A) effective 2 weeks from today. Mike Page seconded the motion. The motion passed 3-0. Folsom will take a pre-employment physical/drug test and will be on standard 6 month probation.

Maloney informed the Commission that the Freightliner is in Olathe for warranty and recall repairs. Maloney also informed the Commission that it is time to take bids for metal salvage. Maloney will advertise for 1 week and send bid specs. to previous bidders.

John Black asked the Commission to hire John Allcorn as a temporary mower for the summer. Jason Sabine moved to hire John Allcorn as a temporary mowing employee for Road Dist. #2 at \$8.75 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson presented the Quarterly Wireless 911 Report. Herb Pemberton moved to allow the Chairman to sign the Quarterly Wireless 911 Report. Mike Page seconded the motion. The motion passed 3-0.

Robinson discussed the possibility of acquiring the temporary bridge that was used on K7 for use as a permanent bridge on Vail Road. Robinson will contact an engineer about feasibility.

Jason Sabine moved to accept and sign the MOU with KCPL for the work on 2200 Road (Power Plant Dam). Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that the contracts for Station 950 have been signed by the vendors. The City of La Cygne signed the Automatic Aid Agreement without the 5 mile statement. La Cygne stated that they will respond as needed, not limited to within 5 miles of the city limits. Barlet stated that EMS assist runs are up this year. Barlet also presented a cell phone request form for Josh Marshall. Jason Sabine moved to allow Barlet to get a cell phone for the Deputy Fire Chief. Herb Pemberton seconded the motion. The motion passed 3-0. The Clerk informed the Commission that we received a letter from the Governor stating that we have been awarded the grant for the Prescott Fire Station.

Larry Robinson presented Lot Split #08-229 requested by Dan & Eleanor Smith located on K31 Highway. The Lot Split does meet our requirements. Jason Sabine moved to approve Lot Split #08-229 as requested. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$56,350.25; Appraiser, \$670.01; Rural Fire, \$15,006.03; Road and Bridge, \$77,393.29; 911 Telephone Tax, \$74,068.70; Health Dept., \$1,752.44; Elderly, \$3,103.63; and Linn County Sewer Dist. #1, \$4,797.38. Mike Page seconded the motion. The motion passed 3-0.

Steve Hoeger informed the Commission that AMR is raising their mileage rate from \$8.64 to \$9.50 per mile effective June 1, 2008 due to the increase in fuel prices. Hoeger also asked the Commission to sign an EMS Week Proclamation. Herb Pemberton moved to issue the proclamation. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of the proclamation:

EMS Week Proclamation
To designate the Week of May 18-24, 2008, as Emergency Medical Services Week
WHEREAS, emergency medical services is a vital public service; and
WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and
WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and
WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now
THEREFORE, I, Jason Sabine, Presiding Commissioner Linn County Kansas, in recognition of this event do hereby proclaim the week of May 18-24, 2008, as
EMERGENCY MEDICAL SERVICES WEEK
With the theme, EMS: Your Life is Our Mission and I encourage the community to observe this week with appropriate programs, ceremonies and activities.


Jason Sabine, Presiding Commissioner Linn County Kansas

Jason Sabine moved to reschedule the May 26, 2008 regular meeting to Tuesday May 27, 2008 at 9:00 AM due to the Memorial Day Holiday. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to set a special meeting for tonight at 8:00 PM with the Republican Central Committee with no action to be taken. Herb Pemberton seconded the motion. The motion passed 3-0.

Janet Kerr, representing the Communications Council, presented a proposal to the Commission concerning a 4 day workweek. No action was taken.

At 10:05 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 20 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, Counselor, and John Maloney attended the executive session.

At 10:19 AM John Maloney left the executive session.

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

At 10:27 AM the Chairman asked for public comment. Bernita Robbins stated that we should keep courthouse open 5 days per week. Rubie Scott announced a public meeting for a proposed Hospital District tomorrow night at 7:00 PM at Bunker Hill. Tommy Tuggle asked why we need a new fire building at Prescott. Jean Vaughn stated that she agrees with Tuggle, there is no need for new fire station in Prescott. Vaughn also stated that the Courthouse should be open 5 days per week.

At 10:33 AM Jason Sabine moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Beckie Voorhies, Grant Administrator for SEKRPC, presented information for the closeout hearing for CDBG Project No. 07-PF-611, Fire Tanker Grant. The Chairman opened the public hearing and asked for public comment. None was given. Herb Pemberton moved to allow the Chairman and Clerk to sign the grant closeout forms. Mike Page seconded the motion. The motion passed 3-0. Herb Pemberton moved to allow the Chairman and Clerk to sign the final request for CDBG funds. Mike Page seconded the motion. The motion passed 3-0.

The Chairman announced that the Commission is planning on looking at a new pay scale. Jason Sabine moved to put all requests for pay raises on hold until a new pay scale is adopted. Mike Page seconded the motion. The motion passed 3-0.

Bill Van Kirk presented the FY2009 Department of Corrections Comprehensive Plan and FY09 Juvenile Justice Authority Block Grant for the Sixth Judicial District Community Services. Van Kirk also described the services provided by Community Services. Jason Sabine moved to approve and sign the grant application for the 6th Judicial District Community Services, Kansas Department of Corrections FY 2009 Comprehensive Plan. Mike Page seconded the motion. The motion passed 3-0.

At 11:19 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Steve Hisel, and Larry Erickson attended the executive session.

At 11:49 AM the executive session ended.

At 11:49 AM Jason Sabine moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission and Larry Robinson attended this portion of the executive session.

At 12:04 PM the executive session ended.

At 12:06 PM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission and Larry Robinson attended this portion of the executive session.

At 12:16 PM the executive session ended. No action taken.

The Clerk informed the Commission that there is a technical assistance meeting for the CDBG program in Chanute on May 29th. Dennis Arnold will not be able to attend, but we do need to send a representative to discuss the fire station grant. The Clerk stated that he could go to the meeting if the Commission wants him to. Jason Sabine moved to appoint the Clerk to represent the County at the meeting. Herb Pemberton seconded the motion. The motion passed 3-0.

At 12:25 PM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 30 minutes to legal issues (attorney/client privilege) with the County Counselor. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:55 PM the executive session ended. No action taken.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, May 19, 2008. Mike Page seconded the motion. The motion passed 3-0.

Commission Chair

Attest:
County Clerk

May 19, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Jason Sabine moved to approve the following add/abate/refund orders: 2007-236. Mike Page seconded the motion. The motion passed 3-0.

Mike Page moved to approve the Sheriff's Monthly Fee Report for April 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney presented bids for scrap metal. The only bid received was from Wes's Recycling in the amount of \$3,851.00. Jason Sabine moved to accept the bid of \$3,851.00 from Wes's Recycling. Herb Pemberton seconded the motion. The motion passed 3-0.

Maloney also announced that the new Solid Waste containers came in this morning.

Doug Barlet informed the Commission that the Prescott station is having an open house on May 24th. Next Sunday is the program at the Youth Front Camp. There should be 5,000 to 6,000 people attending. Barlet also stated that the Fire Board recommends hiring James Folsom as a Firefighter for Station 960. Jason Sabine moved to accept the recommendation of the Fire Board to hire Folsom. Mike Page seconded the motion. The motion passed 3-0. Herb Pemberton recommended hiring someone to finish the electrical work in Station 950. The Commission agreed to hire someone to finish the work.

The Clerk read a letter from the Kansas Emergency Management Association announcing that Doug Barlet has completed his certification as a Certified Emergency Manager. The Clerk then presented Doug Barlet with his Certified Emergency Manager Certificate.

At 9:40 AM Jason Sabine left the Commission meeting.

Mike Page moved to approve the following pays/special pays: General, \$91,939.04; Employee Benefit, \$43,152.17; Appraiser, \$9,904.98; Rural Fire, \$9,228.04; Road and Bridge, \$55,487.75; Health Dept., \$4,945.20; Crime Victim Assist., \$904.71; Elderly, \$2,045.52; and Zoning LEPP, \$216.67. Herb Pemberton seconded the motion. The motion passed 2-0.

The Clerk announced that he received 5 applications for the part-time evening custodian position. The Commission agreed to start the position at \$9.34 per hour.

At 9:48 AM Herb Pemberton asked for public comment. Jean Vaughn asked when Jerry Bedgood got hurt. (He was injured in December.) Vaughn also stated that the lights were on in the Courthouse at 10:00 PM one night last week. Vaughn also stated that prices are going up on everything and suggested putting a freeze on all raises for County employees. Bernita Robbins asked about motor graders getting their doors taken off. Herb Pemberton stated that we did have a dump truck that was hit and damaged but he was not aware of any problems with motor graders.

The Clerk and Commission discussed the health plan renewal and the computer system upgrades. The Clerk and Deputy Clerk John Copple will present the details when Commissioner Sabine returns.

At 9:58 AM Herb Pemberton moved to take a 15 minute break. Mike Page seconded the motion. The motion passed 3-0.

At 10:31 AM Jason Sabine returned to the Commission meeting.

The Commission, Clerk, and Deputy Clerk discussed the computer upgrades. We had budgeted \$20,000.00 for Windows Server, \$5,000.00 for Capital Outlay, and \$10,000.00 for RVI training. The estimates we have from Infinitec for the projects are as follows: Windows Server, \$10,232.74; RVI and Capital Outlay, \$13,000.00. Herb Pemberton moved to approve the Windows Server and RVI projects as presented. Mike Page seconded the motion. The motion passed 3-0.

The Commission, Clerk, and Deputy Clerk then discussed the health insurance renewal. Blue Cross and Blue Shield of Kansas submitted a renewal quote with a 7.04% increase. The previous two renewals were approximately a 2% decrease and a 2% increase, so the total rate increase has averaged less than 2 ½% for the last three years. The Clerk stated that our number of full time employees is down this year, so we should be able to fund the insurance with little or no increase in budget. The Clerk recommended renewing with Blue Cross with no changes in the plan. Herb Pemberton moved to renew the health plan with Blue Cross and Blue Shield of Kansas with no changes. Mike Page seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that AMR invited them to a picnic tomorrow at 11:30 AM in Pleasanton. All three Commissioners stated that they will try to attend.

Larry Robinson informed the Commission that Cook, Flatt, & Strobel will charge \$1,200.00 to study the feasibility of using the temporary bridge as a permanent bridge on Vail Road. Herb Pemberton moved to approve paying \$1,200.00 for the engineering study. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton stated that Doug Barlet is the only Certified Emergency Manager that the County has ever had. Herb Pemberton moved to allow Doug Barlet to take his emergency vehicle to all functions so he can be available for emergencies. Jason Sabine seconded the motion. The motion passed 3-0.

At 11:15 AM Jason Sabine 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. Mike Page seconded the motion. The motion passed 3-0. The Commission, Counselor, and Dennis Arnold attended the executive session.

At 11:30 AM the executive session ended.

At 11:30 AM Jason Sabine moved to extend the above listed executive session for 20 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission and Counselor attended this portion of the executive session.

At 11:50 AM the executive session ended. No action taken.

The Clerk informed the Commission that Doug Barlet gave them the wrong name of the new Fire Dept. employee. It should be John Harrington instead of James Folsom. Jason Sabine moved to rescind the motion to hire James Folsom as a Firefighter and to hire John Harrington as a Firefighter for Station 960. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:52 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission and Larry Robinson attended the executive session.

At 12:22 PM the executive session ended. No action taken.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Tuesday, May 27, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

May 22, 2008

The Board of Linn County Commission met in special session at 12:35 PM at the IPC site south of Pleasanton, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and Doug Barlet, County Fire Chief.

The special meeting was called to discuss emergency repairs to a fire truck. Doug Barlet gave notice of the special meeting to Barbara at the Linn County News at 11:47 AM and Marsha at the Osawatomie Graphic at 11:56 AM.

Doug Barlet explained the situation with Rescue 5, advising the Commission of the mechanical problems that had been identified. The repair costs to the fire truck are estimated at \$4,000.00 to \$5,000.00.

After discussion, Mike Page moved to allow up to \$5,000.00 to be used for the repair of Rescue 5. Jason Sabine seconded the motion. The motion passed 3-0. Barlet contacted Barbara at the Linn County News and Corey at the Osawatomie Graphic and gave them the results of the special meeting.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Tuesday, May 27, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

May 27, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the May 22nd special meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the following add/abate/refund orders: 2007-237 thru 239. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that he hired Christine Aragon for the Evening Custodian position. Aragon accepted the position at the wage of \$9.34 per hour that was approved by the Commission and will start work today. Jason Sabine moved to approve hiring Aragon at \$9.34 per hour, part time. Mike Page seconded the motion. The motion passed 3-0.

Larry Robinson presented Lot Split #08-230 and the accompanying grant of easement requested by Bill Wolfinger located at 1500 Road and CR 1095. Jason Sabine moved to approve Lot Split #08-230 and accept the accompanying grant of easement. Herb Pemberton seconded the motion. The motion passed 3-0.

Robinson then recommended hiring Richard Miller for the Assistant Traffic Control Coordinator. Jason Sabine moved to hire Miller at \$10.50 per hour (Range 4, Step A). Mike Page seconded the motion. The motion passed 3-0. Miller will take a pre-employment physical/drug test and will be on standard 6 month probation. Jason Sabine would like to require a CDL within 90 days.

Doug Barlet informed the Commission that he and Marilyn Augur need to attend a training class in Parsons Thursday. The training will cost \$20.00 per person. The Commission agreed to allow Barlet and Augur to attend the training.

Augur informed the Commission that the Transportation bus is out of service. The parts should be in today. The County van is also out of service, the brake lines need to be replaced.

John Byington discussed the Power Plant Dam Road (2200 Road) project. He would like to have KCPL pay the vendors directly, instead of reimbursing the County. Byington also discussed the agreement with Mound City for Hemlock St. He would also like to have the City pay vendors directly.

Gary Thompson discussed our rental policy on our buildings. KCAMP will cover the County, but will not cover other entities using the buildings. KCAMP says that everyone should sign a hold harmless agreement.

At 9:39 AM the Chairman asked for public comment. None was given.

The Clerk and Commission then discussed salary schedules. Jean Vaughn stated that we should also consider population and tax base.

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

The Commission and Counselor discussed the insurance coverage on renting County buildings. KCAMP will not cover other organizations that use the buildings. Anyone renting the buildings will have to sign the waiver.

At 10:40 AM Jason Sabine 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 and Counselor attended the executive session.

At 10:50 AM the executive session ended. No action taken.

Mike Page stated that he met with Doug Barlet and looked at the electrical work that needs to be done on Station 950. Commissioner Page is working on specs. to complete the job.

Tom Coryell asked about the license of our pest control person. Coryell stated that operating without a license is a felony. The Commission stated that we should talk to our Counselor before commenting.

The Clerk informed the Commission that KCAMP does include coverage for using Bunker Hill as a storm shelter.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, June 2, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

June 2, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Jason Sabine moved to approve the following add/abate/refund orders: 2007-240. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson presented Lot Split #08-231 and accompanying grant of easement requested by Marvin Stites and Anna L. Stites located on 1600 Road. Mike Page moved to approve Lot Split #08-231 and to accept the accompanying grant of easement. Jason Sabine seconded the motion. The motion passed 3-0.

Dan Morris informed the Commission that he has a 1976 low boy trailer that needs to have the brakes replaced. Morris would like to look for a used trailer instead of fixing the existing trailer. The Commission agreed to let Morris get prices for a used trailer.

Morris also needs to buy some culverts. The Commission agreed to let Morris order some culverts. Morris also informed the Commission that he needs approximately 1000 gallons of diesel for the tank at Parker.

John Black gave the Commission a brochure on the road groomer. The company is going to bring a groomer for us to try out.

Black and Harry Wisdom informed the Commission that the District #3 dozer is broken down. The preliminary estimate to fix it is \$40,000.00. The Road Foremen will look at other options before fixing the dozer.

Harry Wisdom reported on the water problem at the Centerville Nutrition Center. Mike Page also had some information on the water problems. Guttering would probably help the problem but may not fix all of the problems.

Joe Maloney informed the Commission that he has the radiator out of the Freightliner being repaired.

Doug Barlet presented bid specs. for the electrical work for Station 950. Barlet held a pre-bid conference Friday, two companies attended.

The Clerk informed the Commission that he attended the Technical Assistance meeting for the CDBG for the Prescott Fire Station. The Commission needs to decide if they want to accept the grant before August. We could build a lower priced station and still use the grant if we meet all the requirements. The Dept. of Commerce suggested talking to the architect and asking him to develop a new estimate. Jason Sabine suggested contacting IPC for a building cost also. Doug Barlet will talk to the architect and ask for a revised estimate.

At 9:50 AM Mike Page recused himself from the meeting and the Commission opened bids for the electrical work for Station 950. Bids received were: Page Electrical Contracting, \$35.00 per hour, 160 hours, not to exceed 240 hours; and Hyde Electric, \$40.00 per hour, 140 hours, not to exceed 160 hours. Herb Pemberton moved to approve the bid from Page Electrical Contracting. Jason Sabine seconded the motion. The motion passed 2-0. Mike Page then returned to the meeting.

Ryan Frohling, US Fish & Wildlife Service, invited the Commission to announcement and dedication on June 10th, 10:00 AM at the Federal Wildlife area.

Larry Robinson and Gary Thompson presented Zoning Case #Z00408195, rezoning from Agricultural to Agricultural/Residential, requested by Gary Cummins located in Sec. 19, Twp. 20, Range 24. The Planning Commission recommends approval by a 9-0 vote with the following findings: 1) No change to the neighborhood, 2) No change to property usage, 3) No affect on nearby properties, 4) Conforms to the Comprehensive Plan, 5) Adequate room, and 6) It incorporates all existing buildings. After considering the findings of the Planning Commission, Jason Sabine moved to approve Zoning Case #Z00408195 as requested. Mike Page seconded the motion. The motion passed 3-0.

Larry Robinson and Gary Thompson also presented Zoning Case #Z0208194, rezoning from Agricultural to Agricultural/Residential, requested by the City of Pleasanton located in Sec. 36, Twp. 21, Range 24. The Planning Commission recommends approval by a 9-0 vote with the following findings: 1) It fits the character of the neighborhood, 2) It is suitable for the use, 3) There is no impact on infrastructure, 4) There is a gain to the public health, safety and welfare, 5) It fits the Comprehensive Plan, and 6) There is no opposition. After considering the findings of the Planning Commission, Jason Sabine moved to approve Zoning Case #Z0208194. Herb Pemberton seconded the motion. The motion passed 3-0.

Robinson and Thompson then presented CUP #0408328 requested by Miami County RWD #3. The Planning Commission recommends approval by 9-0 vote with the following findings: 1) Benefits public health, safety and welfare, and 2) No negative impact in the area; and the following conditions: 1) No time frame, 2) Area be cleaned up after completion, 3) Area be maintained and fenced and be weed and brush free, and 4) There be a flush hydrant at the site. After reviewing the findings and conditions, Mike Page moved to approve CUP #0408328 and to adopt the findings of the Planning Commission. Herb Pemberton seconded the motion. The motion passed 3-0. The Board of Zoning Appeals also granted a variance for a 50' x 50' lot for this project. The Commission will need to grant a Lot Split. Jason Sabine moved to approve Lot Split #08-232 pending receipt of the original application. Mike Page seconded the motion. The motion passed 3-0.

At 10:26 AM Herb Pemberton moved to take a 15 minute break. Jason Sabine seconded the motion. The motion passed 3-0.

At 10:43 AM the Chairman asked for public comment. Ed Samyn suggested moving the Sign Dept. to the Road Dept.

Pam Cannon and Ann Brown presented information on GIS. Currently the Mapping Dept. is part of the Appraiser's Office. Cannon showed examples of maps that she prepares. Cannon then listed reasons for separating Mapping GIS from the Appraiser's Office.

Herb Pemberton moved to approve the following pays/special pays: General, \$124,709.79; Employee Benefit, \$59,016.08; Appraiser, \$10,320.73; Rural Fire, \$12,193.28; Road and Bridge, \$101,464.88; 911 Telephone Tax, \$880.68; Health Dept., \$4,974.72; Crime Victim Assist., \$904.71; Elderly, \$2,656.03; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

Gary Thompson informed the Commission that John Maloney will be in El Dorado on June 10th for a Noxious Weed meeting.

At 11:19 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Pam Cannon, and Ann Brown attended the executive session.

At 11:34 AM the executive session ended.

At 11:35 AM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 11:42 AM Pam Cannon and Ann Brown left the executive session.

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

Steve Thompson informed the Commission that he supports having Mapping as an stand alone department.

Jason Sabine suggested having department heads come up with salary proposals for their departments for different levels within their departments.

Herb Pemberton moved to sign the contract with Page Electrical Contracting for the work on Station 950. Jason Sabine seconded the motion. The motion passed 2-0. Mike Page abstained.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, June 9, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

June 4, 2008

The Board of Linn County Commission met in special session by phone at 3:21 PM. The phone poll was conducted to discuss repairs to the 2003 Ford F350 driven by Fire Chief Doug Barlet. County Clerk David Lamb contacted the Linn County News and the Osawatomie Graphic prior to the phone poll. The original estimate for the repairs was \$850.00, however additional problems were discovered during the repairs that caused the estimate to increase to \$2,000.00. Commissioner Pemberton and Commissioner Sabine were contacted and both approved the repairs. Commissioner Page was unavailable at the time but was informed of the decision later. Doug Barlet informed Cox Motor Company to proceed with the repairs.

With nothing further on the agenda the meeting adjourned.

Attest:

Commission Chair

County Clerk

June 5, 2008

The Board of Linn County Commission met in special session at 2:00 PM at Fire Station 900, Pleasanton, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and Doug Barlet, Fire Chief. The meeting was called to participate in a webinar with the National Weather Service due to the severe weather that was predicted to move into the County. The meeting ended at 2:40 PM. No action was taken by the Commission.

With nothing further on the agenda the meeting adjourned.

Attest:

Commission Chair

County Clerk

June 9, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Mike Page led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the two special meetings as printed. Mike Page seconded the motion. The motion passed 3-0.

The Commission discussed debris cleanup from last week's storm. Doug Barlet has applied for a burn permit that would allow burning of trees/limbs. The Commission also agreed that people could dump storm debris in the CD landfill at no charge.

Jason Sabine moved to approve the following add/abate/refund orders: 2007-241 and 242. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for May 2008.

Herb Pemberton moved to sign the Transfer and Certification of Appraisal Rolls for Real Property and for Personal Property. Mike Page seconded the motion. The motion passed 3-0.

The Clerk and the Commission discussed the Proclamation that the Chairman signed last week declaring a State of Local Disaster Emergency for Linn County due to the storms that passed through the County. The Chairman has the authority to make the proclamation and then the Commission usually passes a resolution on the following Monday, affirming the acting of the Chairman. The proclamation is in effect for 7 days and can be extended by a Resolution by the Commission. Herb Pemberton moved to adopt Resolution #08-10, declaring a State of Local Disaster Emergency for Linn County for one week effective June 2, 2008. Mike Page seconded the motion. The motion passed 3-0. Doug Barlet informed the Commission that more storms are scheduled to hit Linn County this week and we have the potential for flooding. Jason Sabine moved to adopt Resolution #08-14, declaring a State of Local Disaster Emergency for Linn County for one week effective June 9, 2008. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of the Proclamation and Resolutions #08-10 and #08-14:

LINN COUNTY PROCLAMATION

PROCLAMATION of a State of Local Disaster Emergency for Linn County, Kansas.

WHEREAS on the 2nd day of June, 2008, the Chairman of the Board of Commissioners of Linn County, Kansas finds that certain conditions have existed, or exist, or threaten to cause wide-spread or severe damage, injury or loss of life or property in disaster proportion in Linn County, Kansas;

WHEREAS such conditions have created obstructions which endanger health, safety and welfare of persons and property within the border of Linn County, Kansas;

Now, therefore, be it proclaimed by the Chairman of the Board of Commissioners of Linn County, Kansas;

That the Chairman of the Board of County Commissioners of Linn County, Kansas, under and by virtue of the authority vested in him by K.S.A. 1976 Supp. 48-932, does hereby PROCLAIM that a State of Local Disaster Emergency exists.

IT IS FURTHER PROCLAIMED that the area within the border of Linn County, Kansas covered by this proclamation is the entire area of Linn County, Kansas.

BE IT FURTHER PROCLAIMED that said Chairman of the Board has all rights and/or powers to perform such functions as are vested in said Chairman of the Board by and through the provisions of the Kansas Emergency Preparedness Act of 1975.

IT IS FURTHER PROCLAIMED that this proclamation shall remain in effect for a period of seven (7) days unless terminated earlier or renewed by consent of the governing body.

PROCLAIMED BY THE CHAIRMAN OF THE BOARD OF LINN COUNTY COMMISSIONERS THIS 2nd DAY OF JUNE, 2008.



Attest:

Jason K. Sabine
Jason Sabine, Chairman
David L. Lamb
David L. Lamb, County Clerk

RESOLUTION # 08-10 AND PROCLAMATION

PROCLAMATION of a State of Local Disaster Emergency for Linn County, Kansas.

WHEREAS on the 2nd day of June, 2008, the Board of Commissioners of Linn County, Kansas finds that certain conditions have existed, or exist, or threaten to cause wide-spread or severe damage, injury or loss of life or property in disaster proportion in Linn County, Kansas;

WHEREAS, such conditions have created obstructions which endanger health, safety and welfare of persons and property within the border of Linn County, Kansas;

Now, therefore, be it resolved by the Board of Commissioners of Linn County, Kansas;

That the Board of County Commissioners of Linn County, Kansas, under and by virtue of the authority vested in it by K.S.A. 1976 Supp. 48-932, does hereby PROCLAIM that a State of Local Disaster Emergency exists.

IT IS FURTHER RESOLVED AND PROCLAIMED that the area within the border of Linn County, Kansas covered by this proclamation/ resolution is the entire area of Linn County, Kansas.

BE IT FURTHER RESOLVED that said Board has all rights and/or powers to perform such functions as are vested in said Board by and through the provisions of the Kansas Emergency Preparedness Act of 1975.

IT IS FURTHER RESOLVED AND PROCLAIMED that this resolution shall remain in effect for a period of seven (7) days unless terminated earlier or renewed by consent of the governing body.

ADOPTED BY THE BOARD OF Linn COUNTY COMMISSIONERS THIS 2nd DAY OF June 2008.



Jason K. Sabine
JASON K. SABINE
CHAIRMAN
David L. Lamb
DAVID L. LAMB
COUNTY CLERK



John Byington informed the Commission of increased costs for road projects due to the increase in prices of supplies. Byington recommends a double chip and seal on 1700 Road instead of hot mix to save money. The savings on 1700 Road could be used to cover the increased cost of 2200 Road (Power Plant Dam Road). Byington also presented an agreement with the City of Mound City for work on Osborn Road and Hemlock Street. Jason Sabine moved to approve and sign the agreement with the City of Mound City. Mike Page seconded the motion. The motion passed 3-0.

Larry Robinson presented the Traffic Control Plan for the 2200 Road Project. Jason Sabine moved to approve a contract with C-Hawk to provide traffic control for \$7,600.00. Mike Page seconded the motion. The motion passed 3-0.

Dan Morris informed the Commission that he has roof leaks on the Dist. #1 after last week's hail storm.

Undersheriff David Striegel informed the Commission that he hired Jeri Ann Ramsey as a Dispatcher at Range 6, Step A (\$11.38 per hour). Ramsey will take a pre-employment physical/drug test and will be on standard 6 month probation.

Doug Barlet updated that Commission on last week's storms. The National Weather Service has indicated that more storms are coming this Thursday & Friday. They are not currently predicting significant flooding of the Marais des Cygne River. Barlet discussed issues that need to be addressed at Station 910 & Station 900/920. Barlet asked the Commission to increase the spending limit for maintenance of fire equipment to \$5,000.00 or to give one of the Commissioners the authority to approve the repairs. Gary Thompson stated that legally one Commissioner could be appointed to approve the repairs, but he suggests conducting a phone poll when needed. The Commission agreed to follow the recommendation of the Counselor.

Larry Robinson informed the Commission that Cook, Flatt, & Strobel has looked at the bridge that KDOT offered to the County, but the bridge would not work on Vail Road.

Gary Thompson presented information on the Lot Split that was approved last week pending submission of the original application. The original application has been submitted and the Chairman signed the Lot Split Agreement. Thompson also presented Resolution #08-11, for CUP # 0408328; Resolution #08-12, for Zoning Case #Z0208194; and Resolution #08-13, for Zoning Case #Z0408195. The CUP and re-zonings were approved last week. Jason Sabine moved to adopt Resolution #08-11. Herb Pemberton seconded the motion. The motion passed 3-0. Jason Sabine moved to adopt Resolution #08-12. Mike Page seconded

the motion. The motion passed 3-0. Jason Sabine moved to adopt Resolution #08-13. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #08-11, 08-12, and 08-13:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 08-12
A RESOLUTION APPROVING CONDITIONAL USE PERMIT # 0408328 (RWD#3)
TO PERMIT THE OPERATION OF A RURAL WATER PUMP STATION
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 23rd, 2008, publish a notice of a public hearing to consider Conditional Use Permit #0408328 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on May 13th, 2008 to consider said Conditional Use Permit for the operation of said rural water pump station 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 9-0 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 findings and recommendation of the Planning Commission together with all public comment finds to issue said Conditional Use Permit as follows:

SECTION 1: Conditional Use Permit #0408328 is hereby issued on the following described property:
Part of the southwest corner of Section 2, Township 20S, Range 22E, Linn County, Kansas.

SECTION 2: Conditional Use Permit #0408328 (RWD#3) is issued for the property subject to the following conditions:

- 1) This Conditional Use Permit shall not have a time limit;
- 2) Area shall be cleared up after completion of construction of pump station;
- 3) Area shall be maintained and fenced, and be kept weed and brush free;
- 4) There shall be a flush hydrant at the site.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 9th day of June, 2008.

Attest:  David Lamb - Clerk

Jason Sabine, Chairman
Herb Pemberton, Vice-Chairman
Mike Page, Member

RESOLUTION 08-12

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 May 13th, 2008, held a public hearing on Case Z0408194 (City of Pleasanton) and after consideration of all the factors recommended approval to the Linn County Commissioners by a vote of 9 to 0.

WHEREAS, on the 9th day of June, 2008, Case Z0408194 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:

3.50 acres in the NW corner of the SW1/4, Section 36, Township 21 S, Range 24 E, Linn County, Kansas.

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 9th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas
Chairman
Vice Chairman
Member

Attest:  David Lamb, County Clerk

RESOLUTION 08-13

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 May 13th, 2008, held a public hearing on Case Z0408195 (Cummins) and after consideration of all the factors recommended approval to the Linn County Commissioners by a vote of 9 to 0.

WHEREAS, on the 2nd day of June, 2008, Case Z0408195 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:

4 acres in the North1/4 of the SE1/4, Section 18, Township 20 S, Range 24 E, Linn County, Kansas.

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 9th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas
Chairman
Vice Chairman
Member

Attest:  David Lamb, County Clerk

Jerry Bedgood reported on roof problems at the Centerville Senior Center. The peaked and flat parts of the roof are leaking. The Parker Senior Center has water coming in over the door. The La Cygne Senior Center received hail damage last week. We also have water coming in the Courthouse in the basement. Mike Page stated that he will meet with Bedgood after the meeting to look at the water problem in the Courthouse basement.

Mike Page stated that Martin Tractor gave him a quote of \$7,000.00 to \$10,000.00 to fix the dozer that was discussed last week instead of the \$40,000.00 estimate that the Commission was informed of.

At 10:27 AM the Chairman asked for public comment. Jean Vaughn asked about the damage to the fire trucks. Charlie Blevins stated that the County did pick up big rocks from 200 Road but there is still work that needs to be done.

The Commission agreed that they would like to get more bids for the repair of the D6 dozer.

At 10:33 AM Jason Sabine moved to take a 5 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$134,075.06; Appraiser, \$1,546.09; Rural Fire, \$16,833.88; Road and Bridge, \$51,435.13; 911 Telephone Tax, \$1,479.56; Health Dept., \$493.24; and Elderly, \$4,152.68. Jason Sabine seconded the motion. The motion passed 3-0.

Fred Kautt stated that each Senior Site is being asked to provide \$400.00 in funding to help with the cost of meals. Kautt stated that they will have a benefit concert this Saturday to help raise funds for Centerville.

Jason Sabine moved to set a special meeting for June 19, 2008 at 6:00 PM with the City of Pleasanton to discuss the airstrip. The meeting will be held at the Pleasanton City Hall. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:47 AM Jason Sabine 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, Counselor, and Dennis Arnold attended the executive session.

At 10:57 AM Dennis Arnold left the executive session.

At 11:02 AM the executive session ended. No action taken

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, June 16, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

June 16, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Dan Morris presented a permit to bury water line requested by James Johnson located at 17185 E. 2300 Lane. Herb Pemberton moved to approve the permit to bury water line as requested. Mike Page seconded the motion. The motion passed 3-0.

Morris also presented a permit to bury phone cable requested by Embarq located at 10438 W. 2300 Road. Herb Pemberton moved to approve the permit to bury phone cable as requested. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the minutes of the last regular meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

Harry Wisdom presented a permit to bury water line requested by Anderson Co. RWD located at 3294 W. 1600 Road. Mike Page moved to approve the permit to bury water line as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Wisdom also asked to hire another part time employee for mowing. The Commission asked Wisdom to try another week and then evaluate the need for another employee.

Joe Maloney informed the Commission that the State inspected the burn site and we are approved for another year. The State is also going to provide containers to dispose of mercury this summer.

Doug Barlet informed the Commission that he has tried to contact Rick Zingre about a new estimate for the proposed Prescott Fire Station but has not received a return call yet. Also Barlet needs dirt and rock for the Centerville station. Barlet met with FEMA last week and will meet with them again this week to assess storm damage. Barlet needs to attend a Kansas Emergency Manager meeting in Lawrence tomorrow. Barlet also stated that we should be able to move in to the new station at La Cygne in about 2 weeks. Barlet also met with the Power Plant last week and participated in an evacuation exercise. KCPL may be willing to provide some Haz-Mat Technician level training if the County is interested in pursuing the training. The Commission is interested in pursuing the training.

John Black gave his budget report for Dist. #2. Black also has 2 people looking at what would be needed to fix the dozer.

The Clerk informed the Commission that the traffic control plan that was discussed last week for the Power Plant Dam project will not work because of the length of the road. Robinson was working this weekend to set up a pilot car.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for May 2008. Mike Page seconded the motion. The motion passed 3-0.

The Clerk told the Commission that he and Marilyn Augur discussed using the evening cleaning person to clean at Bunker Hill. The Commission stated that they did not have a problem with using our cleaning person for those duties. Mike Page also stated that Roger Carbon talked to him about cleaning at the 4-H Building. The Clerk reminded the Commission of the Special Meeting at Pleasanton Thursday at 6:00 PM. Mike Page will also get someone lined up to work on the Extension Office. Mike Page also stated that he looked at the water problem at the Courthouse last week. Page discussed ideas to help the water problem with Jerry Bedgood. Page also discussed issues with the bell towers on the Courthouse. We need to have some roof repairs done soon.

Herb Pemberton moved to approve the following pays/special pays: General, \$127,557.82; Employee Benefit, \$57,666.15; Appraiser, \$10,307.01; Rural Fire, \$2,230.77; Road and Bridge, \$37,019.29; Law Enforcement Trust, \$243.88; Health Dept., \$5,018.68; Special Alcohol, \$3,000.00; Crime Victim Assist., \$904.71; Elderly, \$1,946.23; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

Alan Hauser presented the SEK Mental Health 2009 Budget request. They are requesting \$90,600.00 for 2009. Mike Page moved to tentatively approve the SEK Mental Health 2009 Budget in the amount of \$90,600.00 (\$2,610.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that he has a meeting set up with Rick Zingre Wednesday afternoon.

At 10:02 AM the Chairman asked for public comment. Jean Vaughn stated that her daughter's County doesn't mow their roadsides. Vaughn stated that we might be able to save some money by not mowing our roadsides.

At 10:07 AM Jason Sabine moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Jack Harris presented information on an Emergency Warning System. The system Harris discussed would attempt to notify every household in the County in case of emergency. The system is called Code Red. It is currently being used in Miami & Anderson Counties. The system can be used for weather warnings, missing children, etc. It would cost approximately \$7,500.00 per year for a County of 7,000 people. Linn County's cost could be higher because of our population of almost 10,000. Doug Barlet is also gathering information on this type of program. Harris suggested that the Commission should check the Simple Surf and Code Red websites for more information.

With nothing further on the agenda Herb Pemberton moved to adjourn until 6:00 PM Thursday, June 19, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

June 19, 2008

The Board of Linn County Commission met in special session at 6:00 PM in the Pleasanton City Hall, Pleasanton, Kansas with the Pleasanton City Council. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; Dennis Arnold, Economic Development Director; and Gary Thompson, County Counselor. Also present were the Pleasanton Mayor, City Council, and Director of Operations. Charlie Rowe led the Pledge of Allegiance.

Following is a copy of the Notice of Special Meeting:

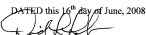
LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2889
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

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 6:00 PM on Thursday, June 19, 2008 in the Pleasanton City Hall, Pleasanton, KS. This special meeting has been called for the Commissioners to meet with the Pleasanton City Council to discuss the new airstrip and to take any necessary action concerning the new airstrip.

DATED this 18th day of June, 2008.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sulthofland, County Attorney
Marvin Sites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Martyn Augus, Transportation

John Maloney, Necessus Weed
Dennis Arnold, Economic Development
Doug Barlett, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Pleasanton Director of Operations Tim Staton recommends working in conjunction with the County to pursue the construction of the proposed airstrip. Staton presented information on the potential economic impact and benefits of the proposed airstrip. Staton stated that we need to decide who is responsible for the construction of the airport. Jason Sabine agreed that we need to determine who is responsible for what. The agreement that has been signed states that the County is responsible for the costs of the project. The City will deed the property to the County after completion of the project. KDOT Representative George Lalaburtie explained the reimbursement of the project. KDOT will need invoices from the County that shows the value of the equipment, fuel, supplies, and labor used on the project. At this time, KDOT does not reimburse for design engineering. Lalaburtie stated that we should make a request for a grant for design engineering. Larry Robinson stated that this does fit our Comprehensive Plan. Clarence Easley talked about noise levels, flight patterns, GPS navigation, etc.

Gary Thompson stated that the next step would be for the City Council to sign the agreement with KDOT, accepting the grant. The next step would be to contact the Secretary of Transportation about grant funds for design engineering.

After answering questions from the audience, the Pleasanton City Council voted 4-1 to sign the agreement with KDOT.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, June 23, 2008. Mike Page seconded the motion. The motion passed 3-0.

Commission Chair

Attest:
County Clerk

June 23, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the special meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

Dan Morris asked about setting aside some time to review the Road Budget proposal. The Commission agreed to discuss the Road Budget at Noon on July 7th.

The Clerk informed the Commission that Bob Meyer called this morning and stated that Mound City will not sign the agreement on Hemlock Street without a maximum or "not to exceed" cost on the project. Mike Page will talk to John Byington about costs.

Larry Robinson presented an LEPP Grant agreement for \$7,000.00. Mike Page moved to approve and sign the grant agreement. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet reported that the County should qualify for Federal funding for the storm damage. We should be able to get approximately 85% of our expenditures back. Barlet also needs to purchase 75 radio batteries for \$3,000.00. Jason Sabine moved to approve up to \$3,000.00 for radio batteries. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:19 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and Doug Barlet attended the executive session.

At 9:24 AM the executive session ended. No action taken.

Bruce Holt informed the Commission that they just completed shingling the large shelter house at the Park. Holt has 3 more buildings that need to be shingled. There is some money in Special Building that could be used for the Park buildings. Mike Page suggested getting prices from 3 suppliers and taking the lowest bid. Jason Sabine moved to approve up to \$2,500.00 for shingling the maintenance shop. Herb Pemberton seconded the motion. The motion passed 2-0. Mike Page abstained.

Bruce Holt presented the "First Amendment to Linn County Easement Grant and Agreement" with Kansas City Power & Light and Kansas Gas and Electric for the Linn County Park. The amendment extends the grant of easement for another 20 years. Herb Pemberton moved to approve and sign the amendment. Mike Page seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that he received a letter of resignation from Cheyenne Beisiegel, resigning his position on the TRI-KO Board of Directors. Herb Pemberton moved to accept the letter of resignation from Cheyenne Beisiegel. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine stated that Joe Wurtz would like to be replaced on the Mental Health board. Herb Pemberton stated that Virginia Nichols also needs to be replaced on the SEK-CAP Board. Hal Bradley discussed a business from Overland Park that does counseling that would like to submit a proposal to the County.

Karen Tuggle and Larry Kinder presented the Linn County Conservation District 2009 Budget request. Herb Pemberton moved to tentatively approve the Linn County Conservation District 2009 Budget in the amount of \$30,000.00 (\$1,500.00 increase). Mike Page seconded the motion. The motion passed 3-0.

The Chairman asked Joe Werner from KCPL about the written permission requirement for burning in the

agreement with KCPL. Would it be possible to ask for permission for a time such as February 26th thru March 31st? Werner stated that shouldn't be a problem.

John Black presented 3 bids for repairing the dozer. Bids received were: Lonnie Martin, \$22,000.00; HeavyQuip, \$15,364.70; and Martin Caterpillar, \$24,897.18. Jason Sabine moved to approve the bid from HeavyQuip in the amount of \$15,364.70. Mike Page seconded the motion. The motion passed 3-0.

David Sweat discussed his septic system with the Commission. The water is collecting between Mr. Sweat's house and his neighbor's house. Sweat stated that Wayne Ellis and Andy Mayhugh approved putting the lateral field in this area. Sweat wanted the lateral field in a different location. Sweat is asking for help from the County, possibly hauling dirt to cover the area. Gary Thompson stated that the County does not engineer or guarantee septic systems. Mike Page stated that he could look at the problem (as an individual, not a Commissioner) and make a recommendation.

Joy Purkeypile presented the 2009 Extension Budget request in the amount of \$122,200.00 (no change). The Commission wants to review the request and make a decision next week.

John Maloney discussed a septic hauling issue at lake developments. Gary Thompson suggested looking at how this is handled in other Counties.

At 10:59 AM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson presented Lot Split #08-231 requested by Gary & Mary Cummins. Mike Page moved to approve Lot Split #08-231 and accept the accompanying grant of easement. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk gave the Commission copies of a Budget Comparison sheet. The Clerk informed the Commission that the County's valuation is down \$1.3 million from last year. The Clerk also asked the Commission what percentage to use for cost of living allowances for next year's budgets. The Commission said to use 3% for budgeting purposes. This does not guarantee that a COLA will be given.

The Clerk presented the 2009 Ambulance Budget request. Herb Pemberton moved to tentatively approve the 2009 Ambulance Budget in the amount of \$730,000.00 (\$28,000.00 increase). Mike Page seconded the motion. The motion passed 3-0.

At 11:50 AM the Chairman asked for public comment. Mary Grosshart stated that speed limit has been changed to 55 MPH in the construction zone on US 69 and the troopers are writing tickets for speeding. Jean Vaughn asked about Linn County promising \$100,000.00 to the new medical clinic. (No commitment has been made.) Vaughn also commented on COLA's, cleaning the 4-H Building, septic codes, etc.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, June 30, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

June 30, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. David Lamb led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-243 and 244. Mike Page seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that the State mileage reimbursement rate is increasing from \$0.47 per mile to \$0.505 per mile effective July 1, 2008. According to our travel policy, our rate will also increase. The Clerk also informed the Commission that there is a retirement reception for Edna Troth today from 2:00 PM to 4:00 PM in the Courthouse. The Clerk then read a letter from Dallas Peterson, Methodist Church Pastor, inviting the Chairman or his designee to participate on a Local Board that will distribute money from the Emergency Food & Shelter National Board Program.

Marilyn Augur informed the Commission that she advertised for a Backup Driver for the Transportation program. Melody Leavitt was the only applicant. Herb Pemberton moved to hire Melody Leavitt as a Backup (Substitute) Driver @ \$8.75 per hour, subject to KDOT Drug Screen. Mike Page seconded the motion. The motion passed 3-0.

Larry Robinson presented CUP #0408329 (Horvath Telecommunication Tower). The Planning Commission recommended approval by an 8-0 vote with the following findings: 1) The use fits with the character of the neighborhood since there are similar uses in the same location, 2) There is no burden or hardship on surrounding property owners, and 3) There should be no effect on surrounding property values because of this use of the property; and the following conditions: 1) Linn County shall have space on the tower for county use if desired, 2) The tower is to be removed and the site restored to its original condition if it fails to be used for a period of 1 year, and 3) The site shall be fenced and suitably landscaped in accordance with the proposed plan. After reviewing and discussing the findings and conditions, Mike Page moved to approve CUP #0408329, adopt the findings of the Planning Commission, and adopt Resolution #08-15. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-15:

**Before the Board of County Commissioners
Linn County, Kansas
Resolution # 07-15
A RESOLUTION APPROVING CONDITIONAL USE
PERMIT #0408329 (Horvath Towers) TO PERMIT THE INSTALLATION AND
OPERATION OF A WIRELESS TELECOMMUNICATIONS TOWER FACILITY 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 May 21st, 2008, publish a notice of a public hearing to consider Conditional Use Permit #0408329 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on June 10th, 2008 to consider said Conditional Use Permit for the installation and operation of a Cellular Communications Tower Facility 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 8-0 vote, recommend approval of said Conditional Use Permit based on the following findings and subject to the conditions as listed in Section 2;

- 1) The use fits with the character of the neighborhood since there are similar uses in the same location.
- 2) There is no burden or hardship on surrounding property owners.
- 3) There should be no effect on surrounding property values because of this use of the property.

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 #0408329 is hereby issued on the following described property:

A 100' by 100' lease area, a 20 ft access easement, and three 20' wide guy anchor easements in the East half (E½) of the South One-fourth (S¼) of the SW Quarter (SW¼) of Section 8, and the North half (N½) of the SE Quarter (SE¼) of Section 8, Township 22 South, Range 24 East of the 6th P.M., in Linn County, Kansas.

SECTION 2: Conditional Use Permit #0408329 (Horvath Towers) is issued for the property to be used subject to the following conditions:

- 1) Linn County shall have space on the tower for county use if desired,
- 2) The tower is to be removed and the site restored to its original condition if it fails to be used for a period of 1 year,
- 3) The site shall be fenced and suitably landscaped in accordance with the proposed plan.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 30th day of June, 2008.


Attest: 
David Lamb - Clerk


Chairman

Vice-Chairman

Member

Robinson then presented CUP #0408327 (CCPS Transportation, LLC). The Planning Commission recommended approval by a 7-1 vote with the following findings: 1) It doesn't fit the character of the neighborhood, 2) It could decrease the property value, 3) It doesn't overload infrastructure, and 4) It doesn't effect any ground water nearby; and the following conditions: 1) Decibel levels of the pumping station be kept at 35 at 500 feet, 2) Pumps be housed in a building, and 3) Surrounding area be landscaped. Gary Thompson recommends sending the application back to the Planning Commission for clarification on the noise levels. Thompson also stated that the Planning Commission needs to clarify their findings. The current findings are split between positive and negative items. After reviewing and discussing the findings and conditions, Jason Sabine moved to send CUP #0408327 back to the Planning Commission for the following clarifications: 1) Provide greater specificity on the noise condition: i.e., clarify that the noise limit is to be measured at a given distance from a specific point, and 2) Clarify findings to show the weight of the decision. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:56 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and John Maloney attended the executive session.

At 10:01 AM the executive session ended.

At 10:04 AM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session

At 10:14 AM the executive session ended. No action taken.

John Maloney presented the 2009 Noxious Weed Budget request. Herb Pemberton moved to tentatively approve the 2009 Noxious Weed Budget in the amount of \$103,000.00 (\$5,103.00 increase). Mike Page seconded the motion. The motion passed 3-0.

John Platt presented the 2009 Tri-Ko Budget request. Jason Sabine moved to tentatively approve the 2009 Tri-Ko Budget in the amount of \$71,130.00 (\$2,072.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney presented the 2009 Solid Waste Budget request. Maloney presented 2 options, \$450,000.00 without a new truck and \$525,000.00 with a new truck. Mike Page moved to tentatively approve the 2009 Solid Waste Budget in the amount of \$525,000.00 (\$143,407.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

John Sutherland presented the 2009 County Attorney Budget request. Jason Sabine moved to tentatively approve the 2009 County Attorney Budget in the amount of \$184,383.00 (\$4,769.00 increase). Mike Page seconded the motion. The motion passed 3-0.

At 11:14 AM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$190,781.29; Employee Benefit, \$41,812.57; Appraiser, \$11,730.56; Rural Fire, \$9,954.86; Road and Bridge, \$42,420.12; Health Dept., \$4,574.26; Crime Victim Assist., \$904.71; Elderly, \$2,817.45; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

At 11:30 AM the Chairman asked for public comment. Rose Smith gave the Commission pictures of road conditions in District #2 showing problems in several areas.

Jerry McGuire stated that he was concerned with service from AMR, but he has discussed the issues with AMR and is meeting with them this afternoon to resolve the issues.

Chris Paus presented the 2009 Lake Region Solid Waste Authority Budget request and the 2007 Annual Report. Herb Pemberton moved to approve the 2009 Lake Region Solid Waste Authority Budget request in the amount of \$5,200.00 (no increase). Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet presented the 2009 Rural Fire Budget request and the 2009 Emergency Management Budget request. The Rural Fire Budget request is \$696,787.00 (\$229,987.00 increase). The Emergency Management Budget request is \$203,398.00 (\$167,398.00 increase).

Herb Pemberton moved to tentatively approve the 2009 Rural Fire Budget in the amount of \$696,787.00 (\$229,987.00 increase). Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to tentatively approve the 2009 Emergency Management Budget in the amount of \$203,398.00 (\$167,398.00 increase). Mike Page seconded the motion. The motion passed 3-0.

Evan Bechtel discussed problems with 1850 Road near Tanglewood Lakes. Bechtel asked the Commission to consider blacktopping at least the 1st mile of 1850 Road, west of County Road 1095. Herb Pemberton asked for an accurate count on how many vehicles use Gate 3 at Tanglewood Lakes each day.

The Clerk informed the Commission that the Lake Region RC&D is requesting \$800.00 for 2009 (no increase). Herb Pemberton moved to approve the Lake Region RC&D budget request of \$800.00. Mike Page seconded the motion. The motion passed 3-0.

The Clerk presented the 2009 Commission Budget request. Herb Pemberton moved to tentatively approve the 2009 Commission Budget in the amount of \$113,230.00 (\$47,980.00 increase). Jason Sabine seconded

the motion. The motion passed 3-0.

The Clerk presented the 2009 Counselor Budget request. Jason Sabine moved to tentatively approve the 2009 Counselor Budget in the amount of \$60,000.00 (\$7,000.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

At 1:03 PM 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 by phone. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor (by phone) attended the executive session.

At 1:13 PM the executive session ended. No action taken

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, July 7, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

July 7, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-245. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to schedule special meetings on July 17th at 7:00 PM in the Bunker Hill Community Center and on July 19th at 5:00 PM on the Courthouse lawn for the candidate forums. Two or more of the Commissioners may be present and may discuss County business at these forums. Herb Pemberton seconded the motion. The motion passed 3-0.

John Byington reported on the 2200 Road project. The hot mix cost for the project was \$277,399.00. The milling cost was \$50,000.00.

John Maloney asked for permission to attend a 3 day wastewater school in Lawrence. The Commission agreed to let Maloney attend the school. Maloney also informed the Commission that a company that has some property on K7 Highway wants him to spray their Johnson Grass. Maloney would rather not start spraying Johnson Grass for people. The Commission suggested contacting CO-OP to see if they could do the spraying. The Commission stated that if Maloney cannot find anyone else to do the spraying, he could do it and bill the owner.

Joe Maloney stated that he could trade the Solid Waste Freightliner truck for a Sterling with a Cummings motor for \$35,000.00. The Commission asked Maloney to get some more quotes to compare to.

John Black informed the Commission that the dozer has been repaired and is working. There were some additional parts over the bid amount.

Harry Wisdom reported that he has a dump truck that need to have the brakes replaced. Midland Ford bid \$946.42 for the parts, Inland Truck bid \$1,550.00.

Marilyn Augur presented the 2009 Elderly Budget request. Jason Sabine asked about including the Leavenworth VA on our list of approved hospitals that we will transport to. Jason Sabine moved to allow transporting patients to Fort Leavenworth. Herb Pemberton seconded the motion. The motion passed 3-0. The suggested donation for Leavenworth would be the same amount as Topeka. Herb Pemberton moved to tentatively approve the 2009 Elderly Budget in the amount of \$207,997.00 (\$25,233.00 increase). Mike Page seconded the motion. The motion passed 3-0.

Dennis Arnold presented the 2009 Economic Development Budget request. Herb Pemberton moved to tentatively approve the 2009 Economic Development Budget in the amount of \$107,378.00 (\$235.00 decrease). Mike Page seconded the motion. The motion passed 3-0.

Evan Bechtel gave the Commission copies of petitions asking for paving of 1850 Road and other information on paving roads. Bechtel stated that 4,743 vehicles went through Gate 3 at Tanglewood in 26 days in June. The gate was used over 2700 times during the 4 days of the holiday weekend. Larry Robinson stated that there are some drainage issues that would need to be addressed before the road could be blacktopped. Also, we only have a 50' right of way.

Doug Barlet stated that there will be a ribbon cutting at Station 950 on July 26th at 10:00 AM. Barlet will be attending training in Kansas City next Monday and Tuesday.

At 10:31 AM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:51 AM the Chairman asked for public comment. Mary Morrison stated that there is a weed problem on 1077 between Parker and Centerville. Also, some of the blacktopped streets in Centerville are breaking down. Morrison also mentioned problems with the Centerville Senior Center. Irene Zimmerman asked about a reduced speed sign at the Morse Auto Salvage entrance, due to poor visibility.

At 11:00 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 20 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 Counselor attended the executive session.

At 11:20 AM the executive session ended. No action taken.

The Clerk informed the Commission that he received a letter from Jennie Carbon stating that she is retiring. Herb Pemberton moved to accept the notice of retirement from Jennie Carbon. Mike Page seconded the motion. The motion passed 3-0. The Clerk will post the position for County employees.

Kristy Schmitz informed the Commission that she is planning on appointing Linda Pinneo as her Deputy Register of Deeds.

At 11:28 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Kristy Schmitz attended the executive session.

At 11:38 AM the executive session ended. As a result of the executive session, Kristy Schmitz announced that she has appointed Linda Pinneo as Deputy Register of Deeds and is moving Pinneo to the appropriate range (Range 5, Step B, \$11.05) for a Deputy Register of Deeds. Jason Sabine moved to approve moving Pinneo to the appropriate pay range. Herb Pemberton seconded the motion. The motion passed 3-0.

Kristy Schmitz presented the 2009 Register of Deeds Budget request. Jason Sabine moved to tentatively approve the 2009 Register of Deeds Budget in the amount of \$86,731.00 (\$2,361.00 decrease). Herb Pemberton seconded the motion. The motion passed 3-0. (The Reg. of Deeds office collected \$166,195.21 in fees in 2007.)

Donna Thomas presented the 2009 Health Dept. Budget request. Jason Sabine moved to tentatively approve the 2009 Health Dept. Budget in the amount of \$165,735.00 (\$923.00 decrease). Herb Pemberton seconded the motion. The motion passed 3-0. (The Health Dept. Budget will only require approximately \$85,000.00 in ad valorem tax.)

Herb Pemberton moved to approve the proposal from Lisa Gainer for cleaning the 4-H Building for \$220.00. Mike Page seconded the motion. The motion passed 3-0.

The Clerk gave Commission information on Elected Salaries in surrounding Counties and information from Dept. Heads on salary ranges for employees.

At 12:15 PM the Commission met with the Road Foremen and Mel Bolling to discuss the 2009 Road & Bridge Budget.

At 12:20 PM Jason Sabine moved to take a 7 minute break. Herb Pemberton seconded the motion. The motion passed 2-1.

The Commission asked John Byington and Dan Morris about blacktopping 1850 Road. Byington stated

that 1 mile of double chip & seal would cost about \$33,000.00. That does not include base rock or other work on the road. The base would run around \$30,000.00. The Commission informed Evan Bechtel that they will try to come up with realistic numbers in the next couple of weeks and see if it could be worked into the budget.

At 12:46 PM Herb Pemberton moved to take a 15 minute break for lunch. Mike Page seconded the motion. The motion passed 3-0.

The Commission then continued their discussion on the Road Budget. Dan Morris asked what the Commission is looking for in next year's budget. The Foremen estimate that they will need 75,000 gallons of diesel @ \$5.50 per gallon. The Commission and Foremen agreed that 1700 Road needs to be finished. The Commission and Foremen also discussed the bridges on CR 1077, maintenance of blacktop roads, and setting priorities for next year. John Black asked the Commission to use \$105,000.00 from Special Machinery this year to pay off a maintainer and a skid steer. The Commission asked the Foremen to prioritize next year's projects. The Commission also asked the Foremen to plan their projects based on this year's prices, then the Commission will decide how much to increase the costs for next year.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, July 14, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

July 14, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-246 and 247. Mike Page seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for June 2008.

Herb Pemberton moved to sign the Client Representations Letter with Diehl, Banwart, & Bolton CPA's. Mike Page seconded the motion. The motion passed 3-0.

John Maloney informed the Commission that he needs to work at the 4 State Farm Show near Pittsburg this weekend. Maloney also presented copies of Sanitation Codes from surrounding Counties.

At 9:24 AM Jason Sabine 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 and Counselor attended the executive session.

At 9:34 AM the executive session ended. No action taken.

John McKay, Enbridge Pipeline addressed the Commission concerning the CCPS pump station. McKay thanked the Planning Commission for their work on this CUP. McKay stated that they would like to have a limit of 50 dBA at the property line instead of 45 dBA. The Commission discussed the following findings of the Planning Commission: 1) Property has had a pipeline on it for years, so it is consistent with a pipeline, 2) Because of the conditions restricting noise levels we are restricting how much it will detrimentally affect nearby properties, 3) It would impose a hardship on the pipeline owners if not allowed, 4) Fits the Comp. Plan, 5) Will not affect infrastructure, 6) Conditions will make it easier on neighbors, and 7) Staff recommends approval. The Planning Commission recommends approval by a 6-0 vote. The proposed pump station is estimated to generate \$100,000.00 to \$150,000.00 per year in taxes. Jason Sabine stated that another finding should be that it would be an economic benefit to the County. Herb Pemberton moved to adopt the findings of the Planning Commission with the addition of the economic benefits finding and changing the decibel level to 50. Mike Page seconded the motion. The motion passed 3-0. The Commission then reviewed the following conditions of the CUP: 1) The measurement for the noise level of the property be at the property line measured from the property line of specific plot of land in application, as shown on the survey, 2) Noise level be no more than 50 dB at the property line, 3) Property be maintained and kept weed free, and 4) Pump station will be housed in a building consistent with metal ag. type buildings commonly used in agricultural areas, which fits the character of the neighborhood. The Commission suggested adding a condition that states if the pump becomes decommissioned, it would be removed within 18 months. The Commission stated that they would like to hear from the engineer and a sound consultant next week before approving the CUP.

Wes Coffel addressed the Commission concerning a proposed Hospital District and the funds that could be available from the County. Olathe Medical System has agreed to contribute \$100,000.00 toward a new clinic. Coffel asked the Commission to give the non-profit foundation \$140,000.00 toward building a new clinic. Herb Pemberton moved to use \$140,000.00 from the Contingency account for the Mound City clinic. Mike Page seconded the motion. At the suggestion of the Counselor, Mike Page withdrew his second and Herb Pemberton withdrew his motion. Herb Pemberton moved to give \$140,000.00 from the County General Fund to the Linn County Community Foundation designated for the Mound City Medical

Building fund with the condition that if the money is not used for a clinic in Mound City, it will be returned to the County. Mike Page seconded the motion. The motion passed 3-0.

Judge Smith presented the 2009 District Court Budget request and explained how the District Court Budget works and why he needs some carryover in the budget. Jason Sabine moved to tentatively approve the 2009 District Court Budget in the amount of \$244,910.00 (\$10,490.00 increase). Mike Page seconded the motion. The motion passed 3-0.

At 11:06 AM Herb Pemberton moved to take a 15 minute break. Mike Page seconded the motion. The motion passed 3-0.

At 11:22 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 5 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 Counselor attended the executive session.

At 11:27 AM the executive session ended. No action taken.

Steve Thompson presented the 2009 Appraiser and Reappraisal requests. Thompson discussed the history of the Mapping Dept. in Linn County. Pam Cannon presented the 2009 Mapping Budget request. Cannon also asked the Commission to authorize the sale of GIS data to the public according to Statute. Jason Sabine moved to allow the sale of GIS Maps at the rate of \$0.10 per parcel polygon. Herb Pemberton seconded the motion. The motion passed 3-0. Jason Sabine moved to adopt the new schedule of fees for Mapping effective today. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the 2009 Appraiser Budget in the amount of \$239,000.00 (\$63,000.00 decrease) and the 2009 Mapping Budget in the amount of \$104,000.00 (\$104,000.00 increase). Mike Page seconded the motion. The motion passed 3-0. (The net change is a \$41,000.00 increase.)

Carmen Self presented the 2009 Treasurer Budget request and the Quarterly Interest and Delinquent Tax Reports. The YTD Interest is \$141,971.75. The Delinquent RE Taxes as of 6/30/08 were \$364,052.43 and the Delinquent PP Taxes were \$70,398.97. Herb Pemberton moved to tentatively approve the 2009 Treasurer Budget in the amount of \$169,617.00 (no change). Jason Sabine seconded the motion. The motion passed 3-0.

At 11:52 AM the Chairman asked for public comment. Evan Bechtel commented about the flooding of 1850 Road that was mentioned by Larry Robinson last week. Bechtel is not aware of any flooding problem on 1850 Road.

Herb Pemberton moved to approve the following pays/special pays: General, \$129,184.93; Appraiser, \$1,134.64; Rural Fire, \$36,863.89; Road and Bridge, \$195,588.72; Law Enforcement Trust, \$171.00; DARE, \$65.90; Health Dept., \$813.41; Elderly, \$15,147.52; and Zoning LEPP, \$351.00. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$78,242.59; Employee Benefit, \$61,805.02; Appraiser, \$9,942.75; Rural Fire, \$1,597.41; Road and Bridge, \$35,094.62; Health Dept., \$4,710.07; Crime Victim Assist., \$904.71; and Elderly, \$1,996.11. Mike Page seconded the motion. The motion passed 3-0.

At 11:58 AM Jason Sabine moved to take a 5 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

David Lamb presented the 2009 Clerk, Election, Juvenile Intake, Special Building, and Courthouse Budget requests. Herb Pemberton moved to tentatively approve the 2009 Clerk Budget in the amount of \$130,500.00 (\$6,750.00 decrease). Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Election Budget in the amount of \$70,000.00 (no change). Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Juvenile Intake Budget in the amount of \$36,000.00 (no change). Mike Page seconded the motion. The motion passed 3-0.

The Clerk presented the Special Building Budget request in the amount of \$55,000.00. After discussion, the Commission agreed to increase the Special Building Budget from \$55,000.00 to \$75,000.00. Jason Sabine moved to tentatively approve the 2009 Special Building Budget in the amount of \$75,000.00 (\$20,000.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Courthouse Budget in the amount of \$256,500.00 (no change). Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk and Commission discussed the 2009 Contingency and Windfall Budgets.

Mike Page moved to approve a permit to bury water line requested by Anderson Co. RWD located at 1250 Lane & Ellis Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission then discussed the 2009 Road & Bridge Budget request with the Road Foremen. The Road & Bridge Budget request was as follows: All Dist. \$813,560.00 (\$5,960.00 decrease), Dist. #1 \$1,046,656.00 (\$321,746.00 increase), Dist. #2 \$881,692.00 (\$234,402.00 increase), and Dist. #3 \$1,064,292.00 (\$217,712.00 increase), Total request \$3,806,200.00 (\$767,900.00 increase). Jason Sabine moved to tentatively approve the 2009 Road & Bridge Budget in the amount of \$3,806,200.00 (\$767,900.00 increase). Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to schedule a special meeting tonight at 8:00 PM at the Bunker Hill Community Center in Mound City with the Republican Central Committee. Two or more of the Commissioners may attend the meeting and may discuss County business, but no action will be taken. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, July 21, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

July 21, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Herb Pemberton led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the Sheriff’s Monthly Fee Report for June 2008. Mike Page seconded the motion. The motion passed 3-0.


The Clerk announced that his office will be open from 7:00 AM to 4:30 PM starting tomorrow for advance voting. The office will also be open the next two Saturday mornings from 8:00 AM to Noon.

At 9:01 AM Jason Sabine 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. Mike Page seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 9:16 AM the executive session ended.

Gary Thompson announced that there had been some questions about a letter to the editor written by an employee. Thompson stated that employees have a right to express their opinions, but that does not represent the views of the County.

As a result of the executive session, Gary Thompson explained a petition that has been filed by John Brownback concerning opening a road across the property of the Thomas M. Gilkison Trust. Gary Thompson read the findings of the Commission on this issue. Herb Pemberton moved to issue the findings and order as presented. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of the Order of the Board of County Commissioners:

<p>IN THE MATTER OF THE JOHN BROWNBACK PETITION FOR ACCESS ROAD</p> <p><u>ORDER OF THE BOARD OF COUNTY COMMISSIONER</u></p> <p>WHEREAS:</p> <p>1. On April 10, 2008, John Brownback,("Brownback") through counsel, filed with the Board of County Commissioners a Petition for Access Road pursuant to KSA 68-117. The Petition sought access to Brownback’s land in Section 19, Township 21 South, Range 23 East in Linn County by the creation of a county road across property owned by the Thomas M. Gilkison Trust ("Gilkison")</p> <p>2. On April 14, 2008, counsel for Brownback was heard by the Board regarding the Petition. Brownback testified, among other things, that he had recently sold acreage which was adjacent to the north line of the subject property and which abuts an existing county road.</p> <p>3. On the same date, the Board heard counsel for Gilkison in opposition to the Petition. Gilkison testified, among other things, that the Trust was willing to grant permission for Brownback to access the subject land through the Gilkison land with certain restrictions.</p> <p>4. The Board ordered written briefs in support of the parties’ position.</p> <p>5. Both parties filed memoranda in support of their positions in a timely manner, which memoranda have been reviewed by the Commissioners.</p> <p>6. On May 12, 2008, the Board of Commissioners requested an Opinion on interpretation of the KSA 68-117 from the office of the Kansas Attorney General.</p> <p>7. On May 19, 2008, the Commission was informed that Gilkison had provided a written</p>	<p>permission for Brownback’s use of an access lane across Gilkison’s property to Brownback’s property. Said permission is captioned <i>Access, Release, and Indemnification Agreement</i>.</p> <p>8. On June 6, 2008, the Commission was informed that Brownback had filed a motion with the Linn County District Court in an ongoing matter therein seeking leave to add Linn County as a Defendant in that case and had further filed a motion for leave to amend the original petition in that District Court case to allege the existence of a public easement by prescription in the same location as that referenced by the Petition for Access Road.</p> <p>9. On June 25, 2008, the Attorney General issued an Opinion Letter, which the Commissioners have reviewed.</p> <p>Having reviewed the material available to it and having considered carefully and deliberately the facts as they have been presented, the Board of Commissioners of Linn County, Kansas hereby makes the following findings:</p> <p>1. KSA 68-117^{21, 22, 23} authorizes the Board of Commissioners to open a public road “whenever the premises of any person shall be so completely surrounded by adjoining lands, the property of others or by such lands and water, as to be without access to any public highway...”</p> <p>2. The critical fact precedent to action of the Board under this statute is that the subject land have no access to a public highway.</p> <p>3. Brownback has alleged in his Linn County District Court suit that he has a private right of access by way of a prescriptive easement across the Gilkison land.</p> <p>4. Brownback has alleged in his Linn County District Court suit that there is a public right of</p>
<p>access by prescription across the Gilkison land.</p> <p>5. Gilkison has alleged that both in this matter and in the District Court suit that Brownback has a permissive right of access across the Gilkison land</p> <p>6. Gilkison has alleged that Brownback had a duty when he sold the land adjacent to the subject property to retain for himself a right of access across that land or that, absent action to so retain such a right, a right of necessity exists across that land to the subject property.</p> <p>7. The possible existence of any one or more of these alleged routes of access makes it impossible for the Commission to determine if the condition precedent to their authorized action under KSA 68-117 has been met.</p> <p>8. The opening of a new public road is the most extreme solution to the problem of access to the subject property, resulting in the greatest burden to Gilkison and potentially to the County, and is clearly viewed by the Legislature as a last resort if no other access exists.</p> <p>9. With the above allegations as to existing access all standing unresolved, it would be premature for the Commission to order the opening of a public road under KSA 68-117.</p> <p>IT IS THEREFORE ORDERED BY THE BOARD OF COMMISSIONERS OF LINN COUNTY, KANSAS THAT:</p> <p>1. The Petition for Access Road, as Amended, shall be held in abeyance by the Commission until such time as the above mentioned, as well as any further, allegations of existing access are fully disposed of in their proper venues and all appeals thereto are exhausted.</p> <p>2. At such time as final disposition has been made of all such claims of existing easement,</p>	<p>Petitioner may so demonstrate to the Commission and may move the Commission to revive the petition and take action thereon.</p> <p>ORDERED THIS 21ST DAY OF JULY, 2008.</p> <p><i>Jason K. Sabine</i> CHAIRMAN</p> <p><i>Herb Pemberton</i> MEMBER</p> <p><i>Mike Page</i> MEMBER</p> <p>ATTEST: <i>David Lamb</i> COUNTY CLERK</p> <p></p>

Kent Nickel, Enbridge Energy Company, Inc. and Paul Kiteck, Hoover & Keith Inc. addressed the Commission concerning the proposed pump station. The pumps will be located inside a well insulated building. The building will have exhaust fans to cool the building. All of the piping and pumps will be inside the building. There will also be another building for the electrical equipment. That building will be cooled with an air conditioner compressor. Any expansion of this facility would require a new CUP. Noise Consultant Paul Kiteck explained the noise levels. Mr. Kiteck answered questions from the audience concerning the tonal noise from the pumps. Mr. Kiteck stated that the tone should be around 2000 Hz. Larry Robinson displayed a map of the surrounding property. Mr. Kiteck explained that at 2100 feet (the nearest house) the dBA would be approximately 25 or lower, with 50 dBA at the property line. The ambient level would be 30-35 dBA. Jerry Peterson commented on the surrounding hills and valleys. Mr. Kiteck stated that he does not see any hills, rock walls, valleys, etc. that would reflect noise. Peterson asked what the property value will be on surrounding properties after the pump station goes in. Mr. Kiteck stated that an increase or decrease of 3 dB is not noticeable by the human ear. 10 dB doubles the effect on the human ear. Ken Shannon, Engineer, stated that there is normally a penalty of 6 dBA for tonal noise. Jason Sabine asked Mr. Kiteck if he could demonstrate 50 dBA in this room. Mr. Kiteck does not have a noise meter with him, but said he could take people outside to hear 50 dBA from the air conditioner compressors that cool this building. Mr. Shannon asked if it would be possible to lower the dBA to 45. Mr. Kiteck stated that it will probably be 45 dBA, but 50 dBA gives them a margin of safety. Kent Nickel stated that they will put in some cedar trees to help make the property look good, the trees should also help with the noise levels. Mr. Kiteck stated that 50 dBA is common for night time noise level requirements. Jerry Peterson asked why we couldn't set the requirement at 45 dBA. Mike Page asked if it is a standard to put buildings over the pumps? Mr. Nickel stated that this is the only one (out of seven) pumps they are putting in that is housed in a building. The building is being installed to meet our noise requirements. Mike Page asked about the cooling systems. (They will be wall mounted.) Mr. Kiteck stated that the air conditioners will generate noise like a neighbor's air conditioner. Jason Sabine asked what level would cause hearing damage. Mr. Kiteck stated that typically hearing protection is required at 90 dB. Mr. Kiteck stated that the building will shield the tonal noise from the pumps. Mr. Nickel stated that they originally asked for 3 dBA over ambient at the residence, and no building over the pump. Mike Page moved to approve CUP #0408327 and adopt Resolution #08-16. Mike Page withdrew his motion and suggested adding a condition that requires CCPS to give the Commission a copy of the report showing the sound level. Mike Page moved to approve CUP #0408327 and adopt Resolution #08-16 with the added condition. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-16, listing the findings and conditions:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 08-16
A RESOLUTION APPROVING CONDITIONAL USE PERMIT # 0408327
TO PERMIT THE CONSTRUCTION OF A PUMP STATION ON A
CRUDE OIL PIPELINE 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 23rd, 2008, publish a notice of a public hearing to consider Conditional Use Permit #0408327 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on May 13, 2008 and continued said hearing on June 10, 2008 to consider said Conditional Use Permit for the operation of said pump station; 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 findings and recommendation of the Planning Commission together with all public comment finds to issue said Conditional Use Permit subject to the following Findings and Conditions:

SECTION 1: The Board of County Commissioners makes the following findings as to the proposed use:


- a. The property has had a pipeline on it for many years and thus is a suitable place in the county for placement of a pump station.
- b. Although the pump station will create noise that may impact nearby properties, the restrictions to be placed on that noise will mitigate the harm and it should be minimal.
- c. It would impose a considerable economic harm to the pipeline owners not to be permitted to install the needed pumps in the optimal area of the line.
- d. The use is consistent with the comprehensive plan.
- e. The use will not negatively impact infrastructure.
- f. The closest neighbors are opposed but their distance from the pump station along with the noise restrictions imposed should minimize their harm. No protest petition was filed.
- g. The economic benefit to the county at large will be significant.
- h. Staff recommends approval.


SECTION 2: The Board of County Commissioners imposes the following Conditions on the proposed use:

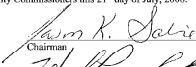
- a. Pumps and all noise sources possible will be installed in a building having the appearance of a metal, ug-type building commonly used in agricultural areas.
- b. Noise shall be restricted to 50 dBA at the applicant's property line.
- c. Property shall be fenced and the area within the fence shall be maintained and kept weed free.
- d. Pump station shall meet or exceed all federal and state standards for pipeline and environmental safety.
- e. Upon completion of construction applicant will provide the County with test reports demonstrating compliance with the sound requirement.

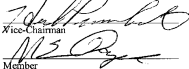
SECTION 3: This Conditional Use Permit shall allow the proposed use on a 500 square foot tract located in parcel 129-30-002 in the NW ¼ of Section 30, Township 21, Range 24, as shown on the survey attached to the application for Conditional Use Permit.


PASSED AND ADOPTED by the Linn County Board of County Commissioners this 21st day of July, 2008.



Attest: 
County Clerk


Chairman


Vice-Chairman


Member

Bruce Holt presented the 2009 Park Budget request. Herb Pemberton moved to tentatively approve the 2009 Park Budget in the amount of \$260,500.00 (\$4,500.00 increase). Jason Sabine seconded the motion. The motion passed 3-0.

The Commission and Holt then discussed roofing two more buildings at the Park. Jason Sabine moved to allow Holt to roof the two bath houses and to pay for the roofing out of Special Building. Herb Pemberton seconded the motion. The motion passed 3-0.

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

Esther Shields, Lincoln-Scott Township Hospital District presented a request for funds from the remaining balance of the old Hospital District funds. Jason Sabine stated that some of the money came from accounts receivable, it was not all tax money. Herb Pemberton asked what money the Lincoln-Scott Hospital District has now? (They have received \$215,770.92 in tax revenue this year.)

Tim Staton, City of Pleasanton presented a request for funds from the remaining balance of the old Hospital District funds. Staton informed the Commission that Mercy is putting in a \$1.7 million facility. Pleasanton would use the money to replace money they spent from their Capital Outlay fund for the Mercy project. They would also use the funds for running the utilities to the clinic property.

The Commission discussed possible ways to distribute the money. One option would be to split \$160,000.00 two ways, \$80,000.00 to each. Another option would be to give \$55,000.00 to the Lincoln-Scott Hospital District, then split balance, \$52,500.00 to Pleasanton, \$107,500.00 to Lincoln-Scott. The Commission also discussed only keeping \$50,000.00 for maintenance of the existing buildings, adding another \$25,000.00 in available funds now. Mike Page proposed keeping \$50,000.00 in reserve and distributing \$92,500.00 each to Lincoln-Scott and Pleasanton. After discussion, Jason Sabine moved to give the Lincoln-Scott Hospital District \$100,000.00, and to give the City of Pleasanton \$85,000.00 now, with the understanding that when all the buildings are done, the Commission plans on giving

Lincoln-Scott an additional \$40,000.00, and any remaining balance would be split 3 ways. (However there is no guarantee of any distribution of funds in the future.) Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that FEMA will be here today at 1:00 PM to start looking through our expenditures from the storm damage. Barlet also informed the Commission that we have repair work that needs to be done on fire apparatus that was discovered during inspections. The Commission would like to have our Road Mechanics do as much of the work as possible. The Commission also asked Barlet to get estimates on other work that needs to be done.

David Striegel presented the 2009 Sheriff Budget request. Jason Sabine moved to tentatively approve the 2009 Sheriff Budget in the amount of \$1,238,130.75 (\$62,383.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

At 12:11 PM the Chairman asked for public comment. None was given.

At 12:12 PM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Larry Robinson attended the executive session.

At 12:25 PM Larry Robinson left the executive session and John Maloney entered.

At 12:42 PM the executive session ended.

At 12:45 PM Jason Sabine moved to extend the above executive session for 15 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, John Maloney, and Joe Maloney attended this portion of the executive session.

At 12:50 PM John Maloney left the executive session.

At 1:00 PM the executive session ended. As a result of the executive, Jason Sabine moved to increase Rick Post's salary to Range 4, Step A, (\$10.50 per hour) effective 7/16/08 and set his full time hire date at 1/15/08. Mike Page seconded the motion. The motion passed 3-0.

Joe Maloney presented an estimate for a KDHE required survey in the amount of \$5,600.00 (plus reimbursable expenses) from Schmitz Surveying. Herb Pemberton moved to approve the bid from Schmitz Surveying for \$5,600.00 plus reimbursable expenses. Mike Page seconded the motion. The motion passed 3-0.

Maloney informed the Commission that he needs to take bids for well monitoring. Jason Sabine moved to allow Maloney to go out for bids for well monitoring/inspections. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson discussed Resolution #91-10 concerning signs with the Commission. Robinson stated that some changes need to be made to the resolution. The Commission agreed to have Larry Robinson work with Gary Thompson to write a new resolution.

Larry Robinson presented the 2009 Planning & Zoning, 911 Telephone Tax, and LEPP Grant Budget requests. Jason Sabine moved to tentatively approve the 2009 LEPP Grant Budget in the amount of \$7,000.00 (no change). Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to tentatively approve the 2009 Planning & Zoning Budget in the amount of \$63,345.00 (\$1,845.00 increase). Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 911 Telephone Tax Budget in the amount of \$73,663.00 (\$31,337.00 decrease). Herb Pemberton seconded the motion. The motion passed 3-0.

At 1:32 PM Jason Sabine moved to take a break until 1:40 PM. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson and the Commission discussed appointments that are due for the Planning Commission.

David Lamb presented the 2009 Custodian Budget request. Jason Sabine moved to tentatively approve the 2009 Custodian Budget in the amount of \$69,676.70 (\$2,987.00 decrease). Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine thanked all the Department Heads that decreased or remained the same on their budgets.

Lamb then presented the 2009 EMS, 4-H Building, Fair Board, Historical Society, Crime Victim Assistance, Special Alcohol, DARE, and Special Park & Recreation Budget requests. Jason Sabine moved to tentatively approve the 2009 EMS Budget in the amount of \$15,000.00 (\$5,000.00 decrease). Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to tentatively approve the 2009 4-H Building Budget in the amount of \$18,000.00 (no change). Mike Page seconded the motion. The motion passed 3-0.

Mike Page moved to tentatively approve the 2009 Fair Board (Fair Building & Fair Premium) Budget in the amount of \$13,600.00 (no change). Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Historical Society Budget in the amount of \$24,000.00 (no change). Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Crime Victim Assistance Budget in the amount of \$41,000.00 (\$777.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Special Alcohol Budget in the amount of \$9,000.00 (no change). Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to tentatively approve the 2009 DARE Budget in the amount of \$7,377.00 (\$1,220.00 decrease). Mike Page

seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Special Park & Recreation Budget in the amount of \$5,000.00 (no change). Mike Page seconded the motion. The motion passed 3-0.

David Lamb presented the 2009 Contingency and Windfall Budget requests. The request prepared by the Clerk was for \$400,000.00, but because the Commission decided to keep \$50,000.00 of the old Hospital Board money instead of \$75,000.00, the request was reduced to \$375,000.00. Jason Sabine moved to tentatively approve the 2009 Contingency Budget in the amount of \$375,000.00 (\$375,000.00 decrease). Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Windfall Budget in the amount of \$397,013.00 (\$120,000.00 decrease). Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to schedule a special meeting to discuss budgets at 6:00 PM July 24th in the Commission Room. Herb Pemberton seconded the motion. The motion passed 3-0.

David Lamb then presented the 2009 Employee Benefit Budget request. Jason Sabine moved to tentatively approve the 2009 Employee Benefit Budget in the amount of \$1,572,550.00 (\$19,550.00 increase). Mike Page seconded the motion. The motion passed 3-0.

The Commission and Clerk then discussed the 2009 Extension Council Budget request.

Mike Page stated that the County spent approximately \$6,000.00 to \$7,000.00 on the Hemlock St. project in Mound City.

With nothing further on the agenda Mike Page moved to adjourn until 6:00 PM Thursday, July 24, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair


County Clerk

July 24, 2008

The Board of Linn County Commission met in special session at 6:00 PM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Jason Sabine led the Pledge of Allegiance.

The Clerk read the following 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

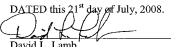


COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

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 6:00 PM on Thursday, July 24, 2008 in the Commission Room in the Courthouse Annex. This special meeting has been called for the Commissioners to discuss the 2009 County Budget and take any necessary action concerning the 2009 Budget.

DATED this 21st day of July, 2008.


David L. Lamb,
Linn County Clerk



The Commission discussed the Rural Fire Budget with Rob Dent and Doug Barlet. The Fire Board submitted a new request of \$604,287.00 (down from \$696,787.00). The reductions were \$80,000.00 from Capital Outlay and \$12,500.00 from the Transfer to Special Equipment. Herb Pemberton moved to tentatively approve the new Rural Fire Budget request in the amount of \$604,287.00 (\$137,487.00 increase from 2008 Budget). Mike Page seconded the motion. The motion passed 3-0.

The Commission then discussed the Extension Council Budget with Joy Purkeypile. Purkeypile gave the Commission a comparison of budgets over the last 3 years. Mike Page moved to tentatively approve the 2009 Extension Council Budget in the amount of \$122,200.00 (no change). Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission then discussed the Emergency Management Budget with Doug Barlet. Jason Sabine suggested cutting \$21,000.00 from Code Red and E-Fm FAD, and \$20,000.00 from the Emergency Response Fund. Herb Pemberton moved to tentatively approve the Emergency Management Budget in the amount of \$162,398.00 (reduction of \$41,000.00 from previously approved, \$126,398.00 increase from 2008 Budget). Mike Page seconded the motion. The motion passed 3-0.

The Commission discussed the Mapping Dept. Budget with Pam Cannon. No changes were made from the previously approved amount. The Commission stated that they would like to have Steve Thompson come in Monday with a budget proposal that includes Mapping in the Appraiser Budget.

At 7:31 PM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed the Sheriff’s Budget. They would like to know how many vehicles the Sheriff has and would also like to know if 2 new vehicles are needed next year. The Clerk will ask the Sheriff or Undersheriff to attend Monday’s regular meeting.

The Commission also discussed the Road & Bridge and Solid Waste Budgets. The Commission and Clerk discussed the Capital Outlay requests from Road & Bridge and from Solid Waste. They also discussed the cost of chip & seal for 1850 Road. No changes were made at this time. The Clerk will ask the Road Foremen, Solid Waste Foreman, and Mel Bolling to attend Monday’s regular meeting.

The Commission then discussed various other budgets. The Chairman read through the list of changes to the budget as tentatively approved.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, July 28, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

940

July 28, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the July 24th special meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that the Mound City Medical Facility, Inc. has an account set up and would like to have the \$140,000.00 paid directly to them instead of to the Linn County Community Foundation. Jason Sabine moved to pay the \$140,000.00 to the Mound City Medical Facility, Inc. instead of to the Linn County Community Foundation as previously approved. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson informed the Commission that KDHE needs a right-of entry easement to replace a culvert under a County road. Herb Pemberton moved to approve the grant of easement. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to accept the resignation of Sean Shoopman as the County Death Investigator. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk asked the Commission about moving the election canvass to Monday, Aug. 11th. Jason Sabine moved to change the canvass date to Aug. 11, 2008 at the end of the Commission meeting. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that they must pass resolutions to increase taxes for the County Budget and Rural Fire Budget if those budgets are approved at the proposed levels. Mike Page moved to adopt Resolutions #08-17 and #08-18 allowing for the possible increase of property taxes for the 2009 County Budget and 2009 Rural Fire Budget. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #08-17 and #08-18:

COUNTY RESOLUTION
RESOLUTION NO. 08-17

A resolution expressing the property taxation policy of the Board of Linn County Commissioners with respect to financing the 2009 annual budget for Linn County.

Whereas, K.S.A. 79-2925b provides that a resolution be adopted if property taxes levied to finance the 2009 Linn County budget exceed the amount levied to finance the 2008 Linn County budget, except with regard to revenue produced and attributable to the taxation of 1) new improvements to real property; 2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes; and 3) property which has changed in use during the past year, or with regard to revenue produced for the purpose of repaying the principal of and interest upon bonded indebtedness, temporary notes, or no-fund warrants; and

Whereas, budgeting, taxing and service level decisions for all county services are the responsibility of the board of county commissioners; and

Whereas, Linn County provides the essential services to protect the health, safety, and well being of the citizens of the county; and

Whereas, the cost of provision of these services continues to increase; and

Whereas, the 2008 Kansas State Legislature failed to fulfill its obligations in regard to the statutory funding of demand transfers and, by significantly limiting state revenue sharing payments to counties, has contributed to higher county property tax levies to finance the 2009 Linn County budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Linn County Commissioners that it is our desire to notify the public of the possibility of increased property taxes to finance the 2009 Linn County budget due to the above mentioned constraints, and that all persons are invited and encouraged to attend budget meeting conducted by the Board of Linn County Commissioners. The date and time of budget hearings with the Board of Linn County Commissioners will be published in the Linn County News. Interested persons can also address questions concerning the budget to the Linn County Clerk's Office by calling 913-795-7668 between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

Adopted this 28th day of August, 2008 by the Board of Linn County Commissioners.

BOARD OF COUNTY COMMISSIONERS

Jason Sabine
Jason Sabine, Chairman

Herb Pemberton
Herb Pemberton, Vice-Chairman

Mike Page
Mike Page, Member

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

(Attach a signed copy to the budget)
revised 8/06/07

Page No. 26

SPECIAL DISTRICT RESOLUTION
RESOLUTION NO. 08-18

A resolution expressing the property taxation policy of the Board of Linn County Rural Fire District #1 with respect to financing the 2009 annual budget for Rural Fire District #1, Linn County, Kansas.

Whereas, K.S.A. 79-2925b provides that a resolution be adopted if property taxes levied to finance the 2009 Rural Fire District #1 budget exceed the amount levied to finance the 2008 Rural Fire District #1 budget, except with regard to revenue produced and attributable to the taxation of 1) new improvements to real property; 2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes; and 3) property which has changed in use during the past year, or with regard to revenue produced for the purpose of repaying the principal of and interest upon bonded indebtedness, temporary notes, or no-fund warrants; and

Whereas, budgeting, taxing and service level decisions for all the district services are the responsibility of the district board; and

Whereas, Linn County Rural Fire District #1 provides essential services to district residents; and

Whereas, the cost of provision of these essential services continues to increase.

NOW, THEREFORE, BE IT RESOLVED by the Board of Linn County Commissioners that it is our desire to notify the public of the possibility of increased property taxes to finance the 2009 Rural Fire District #1 budget as defined above.

Adopted this 28th day of August, 2008 by the Board of County Commissioners, Linn County, Kansas.

Board of Linn County Commissioners

Jason Sabine
Jason Sabine, Chairman

Herb Pemberton
Herb Pemberton, Vice-Chairman

Mike Page
Mike Page, Member

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

Page 26a

revised 8/06/07

Pam Cannon presented a list of services provided by the Mapping Office to other departments and the costs associated with those services. Cannon also provided an estimate of income for next year for the Mapping Dept.

The Commission discussed the Solid Waste Budget with Joe Maloney. Maloney stated that the trade in value of the Freightliner should be around \$50,000.00 by the end of the year. No action taken.

Commission then discussed Road & Bridge Budget with Road Foremen. The cost of blacktopping 1850 Road would be approximately \$73,000.00 for a double chip & seal. The Road Foremen also discussed cutting money from the Engineer-Contractual line item. The Commission and John Byington also discussed a four year chip & seal rotation instead of a three year rotation. That could save \$150,000.00 per year. The Clerk and Commission also discussed the Capital Outlay line items. The Commission and Foremen also discussed the cost of fuel, the budget estimate was \$6.00 per gallon for diesel. No action taken.

Steve Thompson asked for a 10 minute executive session for legal issues. At 10:18 AM Mike Page 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, Steve Thompson, and the County Counselor attended the executive session.

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

Steve Thompson informed the Commission that his copy machine has quit working. Thompson has an estimate from Copy Products, Inc. in the amount of \$4,143.00. The copier can also be used as a scanner. Thompson also suggested replacing the Annex copier. The Commission asked Thompson to see if additional discounts are available for buying 2 copiers.

Sharon Geiss presented the results of a Satisfaction Survey from the nutrition sites and the YTD report from Mid-America Nutrition Program. Mike Page moved to allow Mid-America Nutrition program to use each of the sites for an extra 4 hours per year for approved fundraisers. Herb Pemberton seconded the

motion. The motion passed 3-0.

The Commission then asked Undersheriff Dave Striegel about the number of vehicles needed for next year's budget. Striegel stated that they currently have 12 vehicles, 2 of them are used for transportation. Both have over 125,000 miles. Striegel stated that the Sheriff's Office really needs 3 vehicles, but only requested 2. They also have 2 patrol vehicles with 100,000 or more miles. Herb Pemberton asked about the use of the pickups. Pemberton would like to see them put to better use in the winter, for Officers to use.

At 11:10 AM the Chairman asked for public comment. Bernita Robbins asked Doug Barlet about the training guns in his budgets. Doug Barlet stated it is a safety factor. Steve Hoeger gave an update on AMR. AMR now has 6 full time Paramedics and 6 full time EMT's on their staff.

Doug Barlet gave the Commission a letter of resignation from the Fire Board from Robert Morse. Herb Pemberton moved to accept the resignation of Robert Morse. Mike Page seconded the motion. The motion passed 3-0.

The Clerk read the letter from KEMA concerning Josh Marshall's Emergency Manager Certification. Mike Page presented the Certified Emergency Manager document to Marshall.

Steve Thompson stated that Copy Products will sell us two machines for a total of \$9,366.00. There is no additional discount for multiple purchases. Jason Sabine moved to purchase a copier for the Appraiser's office for \$4,683.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to reappoint Myron Stroup to the Planning Commission. Jason Sabine seconded the motion. The motion passed 3-0.

Herb Pemberton moved to publish the 2009 Budget as presented. Mike Page seconded the motion. The motion passed 3-0. The budget can still be decreased after publication, but it cannot be increased.

Jason Sabine moved to limit next week's agenda to not go past 11:00 AM and to take out the public comment section next week. Mike Page seconded the motion. The motion passed 3-0.

Mike Page moved to set special meeting for a budget workshop Thursday afternoon at 2:00 PM. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Mike Page moved to adjourn until 2:00 PM Thursday, July 31, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

July 31, 2008

The Board of Linn County Commission met in special session at 2:00 PM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Jason Sabine led the Pledge of Allegiance.

The Clerk read the following Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2960
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

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 2:00 PM on Thursday, July 31, 2008 in the Commission Room in the Courthouse Annex. This special meeting has been called for the Commissioners to discuss the 2009 County Budget and take any necessary action concerning the 2009 Budget.

DATED this 31st day of July, 2008.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sutherland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augur, Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Doug Barlet, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

The Chairman announced that there will not be any public comment allowed at this meeting.

Herb Pemberton suggested removing the 5 Commissioner question from the November ballot. We could save approximately \$70,000.00 from the Commission and Employee Benefit budget by removing that question from the ballot. The Clerk stated that he could probably cut some of this year's expense, to increase cash carryover. The Commission discussed cutting some of the payroll expense from the County Attorney budget, possibly \$15,000.00. Mike Page stated he would rather leave the 5 Commissioner question on the ballot, but not budget extra money for it. Jason Sabine stated he wants to either leave it on the ballot and budget for it, or take it off the ballot. Herb Pemberton moved to take the 5 Commissioner question off the ballot. Jason Sabine seconded the motion. The motion passed 2-1. Mike Page voted no. Jason Sabine stated that he could see a \$52,000.00 cut in the Sheriff budget (from Capital Outlay for 2 new vehicles). Herb Pemberton stated he would rather cut 1 patrol car and buy a transport van. Mike Page would like to know why we need 12 Sheriff vehicles.

Mel Bolling gave the Commission revised requests for the Road & Bridge and Solid Waste budgets. The new Road & Bridge request was decreased by \$170,000.00 from the original request. Other options to cut would be engineering costs, Capital Outlay, and fuel costs.

At 3:47 PM Herb Pemberton moved to take a 10 minute break. Jason Sabine seconded the motion. The motion passed 3-0.

The Commission then discussed the Solid Waste budget with Mel Bolling. The new request from Solid Waste shows a \$50,000.00 reduction from the previous request by trading in the 2007 Freightliner. The

Commission asked Larry Robinson about the engineering line item in the Road & Bridge budget. Robinson suggested keeping the \$68,000.00 in the engineering line item.

The Commission then discussed the SEK Mental Health Budget.

Jason Sabine moved to approve the \$170,000.00 decrease in the Road & Bridge Budget request. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to set a special meeting to discuss the Budget on Thursday, Aug. 7th, 9:00 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, August 4, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

August 4, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Herb Pemberton led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the July 31st special meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

John Maloney informed the Commission that KDHE has looked at a sanitation problem in the County. Maloney needs to attend a meeting with KDHE on Saturday. The Commission agreed to allow Maloney to attend the Saturday meeting. Maloney also needs to attend a Water Well inspection and training with KDHE.

John Byington informed the Commission that the Road Dept. has a problem with their communication (radio) system. Western Communications and Washington Electronics have both checked the problem and Robinson has filed a complaint with the FCC. The problem may have been caused by moisture in the coax cable. Larry Robinson will contact a company to troubleshoot the problems.

Dan Morris presented 2 permits to bury. Herb Pemberton moved to approve a permit to bury water line requested by James Pound Construction located at State Line Road & E 1500 Road. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a permit to bury telephone cable requested by Embarq located at 19310 Devlin Road. Jason Sabine seconded the motion. The motion passed 3-0.

Mel Bolling informed the Commission that they would like to purchase a new copier for the Annex for \$4,683.00. Jason Sabine moved to allow the purchase of copier from Copy Products, Inc. for \$4,683.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission of a 3 day training program in Topeka for Emergency Operations Centers. Barlet would like to take his own vehicle and be reimbursed for fuel. The Commission would rather have Barlet drive a County vehicle. Barlet also has a bid from one company to repair 4 Fire Department vehicles for around \$2,900.00. Jason Sabine moved to authorize up to \$3,000.00 to repair the vehicles. Herb Pemberton seconded the motion. The motion passed 3-0.

Bryan Barthol addressed the Commission concerning a ditch at 2400 & Iliff Road. Herb Pemberton stated that we are going to use the trackhoe to correct the problem on the south side of the road. Barthol stated that the north side of the road is causing much of the problem. Mike Page will take a look at the drainage problem. Barthol will meet with Larry Robinson and Dan Morris to work on the problem.

Harvey Taylor addressed the Commission concerning the Night Out Against Crime. Jason Sabine moved to donate \$2,000.00 to the Night Out Against Crime. Herb Pemberton seconded the motion. The motion passed 3-0.

David Sweat asked the Commission if they had made any decisions on the septic system problem on his property. Mike Page stated that he looked at the problem, as an individual, not as a Commissioner, and he doesn't think adding dirt will solve the problem. Sweat stated that he believes the whole plan on the septic system violates County regulations. Sweat believes that the County should help solve the problem. The Commission suggested contacting Rick Kirkpatrick to access the system.

Bill Van Kirk asked the Commission to sign the FY 2009 Community Corrections Grant Funds Final Budget Summary. Herb Pemberton moved to allow the Chairman to sign the FY 2009 Community Corrections Grant Funds Final Budget Summary. Mike Page seconded the motion. The motion passed 3-0. Van Kirk also asked if the Commission could appoint someone to the Community Corrections Board.

Herb Pemberton moved to approve the following pays/special pays: General, \$331,530.01; Employee Benefits, \$52,328.49; Appraiser, \$11,896.98; Rural Fire, \$15,243.80; Road & Bridge, \$132,570.75; County Health, \$6,297.46; Crime Victim Assistance, \$904.71; Elderly, \$15,592.76; Economic Development Grant, \$7,000.00; and Special Park & Recreation, \$3,600.00. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #08-19, rescinding Resolution #07-29 and removing the 5 Commissioner question from the November ballot. Jason Sabine seconded the motion. The motion passed 2-1. Mike Page voted no. Following is a copy of Resolution #08-19:

RESOLUTION NO. 08-19

A RESOLUTION RESCINDING RESOLUTION NO. 07-29.

WHEREAS, on August 20, 2007, the sitting County Commission enacted Resolution No. 07-29 to place on the next general election ballot the question of increasing the number of Commissioners to five, pursuant to K.S.A. §19-204; and

WHEREAS, the current Commission has determined that it is in the best interest of the County to rescind said Resolution and not place said question on the next general election ballot; and

WHEREAS, no official notice of the next general election ballot question has been made, nor has the form and content of said ballot been set;

NOW THEREFORE IT IS HEREBY RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS:

1. Resolution No. 07-29 is hereby rescinded.
2. It is hereby ordered that the question of increasing the number of Commissioners to five shall not be placed on the next general election ballot.


RESOLVED THIS 4TH DAY OF AUGUST, 2008.

Jason K. Sabine
CHAIRMAN

Herb Pemberton
MEMBER

Mike Page
MEMBER

ATTEST:
Dorrell
COUNTY CLERK



Larry Robinson stated that we do need a larger culvert at the Iliff Road & 2400 Road location. We need 40 sq. ft. of waterway opening. Mike Page will take a look at the problem.

The Clerk informed the Commission that the Extension Council has reduced their budget request to \$119,500.00. The Commission will consider the request at Thursday's meeting.

Jason Sabine moved to appoint Mike Brown to the Planning & Zoning Commission to replace Darick Chapman. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to extend Judy Houtman's appointment to the Planning & Zoning Commission until Sept. 10th. Mike Page seconded the motion. The motion passed 3-0.

Dennis Arnold informed the Commission that there will be a meeting of the Economic Development Committee and the Mayors of the Cities on Aug. 7th, 6:30 PM at the Labette Bank meeting room in La Cygne. Jason Sabine moved to schedule a special meeting for Aug. 7, 6:30 PM at the Labette Bank meeting room in La Cygne. Herb Pemberton seconded the motion. The motion passed 3-0. No action will be taken at this special meeting.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Thursday, August 7, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

August 7, 2008

The Board of Linn County Commission met in special session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Jason Sabine led the Pledge of Allegiance.

The Clerk read the following Notice of Special Meeting:

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



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

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, August 7, 2008 in the Commission Room in the Courthouse Annex. This special meeting has been called for the Commissioners to discuss the 2009 County Budget and take any necessary action concerning the 2009 Budget.

DATED this 4th day of August, 2008.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sulphland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Registrar of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marlyn Auger, Transportation

John Mahoney, Nicolas Wood
Dennis Ansdik, Economic Development
Doug Barish, Rural Fire / Emergency Mgt.
Andy Mayhugh, Zoning & Sanitation

County Counselor Gary Thompson arrived at the meeting.

Jason Sabine moved to tentatively approve the Employee Benefit Budget in the amount of \$1,553,000.00 (\$19,550.00 decrease from previously approved). Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed the Mapping and Appraiser Departments. They will discuss it Monday when Steve Thompson is back in the office.

The Commission and Gary Thompson discussed a notice from the Oak Grove Landfill concerning surcharges that Oak Grove plans on adding for dumping solid waste. Gary Thompson will review the contract.

The Commission then discussed the Sheriff budget. Herb Pemberton discussed talking to the Sheriff candidates about cuts to next year's Sheriff budget. Mike Page would like to ask the new candidates to find areas to trim the budget.

Gary Thompson discussed the solid waste disposal rates. The surcharges do not apply to Linn County because we are under contract with the landfill. The Commission also discussed buying a new Solid Waste truck. The Clerk stated that we should leave the Solid Waste budget as it was approved, but add \$50,000.00 to the General Fund income for sale of the old Solid Waste truck. Jason Sabine asked Mel Bolling to refigure next year's fuel for Road & Bridge and Solid Waste at \$5.00 per gallon.

Jason Sabine moved to tentatively approve the Extension Council budget in the amount of \$119,500.00 (\$2,700.00 decrease from previously approved). Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk and Commission discussed the Windfall budget and the Prescott Fire Station. The Commission needs to decide if they are going to accept the grant for a new fire station.

At 10:38 AM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:54 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel that could have an effect on the budget. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 11:04 AM the executive session ended. No action taken.

Mel Bolling presented the revised estimate for Road & Bridge and Solid Waste fuel at \$5.00 per gallon. The revised estimate would reduce the Road & Bridge budget by \$20,000.00 and reduce the Solid Waste budget by \$6,000.00.

Jason Sabine moved to tentatively approve the Road & Bridge budget in the amount of \$3,616,200.00 (\$20,000.00 decrease from previously approved). Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the Solid Waste budget in the amount of \$519,000.00 (\$6,000.00 decrease from previously approved). Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jason Sabine moved to adjourn until 6:30 PM Thursday, August 7, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

August 11, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the August 7th special meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to sign a Release of Mortgage on the Henry F. and Martha F. Lake property in Blue Mound. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$154,348.68; Appraiser, \$201.04; Rural Fire, \$10,975.25; Road and Bridge, \$78,873.02; Special Machinery, \$16,999.23; 911 Telephone Tax, \$6,577.72; DARE, \$233.95; Health Dept., \$1,601.55; and Elderly, \$3,821.04. Jason Sabine seconded the motion. The motion passed 3-0.

Dennis Arnold gave a presentation on a Capital Improvement Plan, using a County wide sales tax for capital improvements. Arnold compared the average value of homes in Linn County and the median household income in Linn County with State averages. Arnold also compared Linn County mill levies with surrounding Counties. Arnold showed examples of sales tax revenue in surrounding Counties. Linn County would receive approximately \$600,000.00 from a 1% sales tax. Some of the sales tax revenue could be used to help the Cities in the County. 87 of the 105 Counties in Kansas have a sales tax.

The Commission asked Barry Walker if he had any suggestions on cuts that could be made to the Sheriff's budget. Walker presented a copy of his suggestions to the Commissioners. Walker suggested cutting overtime and housing more prisoners in the current jail. Walker also suggested using house arrest. Walker then suggested cutting the costs of prisoner meals. Overall, Walker suggested that we could cut \$86,720.00 from next year's budget.

At 9:46 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and Marilyn Augur attended the executive session.

At 9:56 AM the executive session ended. No action taken.

Marilyn Augur asked for permission to attend a public transit meeting in Wichita in September. The Commission agreed to allow Augur to attend the meeting. Augur will also be in Chanute on August 20th for a meeting.

Joe Maloney presented bids for well testing. Aquaterra bid \$6,136.21 and Environmental Works, Inc. bid \$6,380.00. Herb Pemberton moved to use Aquaterra for the well testing. Mike Page seconded the motion. The motion passed 3-0.

Harold Coleman gave the Commission a list of payments that Linn County has paid to Bourbon County for housing prisoners. Jimmy Nichols from the Southeastern Kansas Regional Correctional Center also attended the meeting. Coleman asked the Commission to consider building a facility with Bourbon County for housing prisoners from both Counties. The Commission agreed that we should consider this proposal.

Evan Bechtel addressed the Commission concerning blacktopping 1850 Road.

At 10:37 AM Herb Pemberton moved to take a 15 minute break. Jason Sabine seconded the motion. The motion passed 3-0.

Steve Thompson informed the Commission that one of his employees resigned and he needs to post the position to County employees. Herb Pemberton moved to approve posting the opening to County employees. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet asked the Commission to hire Chris Martin at Station 920. Martin has completed his probation and the Fire Board recommends hiring him. Jason Sabine moved to hire Chris Martin as a Firefighter at Station 920. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:00 AM the Chairman opened the Budget Hearing for the 2008 County & Rural Fire budgets. The Chairman asked the public to limit their comments to 2 minutes each. The Chairman asked for comments from the public on the budget. Jim Mullins, Americans for Prosperity, presented information to the Commission concerning the proposed 2009 budget. Mullins asked the Commission to postpone approving the budget until Sept. 1, after an audit of the budget proposal. Jean Vaughn asked about the carryover in the Road & Bridge budget. The cash carryover is used to fund the next year's budget. Steve Johnson commented on the increase in tax levies over the past two years. Larry Hall commented on the proposed budget. Specifically, Hall commented on the Road & Bridge budget and separating the Mapping Dept. from the Appraiser Dept. Rubie Scott stated that it is the responsibility of the Commission to listen to each department head about the needs for their budgets. Scott does not want the Commission to wait on making a decision on the budget. Richard Wilson thinks it would be irresponsible not to listen to everyone's input. Jean Vaughn stated that maybe the people know what the departments need. Tommy Tuggle commented on a track loader that has been sitting in one place for eight months. At 11:42 AM Jason Sabine moved to close the budget hearing. Mike Page seconded the motion. The motion passed 3-0. The Commission discussed the Mapping budget. Jason Sabine moved to set a special meeting for Thursday, August 21, 3:00 PM to discuss the budget. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:56 AM Herb Pemberton moved to take a 30 minute lunch break. Mike Page seconded the motion. The motion passed 3-0.

The Board of Commission meeting reconvened at 12:41 PM.

Mike Page moved to postpone approving the budget until the 25th of August. Herb Pemberton seconded the motion. The motion passed 3-0.

Mike Page moved to set a special meeting for Sunday, August 17th at 2:00 PM for the ground breaking for the Lincoln-Scott Hospital District with no action to be taken. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton stated that one of our mowers mowed some corn that obstructed the view at a corner. The property owner believes that we removed too much corn. The property owner would need to file a claim with the Commission for possible reimbursement.

At 12:52 PM Herb Pemberton moved to adjourn the Board of Commission meeting and reconvene as the Board of Canvassers. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine recused himself from the canvass. Herb Pemberton moved to appoint Harold Bradley as the 3rd canvasser. Mike Page seconded the motion. The motion passed 2-0.

Election Officer David Lamb read the County machine print out results as the Board of Canvassers compared the results to the Abstract Book. Lamb then read the write in results as the Board of Canvassers compared the results to the Abstract Book and the Tally Books.

The Board of Canvassers then reviewed the 54 Provisional Ballots. Mike Page moved to accept the recommendation of the Election Officer to not count 15 provisional ballots, to partially count 2 provisional ballots, and to count the remaining 37 provisional ballots (including hand counting 2 ballots that the machine could not read). Harold Bradley seconded the motion. The motion passed 3-0.

The Commission announced that after the canvass, there will be a short special meeting of the Commission to discuss repairs to a maintainer.

At 2:36 PM the Board of Canvassers went to the Courthouse to run the provisional ballots through the ballot scanner, after which the Board of Canvassers certified the total election results. There was a tie for the office of South Potosi Precinct Committeeman between Howard Tripp and Larry Johnson. The Board of Canvassers broke the tie by flipping a coin. Larry Johnson won the coin flip and is elected to the office of South Potosi Precinct Committeeman.

With nothing further on the agenda Herb Pemberton moved to adjourn the Board of Canvassers meeting. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

August 11, 2008

The Board of Linn County Commission met in special session at 3:30 PM in the Computer Room, Linn County Courthouse, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

The Commission discussed a maintainer in Road District #2 that is out of service due to a failed transmission. The Commission reviewed the following two bids to repair the maintainer: Martin Tractor, \$14,862.65, 2 year warranty; and HeavyQuip, \$25,175.80, 6 month warranty. Herb Pemberton moved to accept the bid from Martin Tractor in the amount of \$14,862.65. Mike Page seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 2:00 PM Sunday, August 17, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

August 18, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Jason Sabine moved to approve the minutes of the last regular meeting and the August 11th special meeting as printed. Mike Page seconded the motion. The motion passed 2-0.

Jason Sabine moved to reschedule the Sept. 1st regular meeting to Tuesday, Sept. 2nd due to the Labor Day holiday. Mike Page seconded the motion. The motion passed 2-0.

The Commission reviewed the YTD Park Report for July 2008.

Mike Page moved to approve the Sheriff's Monthly Fee Report for July 2008. Jason Sabine seconded the motion. The motion passed 2-0.

The Clerk informed the Commission that we received a notice of Public Hearing for Rezoning from residential to commercial at 531 Spruce, Mound City. The County owns property within 200 feet of the property to be rezoned.

Harry Wisdom presented a permit to bury water line requested by Chris Self located at 1700 Road & Hadsall Road. Jason Sabine moved to approve the permit to bury water line as requested. Mike Page seconded the motion. The motion passed 2-0.

The Commission asked Gary Thompson to prepare a resolution to put a County wide sales tax question on the November ballot.

Doug Barlet informed the Commission that we received a reimbursement check from FEMA in the amount \$10,403.45 for the Road & Bridge Dept. Barlet stated that he has the final analysis from the firm that audited the Fire Dept. Barlet also informed the Commission that some additional repairs are needed on fire trucks that will go over the \$3,000.00 limit that was approved for repairs. Jason Sabine moved to increase the repair limit to \$3,500.00. Mike Page seconded the motion. The motion passed 2-0.

Larry Robinson presented Wireless 911 Grant Report forms for the Commission's signature. Jason Sabine moved to allow the signing of the reports. Mike Page seconded the motion. The motion passed 2-0.

Robinson also presented a quote for replacing a traffic data analyzer. Jason Sabine moved to approve the purchase of a traffic data analyzer from John Thomas, Inc. in the amount of \$5,368.75. Mike Page seconded the motion. The motion passed 2-0.

At 9:48 AM Jason Sabine 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. Mike Page seconded the motion. The motion passed 2-0. The Commission, Counselor, and Doug Barlet attended the executive session.

At 9:58 AM the executive session ended. No action taken.

Tim Staton addressed the Commission concerning the proposed County Sales Tax. Staton asked the Commission for help with maintaining the Pleasanton City Lakes.

The Commission discussed a revised budget request from the Mapping Dept. in the amount of \$79,500.00 (decreased from previous request of \$104,000.00). Jason Sabine moved to tentatively approve the Mapping Dept. Budget in the amount of \$79,500.00. Mike Page seconded the motion. The motion passed 2-0.

The Commission stated that they want to discuss overtime with the Sheriff's Dept.

Jason Sabine moved to approve the following pays/special pays: General, \$81,749.13; Employee Benefit, \$23,359.11; Appraiser, \$9,470.93; Rural Fire, \$1,663.91; Road and Bridge, \$69,795.07; Health Dept., \$4,380.87; Crime Victim Assist., \$904.71; and Elderly, \$2,425.23. Mike Page seconded the motion. The motion passed 2-0.

The Clerk asked the Commission about the Bailiff's pay. No action taken.

At 10:41 AM the Chairman asked for public comment. Vicki Leonard commented on the Rural Fire & Emergency Management budgets. Leonard asked about the salaries in the budgets. The salary in the budget is a 3% increase on this year's salary. Jean Vaughn asked about the County Audit. Terry Sercer will be here in the next week or two.

With nothing further on the agenda Jason Sabine moved to adjourn until 3:00 PM Thursday, August 21, 2008. Mike Page seconded the motion. The motion passed 2-0.

Attest:

Commission Chair

County Clerk

August 21, 2008

The Board of Linn County Commission met in special session at 3:00 PM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Jason Sabine led the Pledge of Allegiance.

The Clerk read the following Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 359, 315 Main
Mound City, KS 66066-0359
913-795-2668
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

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 Thursday, August 21, 2008 in the Commission Room in the Courthouse Annex. This special meeting has been called for the Commissioners to discuss the 2009 County Budget and take any necessary action concerning the 2009 Budget.

DATED this 15th day of August, 2008.


David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sutherland, County Attorney
Marvin Sites, Sheriff

Kristy Schmitz, Registrar of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augus, Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Doug Barlett, Rural Fire / Emerg. Mgt.
Andy Meyhugh, Zoning & Sanitation

The Chairman announced that we will not take public comment at this meeting.

The Clerk gave the Commission a comparison of the proposed budget mill levy and the previous budget mill levy.

The Commission discussed the Road & Bridge budget with the Road Foremen and Mel Bolling. John Black informed the Commission that some additional repairs were needed on his maintainer. Overall, the tentatively approved Road & Bridge budget is up 19.02%. John Byington stated that we could save \$157,695.00 by going to a 4 year rotation on our chip & seal roads. Dan Morris stated that he increased cover material \$10,000.00 this year, it could be cut back. We also just received \$10,403.45 from FEMA that can be added to Road & Bridge income this year. That will decrease next year's levy by 0.066 mills.

The Commission then discussed the Mental Health budget with Bob Chase. Chase stated that he would be willing to take no increase in next year's budget (\$2,610.00 decrease from previously approved). Herb Pemberton moved to tentatively approve the 2009 Mental Health budget in the amount of \$87,990.00. Jason Sabine seconded the motion. The motion passed 3-0.

The Clerk and Commission discussed the Prescott Fire Station. The Commission needs to decide if they are going to accept the grant and spend the \$120,000.00 from the Windfall account.

The Commission and Clerk discussed the Road Oil Commodity line item in the Road & Bridge budget. If the Road Districts use 230,000 gallons of road oil, the proposed budget is figured at \$3.50 per gallon. The Road Foremen returned to the meeting for more budget discussion. Larry Robinson and the Road Foremen discussed the need for a Special Bridge Fund. Mel Bolling suggested approximately \$8,900.00 in cuts from the Road & Bridge budget. The Road Foremen stated that the 230,000 gallons of road oil is not the only thing in the Road Oil Commodity line item. The proposed budget was figured using current oil prices.

At 5:04 PM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine suggested cutting \$5,000.00 each from Road Dist. #2 and Road Dist. #3 surface material. No action taken.

At 5:43 PM Jason Sabine moved to take a 30 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reconvened at 6:20 PM.

The Commission discussed the Emergency Management budget with Doug Barlet. Barlet submitted a new budget request in the amount of \$157,398.00 (\$5,000.00 decrease from previously approved amount). Jason Sabine moved to tentatively approve the 2009 Emergency Management budget in the amount of \$157,398.00. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission then discussed the Rural Fire Budget with the Fire Board. The Commission asked the Fire Board about the Prescott Fire Station. The Fire Board will submit a proposal Monday. The Commission agreed to deduct \$9,000.00 from the fuel budget for the Rural Fire Dept. Jason Sabine moved to tentatively approve the 2009 Rural Fire budget in the amount of \$595,287.00 (\$9,000.00 decrease from previously approved). Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, August 25, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

August 25, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the August 21st special meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to tentatively approve the 2009 Road & Bridge Budget in the amount of \$3,597,300.00 (\$18,900.00 decrease from previously approved). Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur presented information on Transit procedures. Herb Pemberton moved to accept the proposed changes (limiting shopping time at the Driver's discretion) to the Transit Policy. Mike Page seconded the motion. The motion passed 3-0. Augur also informed the Commission that she received a scholarship for the KPTA meeting in Wichita.

Doug Barlet stated that the Fire Board has recommended that we accept the CDBG for the Prescott Fire Station. Barlet and the Fire Board estimate that our match could range from \$95,665.00 to \$146,550.00.

Barlet then presented the Fire Dept. Audit from BKD, LLC. Barlet stated that the Fire Board needs to review the audit and may make some policy suggestions.

Barlet also stated that the Fire Board recommends that we surplus a trailer that is stored at the Mound City water plant. Barlet will check with other departments to see if they want the trailer.

Donna Thomas presented an Emergency Preparedness grant for the Commission's signature. This year we are receiving \$14,607.00. Mike Page moved to approve and sign the grant agreement. Herb Pemberton seconded the motion. The motion passed 3-0.

Thomas also discussed mass prophylaxis for volunteer workers. We will need to check with our insurance carriers to see how it would be handled. Thomas asked the Commission for permission to purchase a new exam table for up to \$1,500.00. Herb Pemberton moved to approve the purchase of a new exam table for up to \$1,500.00. Mike Page seconded the motion. The motion passed 3-0. Thomas also needs someone to look at problems with the windows in the building.

Joe Maloney informed the Commission that KDHE is starting to work on our CD Landfill Permit application. Aquaterra will start inspecting wells Wednesday. Maloney asked for permission to look for grants to expand the recycling building. The Commission agreed that Maloney should look for grants.

Sheriff Stites is still waiting on some repairs before he can move prisoners back into the jail. Then the jail will have to be inspected by the State Fire Marshall.

The Commission and Sheriff Stites then discussed the 2009 Sheriff budget. Sheriff Stites stated that he or the Undersheriff approves overtime for Deputies. The Commission then asked the Sheriff about the Prisoner Housing in the budget. The Commission and Sheriff also discussed patrol cars, currently the 2009 budget has money for two patrol cars.

Jerry Bedgood presented estimates for repairing the Courthouse roof and the roofs on the Parker & Centerville Senior Centers. Mike Page will take a look at the Courthouse repairs before a decision is made. We received a check from our insurance company for \$8,413.00 to pay for some of the roof repairs that are needed because of hail damage.

At 10:46 AM Jason Sabine 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, and County Counselor attended the executive session.

At 10:56 AM the executive session ended. No action taken.

At 10:58 AM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Mullins presented a budget analysis from AFP. Mullins suggested setting up a study group to look at employee benefits. Mullins also discussed the Road & Bridge and Mapping budgets. Mullins then discussed the Emergency Management and Rural Fire budgets. No action taken.

At 11:41 AM the Chairman asked for public comment. Jim Ptacek stated that he is glad to see that the County is doing what they can to operate efficiently. Ptacek does not believe we should cut services just to hold taxes down. Ed Self said that two weeks ago a former Commissioner commented on the Road & Bridge budget. Self stated that the former Commissioner stated that he reduced the Road & Bridge budget when he was in office. Self stated that the 1st Road & Bridge budget that Commissioner worked on went up \$237,880.00, the 2nd went up \$487,486.00. The total increase for those years was \$725,366.00, the total for the last two years was \$645,694.00. Bernita Robbins asked what would happen to taxes in 10 years if we keep increasing the budget by 5% a year. She stated that we won't be able to afford to live here. Robbins wants to cut the Rural Fire and Emergency Management budgets. Robbins also wants to cut the 3% COLA this year. Jean Vaughn stated that she agrees with Robbins about cutting the 3% COLA. Vaughn also said we shouldn't buy any vehicles this year. Tommy Tuggle asked why we need a new Prescott Fire Station, why can't we just add on? Steve Johnson stated that we need to look at doing things more efficiently, we have too many employees. Johnson also stated that we buy equipment that we don't need.

Jason Sabine stated he is in favor of an addition to the Prescott Fire Station, instead of building a new station. Mike Page would like to study the proposals for new versus adding on. Jason Sabine moved to allow up to \$35,000.00 from the Windfall account to add on to the Prescott Fire Station instead of accepting the CDBG and spending \$120,000.00. Mike Page seconded the motion. The motion passed 3-0.

The Commission then discussed the Sheriff's budget. Jason Sabine moved to cut \$50,000.00 from Prisoner Housing and \$26,135.00 from Capital Outlay for one vehicle. Mike Page seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

Mike Page suggested cutting one grass truck from the Rural Fire budget. The Commission also discussed physicals and insurance. Jason Sabine moved to cut \$20,000.00 from the Rural Fire Budget for a used grass truck and \$4,000.00 from insurance costs. Mike Page seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

The Clerk and Commission discussed the Bailiff's salaries. Currently, the Bailiffs are paid less than Deputies. Historically, Bailiffs have been paid the same as Deputies. Jason Sabine moved to increase the Bailiff's from Range 6 to Range 8A effective Sept. 1st. Herb Pemberton seconded the motion. The motion passed 3-0.

At 1:34 PM at the request of Appraiser Steve Thompson, Jason Sabine moved to recess from the Board of Commission meeting into executive session for 17 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Appraiser attended the executive session.

At 1:51 PM the executive session ended.

At 2:02 PM Herb Pemberton moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The same people attended this portion of the executive

session.

At 2:12 PM the executive session ended. No action taken.

Mike Page moved to approve the 2009 County and Rural Fire budgets as presented, with the changes that have been approved today. Jason Sabine seconded the motion. Herb Pemberton stated that he would like to pave 1850 Road. The motion passed 3-0.

The Clerk asked the Commission to pass Resolution #08-20 prohibiting the use of write-in stickers on ballots. Write-in stickers could cause problems with our ballot scanner and would require the entire ballot to be hand counted. Jason Sabine moved to adopt Resolution #08-20. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-20:

Resolution No. 08-20

PROHIBITING THE USE OF WRITE-IN STICKERS

WHEREAS Linn County uses an optical scanning system for election purposes and this system is used and maintained pursuant to K.S.A. 25-4601 et seq.; and since acquiring the optical scanning system, the Linn County Election Officer has determined that the proper functioning of the electronic vote counting machine and efficient conduct of elections require that valid write-in votes must be handwritten on the ballot and cast in the appropriate place; the use of stickers placed on the ballots by voters for such purposes should be prohibited.

THEREFORE, effective the date of this Resolution shall be the official policy and practice of the Linn County Election Officer; that a valid write-in vote for ballots counted by the optical scanning system shall be handwritten on the ballot and cast in its appropriate place on the ballot. No stickers are to be placed on any ballot, and any attempted vote for a write-in candidate by placing a sticker on the ballot will be counted through resolution board.

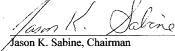
PASSED AND APPROVED, this 25th day of August 2008.



Attest:

David L. Lamb, County Clerk

The Board of County Commissioners
of Linn County, Kansas


Jason K. Sabine, Chairman


Herb Pemberton, Vice-Chairman


Mike Page, Commissioner

The Commission then discussed a Resolution to put a sales tax question on the ballot. The Commission would like to get more information before passing the Resolution. No action taken.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Tuesday, September 2, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

September 2, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Mike Page led the Pledge of Allegiance.

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

Gary Thompson explained how a sales tax would be split between the County and the Cities. One half of the sales tax would be split between the County and Cities based on tax levied, the other half would be split based on population. Jason Sabine moved to adopt Resolution #08-21, putting the Sales Tax question on the November ballot. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-21:

RESOLUTION NO. 08-21

A RESOLUTION TO PLACE ON THE BALLOT AT THE NEXT GENERAL ELECTION THE QUESTION OF IMPOSING A COUNTYWIDE RETAILERS SALES TAX

WHEREAS, the statutes of the State of Kansas, §12-187 *et seq.* allow a county to impose a county wide sales tax; and

WHEREAS, the County of Linn County is in need of additional revenue for the purpose of capital improvements; and

WHEREAS, it is desirable to raise the needed revenue without increasing the *ad valorem* property tax; and

WHEREAS, the Governing Body of Linn County has determined that such a countywide sales tax would be the most fair, reasonable and feasible means of raising such revenue; and

WHEREAS, KSA §12-192 provides that certain portions of any revenue raised by such a countywide sales tax must be distributed to the general funds of the cities within the county; and

WHEREAS, such a distribution would be a benefit to the cities and citizens of the county; and

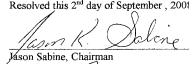
WHEREAS, such a proposed countywide sales tax may be submitted to the voters at their regular polling places on the ballot at the next general election on November 4, 2008;

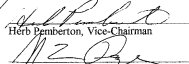
IT IS THEREFORE HEREBY RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS:


Pursuant to K.S.A. §12-187 *et seq.*, the following question shall be placed on the ballot at the next general election on November 4, 2008:

"Shall a countywide retailers sales tax of one percent, the county's portion of which shall be used for the purpose of capital improvements, be levied in Linn County, to take effect on January 1, 2009? Yes or No"

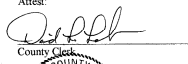
Resolved this 2nd day of September, 2008.



Jason Sabine, Chairman


Herb Pemberton, Vice-Chairman


Mike Page, Member

Attest:


County Clerk



Dennis Arnold announced that there will be a ribbon cutting ceremony for IPC on Sept. 29th at 1:00 PM.

Dan Morris presented a permit to bury water line requested by Clifford Stahl located at 1700 Road and County Road 1077. Herb Pemberton moved to approve the permit to bury water line as requested. Mike Page seconded the motion. The motion passed 3-0.

Morris also stated that he would like to trade a 4-in-1 bucket for a loader for a different bucket. The Commission will need to adopt a resolution declaring the 4-in-1 bucket surplus property.

At 9:28 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Steve Thompson attended the executive session.

At 9:43 AM the executive session ended. No action taken.

John Black asked the Commission for permission to hire Foote Construction to put up concrete walls and a concrete floor for a salt storage area for \$3,712.00. The County would provide the rebar for the project. The Commission stated that we will need a written proposal before approving the project.

Jerry Bedgood presented bids for roofing. The following bids were received:

	<u>Boone Brothers Roofing</u>	<u>Midwest Diversified, Inc.</u>
Centerville Senior Center	\$10,838.00	\$6,993.00
Parker Senior Center	½ of roof \$ 1,750.00	whole roof \$5,493.00
Courthouse Perimeter	\$ 8,413.00	\$7,050.00
Courthouse Metal Roof	½ of roof \$ 6,422.00	no bid
	whole roof \$12,844.00	\$4,965.00

Mike Page stated that he would like to see more information before making a decision. Page also discussed the drainage problem at the Courthouse.

Terry Sercer presented the 2007 County Audit. The audit states that the County's financial statements fairly represent the financial status of the County. There were no cash or budget violations. No adjustments were made to the year end balances. There were no violations of Statute cited in the audit. Sercer also discussed the Audit Letter concerning preparation of financial statements, rotation of duties within an office, and charge accounts.

Bill Van Kirk discussed the FY 2009 Carryover Reimbursements Plan for Community Services. Herb Pemberton moved to allow the Chairman to sign the document. Mike Page seconded the motion. The motion passed 3-0.

At 10:42 AM Jason Sabine moved to take a 10 minute break. Mike Page seconded the motion. The motion passed 3-0.

At 10:56 AM the Chairman asked for public comment. Mary Thomas asked if the unincorporated towns would get any of the sales tax. (They would not.) Steve Riley asked about tarping the Courthouse roof and fixing it next year.

Steve Thompson asked the Commission to hire Suzanne Purvis as an Appraiser I at \$14.01 per hour. Jason Sabine moved to allow Purvis to transfer from the Sheriff's Dept. to the Appraiser's Dept. at her current salary of \$14.01 per hour. Herb Pemberton seconded the motion. The motion passed 3-0. Purvis will need to give two weeks notice to the Sheriff and will be on six month's probation.

Doug Barlet stated that Dan Morris would like to use the trailer that Barlet had asked to surplus last week, so we will not need a surplus property resolution. Barlet also stated that the Fire Dept. received a check from FEMA for \$1,398.56 for storm damage/cleanup reimbursement. Barlet also stated that we have to notify CDBG if we are accepting or rejecting the grant for the Prescott Fire Station today. Barlet presented revised estimates for a smaller building. Barlet estimates that we can build a 3 bay station for around \$60,000.00 cash plus in-kind work. Herb Pemberton moved to accept and sign the CDBG for the Prescott Fire Station and take bids for several options on new buildings. Jason Sabine seconded the motion. Mike Page would like to see a cost limit on the project. The motion passed 3-0.

At 12:46 PM Herb Pemberton moved to recess from the Board of Commission meeting for 30 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 1:16 PM the executive session ended. No action taken.

Jason Sabine moved to adopt Resolution #08-22, declaring a Caterpillar 4-in-1 Bucket surplus property. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-22:

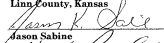

RESOLUTION NO. 08-22

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY, KANSAS

BE IT RESOLVED, that the following pieces of equipment be declared as surplus
property:

Caterpillar Bucket 4in1 : 65SSMP001178

APPROVED AND ADOPTED THIS 2nd day of September, 2008.

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Jason Sabine

Herb Pemberton

Mike Page


SEAL
LINN COUNTY, KANSAS

ATTEST:

David Lamb, County Clerk

The Clerk informed the Commission that the Kansas Association of Counties is holding a retirement reception for Judy Moler on Sept. 18th.

The Clerk and Commission discussed a bill from Lisa Gainer for cleaning 4-H Building. The Clerk will pay the bill from 4-H Building account.

The Clerk also informed the Commission of the KWORCC meeting in Wichita on Nov. 17th. The Commission needs to designate a voting delegate from the County for that meeting.

Herb Pemberton moved to approve the following pays/special pays: General, \$313,567.53; Employee Benefit, \$53,122.06; Appraiser, \$10,064.36; Rural Fire, \$13,620.58; Road and Bridge, \$51,609.71; 911 Telephone Tax, \$2,601.72; Health Dept., \$4,597.19; Crime Victim Assist., \$904.71; Elderly, \$2,986.37; and Zoning LEPP, \$650.01. Jason Sabine seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, September 8, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

September 8, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-249. Mike Page seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for August 2008.

Dan Morris presented a permit to bury water line requested by Mike & Cassie Hasty located at 27601 NE Wyandotte Rd. Mike Page moved to approve the permit to bury as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney presented information on holding tanks from our Sanitation Handbook. Kevin Sanders spoke to the Commission about the contract/covenant with Tanglewood Lakes concerning sewage disposal at the lake. The Commission discussed the Linn County regulations concerning sewage disposal. The Commission discussed revising the Sanitation Code for Linn County.

Jerry Bedgood discussed Courthouse roof repairs with the Commission. Bedgood received additional bids for repairing the rest of the Courthouse roof from Midwest Diversified, Inc. Midwest Diversified, Inc. included bids for replacing roof tiles, repairing the bell tower, repairing the gables, dormers, & towers, and replacing the composition shingles. Boom lift rental is included in all bids. Dennis Arnold is attending a meeting tomorrow concerning the Heritage Grant.

Joe Summers, Prairie View Art Teacher asked the Commission for permission to hold a High School Art Show in the Courthouse. Herb Pemberton moved to allow the schools to hold the Art Show on Oct. 6th. Mike Page seconded the motion. The motion passed 3-0.

At 10:39 AM Jason Sabine moved to take a 10 minute break. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet presented information on the Kansas Emergency Management Conference next week in Topeka. The total cost for Barlet and Marshall would be \$350.00. The Commission agreed to allow Barlet and Marshall attend the conference. Barlet also presented the Automatic Aid Agreement with the City of La Cygne. Herb Pemberton moved to allow the Chairman to sign the Automatic Aid Agreement. Mike Page seconded the motion. The motion passed 3-0. Barlet is also trying to set up a Driver/Operator class in Linn County. Barlet reported that the property owner in Prescott is willing to trade his four lots for the existing Fire Station.

John Black presented a permit to bury water line requested by RWD #2 located at 800 & Vernon Road. Jason Sabine moved to approve the permit to bury as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Black also presented a written quote for the concrete work for a salt storage building. The Clerk stated that all of Dist. #2 Capital Outlay has been used this year. Black stated that they had discussed taking the money from the Bridge Contractual line item. Mike Page asked Black to contact Thoele Foundations about a bid also.

At 11:20 AM the Chairman asked for public comment. Bernita Robbins asked how they could accept the grant for the Fire Station without taking the building add-on out of the budget. Robbins also asked about advertising for the surplus bucket and for the Prescott Fire Station. Robbins also asked about reading the minutes in the Commission meeting. The Commission agreed to have some copies of the minutes available at the Commission meeting. Vicki Leonard asked what changed the Commissioners minds about building a new Fire Station in Prescott. The Commissioners explained their reasons for accepting the grant. The Commission listened to information from a Tanglewood resident concerning rules/covenants at Tanglewood Lakes.

At 11:53 AM the Commission went to the Courthouse to look at drainage issues. The Commission agreed that we need to use in house equipment and extend the roof drains away from the Courthouse. Herb Pemberton moved to do the drainage work with County equipment as much as possible, any outside would need to be approved by the Commission. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$75,273.33; Appraiser, \$1,055.63; Rural Fire, \$2,672.86; Road and Bridge, \$167,931.52; Special Machinery, \$1,883.00; 911 Telephone Tax, \$832.53; Health Dept., \$828.73; Elderly, \$3,178.72; and Zoning LEPP, \$1,800.00. Mike Page seconded the motion. The motion passed 3-0.

The Clerk gave the Commission an estimate of how the sales tax money would be divided between the Cities and the County. According to the Clerk’s calculations, the County would receive 68.60% of the sales tax collected in the County. Following is a copy of the Clerk’s estimate:

Estimated Distribution of Sales Tax Revenue						
	Valuation	Levy	Tax	% of Total Tax	Population	% of Population
Linn County	162,088,611	43.897	\$7,115,203.76	85.56%	5,043	51.63%
Blue Mound	775,844	36.871	\$28,606.14	0.34%	292	2.99%
La Cygne	6,687,201	60.953	\$407,604.96	4.90%	1,131	11.58%
Mound City	4,035,247	33.638	\$135,737.64	1.63%	804	8.23%
Parker	965,964	32.434	\$31,330.08	0.38%	300	3.07%
Pleasanton	5,282,049	75.332	\$397,907.32	4.78%	1,337	13.69%
Prescott	673,381	20.927	\$14,091.84	0.17%	276	2.83%
Linn Valley	6,842,172	27.085	<u>\$185,320.23</u>	2.23%	<u>584</u>	5.98%
Total			<u>\$8,315,801.97</u>		<u>9,767</u>	
	Sales Tax	% of Sales Tax	1st Half	% of 1st Half	2nd Half	% of 2nd Half
Linn County	\$411,586.50	68.60%	\$256,687.34	85.56%	\$154,899.15	51.63%
Blue Mound	\$10,000.97	1.67%	\$1,031.99	0.34%	\$8,968.98	2.99%
La Cygne	\$49,444.14	8.24%	\$14,704.71	4.90%	\$34,739.43	11.58%
Mound City	\$29,552.26	4.93%	\$4,866.66	1.63%	\$24,685.40	8.23%
Parker	\$10,344.96	1.72%	\$1,130.26	0.38%	\$9,214.70	3.07%
Pleasanton	\$55,421.72	9.24%	\$14,354.86	4.78%	\$41,066.86	13.69%
Prescott	\$8,965.90	1.50%	\$508.38	0.17%	\$8,477.53	2.83%
Linn Valley	<u>\$24,623.55</u>	4.10%	<u>\$6,685.59</u>	2.23%	<u>\$17,937.95</u>	5.98%
Total	<u>\$600,000.00</u>		<u>\$300,000.00</u>		<u>\$300,000.00</u>	

The Clerk informed the Commission of a T-LINK KDOT meeting on Sept. 26th in Pittsburg. The meetings are scheduled to discuss regional highway and other transportation needs.

Herb Pemberton moved to allow the Chairman to sign additional grant paperwork needed for the CDBG on the Prescott Fire Station. Mike Page seconded the motion. The motion passed 3-0.

The Clerk also informed the Commission that KDWP could not find a signed copy of the grant agreement on the Critzer reservoir that was approved last year. Jason Sabine moved to re-sign the CFAP Grant Agreement with KDWP on the Critzer reservoir. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to take the public comment section off the agenda for future meetings. The motion died for lack of a second. The Commission wants to have more discussion on this topic.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, September 15, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

September 15, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for August 2008. Mike Page seconded the motion. The motion passed 3-0.

Mike Page moved to approve the following add/abate/refund orders: 2007-250. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission of the SEK County Officials meeting in Labette County on October 16, 2008.

Harry Wisdom informed the Commission that he needs to buy rebar for bridges.

Joe Maloney informed the Commission that he is still waiting on the report from the well inspections. Maloney also has a Lake Region meeting Tuesday.

At 9:12 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 20 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, Counselor, and Joe Maloney attended the executive session.

At 9:27 AM Joe Maloney left the executive session.

At 9:32 AM the executive session ended.

At 9:33 AM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The Commission, Clerk, and Counselor attended this portion of the executive session.

At 9:43 AM the executive session ended. No action taken.

Dennis Arnold presented information on the Heritage Trust Grant. We can submit a new application on March 2, 2009. The decision to award grants will be made in April. Arnold also reported that we are a finalist for E-Community tax credits. The Economic Development Committee recommends that the County match the funds allocated to a City by the proposed Countywide sales tax if the City spends the money on capital improvements. This match would come out of the County's portion of the sales tax, if the Countywide sales tax is approved by voters. The Commission will discuss this issue again next week.

Doug Barlet stated that the Fire Board suggested an agreement with RWD #1 about paying the utilities on the old La Cygne Fire Station. The Commission would like the Fire Board to write a proposed agreement and have it reviewed by the Counselor. The Fire Board also recommends negotiating with Rick Zingre for design and planning of the Prescott Fire Station. The Commission instructed Barlet to ask other firms for estimates. The Fire Board also recommends hiring Jim McAtee at Station 950. McAtee has completed his probationary period. Jason Sabine moved to hire McAtee as a part-time Firefighter at Station 950. Mike Page seconded the motion. The motion passed 3-0. The Fire Board also recommends hiring James Martley and reinstating Dennis Mitchell at Station 920. Martley and Mitchell would be on six months probation. Herb Pemberton moved to hire Martley and Mitchell at Station 920. Mike Page seconded the motion. The motion passed 3-0.

Larry Robinson presented information for updating/repairing the Road Department's radio system equipment on the tower from Commenco, Inc. Mike Page suggested contacting another company for a quote.

Robinson also presented a Lot Split and Grant of Road Easement requested by Mike Earnest located on Ullery Road. Herb Pemberton moved to approve Lot Split #08-232 and the accompanying grant of easement as requested. Mike Page seconded the motion. The motion passed 3-0.

Jack Day addressed the Commission concerning having the County blade the roads at Sugar Valley Lakes at Sugar Valley's expenses. Gary Thompson will check on the legality of working on private roads.

Dan Morris presented a permit to water lines requested by Miami County RWD #3 located at 2200 Road, 2300 Road, 2400 Road and to bore under CR 1077. Mike Page moved to approve the permit to bury as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:37 AM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed sanitation regulations with John Maloney. Maloney has some suggestions for changes to the regulations. Gary Thompson suggested having Maloney and Robinson work on changes to the regulations and then review the regulations with him. The Commission and Counselor also discussed Maloney and Robinson having a meeting with the public and contractors to review the proposed changes. Mike Page suggested having the lake developments do yearly tests on the septic tanks within their developments.

At 11:17 AM the Chairman asked for public comment. Jackie Taylor stated that she is concerned about the proposed sales tax and its economic impact on local businesses. Jean Vaughn also commented on the proposed sales tax and the percentage that would go to the Cities.

Jason Sabine read a statement concerning comments from the public. Public comments will only be taken during the Public Comment section. Following is a copy of the notice:

Notice:

To all concerned:

From this point forward, NO remarks or questions will be accepted from the general public during our scheduled Commission meetings.

The Chairman has the right, at ANY time, to recognize an audience member, but until properly recognized, audience members are to keep their comments, suggestions, and questions to themselves.

There has been provision made for comments during the "public comment" portion of the agenda. There is also the right of ANY citizen wishing to address the Commission to be placed on the agenda along with their topic to be discussed (inquire at the county clerks office for further details).

Be it known that we, The Commission, are in NO way attempting to silence the general public. There are processes in place to ensure your right to have your voice heard, we are asking that those processes be followed.

As of this time, the "public comment" portion of the agenda will remain in place. Please remember that The Commission does not have to respond, or answer your questions when made or asked.

Remember, these meetings are for The Commission to conduct County business.

If you have questions or comments about this notice, please contact your District's Commissioner.

Claude Warren addressed the Commission concerning the County Death Investigator/Special Deputy Coroner position. Warren stated that he has talked to the District Coroner and the District Coroner has agreed to Warren becoming a Special Deputy Coroner for the Sixth Judicial District. The Commission also received a letter from another individual that would be interested in the position. Jason Sabine suggested interviewing both interested parties.

David Sweat addressed the Commission concerning problems with his septic system. Sweat believes that the County should not have approved the design of his existing system. Sweat wants to have new lateral lines put in and have the County and Wayne Ellis split the cost of the repairs.

Charles Reed, Tanglewood Lake Owners Association, Inc. presented copies of the Rules and Regulations for Tanglewood Lakes concerning sewage disposal. The regulations do not allow in-ground holding tanks to be dumped into the Shower House Sewage Disposal Station.

The Commission discussed having the Road Dept. mechanics do repair work on vehicles for other departments. Herb Pemberton moved to approve the following pays/special pays: General, \$106,251.81; Employee Benefit, \$44,687.34; Appraiser, \$13,066.65; Rural Fire, \$7,766.13; Road and Bridge, \$109,716.32; Health Dept., \$8,632.85; Crime Victim Assist., \$904.71; Elderly, \$3,078.22; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

The Counselor informed the Commission that the County Commission of the largest population County in the district would approve the appointment of a Special Deputy Coroner and payment of the Special Deputy Coroner. Each County would pay a share of the salary based on the population of the County.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, September 22, 2008. Mike Page seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 22, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Mike Page led the Pledge of Allegiance.

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

Jason Sabine moved to approve the following add/abate/refund orders: 2007-251. Mike Page seconded the motion. The motion passed 3-0.

Dan Morris informed the Commission that he is going to install another culvert at 2400 and Iliff Road.

The Commission and John Black discussed bids for the concrete work for a salt storage building for Road Dist. #2. Bids received were: Foote Construction, \$3,712.00; Thoele Foundations, \$2,382.00; and Walker Brothers Construction, \$4,580.00. Jason Sabine moved to approve the bid from Thoele Foundations in the amount of \$2,382.00. Mike Page seconded the motion. The motion passed 3-0.

Joe Maloney gave the Commission a bid from Caterpillar for repairing the Solid Waste loader. Mike Page would like to take a look at the loader before taking any action.

Larry Robinson presented Lot Split #08-233 requested by Shirley Chambers located in Section 17, Township 20S, Range 25E. Jason Sabine moved to approve Lot Split #08-233 as requested. Mike Page seconded the motion. The motion passed 3-0.

Dennis Arnold informed the Commission that the City of Pleasanton has applied for a \$2,500.00 grant for sidewalk repair. Arnold recommends approving the request. Jason Sabine moved to approve the grant in the amount of \$2,500.00 for the City of Pleasanton. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission and Clerk discussed the overtime policies. The Clerk explained the FLSA overtime requirements and the current County policies. Currently, the County counts holidays toward overtime and allows overtime for Sheriff's Deputies after 160 hours in a 28 day period. FLSA allows 171 hours for Deputies before overtime is required. The Commission agreed to leave the holiday overtime policy as it is. The Commission would like to discuss the Sheriff's Deputies overtime next week with the Sheriff or Undersheriff.

John Tersinar, Kansas Works, informed the Commission that there is grant money available for re-employment due to the 2007 flood. The Kansas Work program pays the employees at no cost to the County. We currently have two people working at the Linn County Park that are being paid with this grant. We could be eligible for Kansas Work employees for our Road Dept. The Commission is interested in having 2 workers for each Road District.

John Maloney informed the Commission that he needs to attend a meeting in Ottawa on Sept. 30th concerning septic systems near the Marais des Cygne River. The Commission agreed to allow Maloney to attend the meeting.

The Commission discussed roof repairs with Jerry Bedgood. We have not received an updated bid from Mid-Continental yet. The Commission also discussed the sewer repairs that need to be done at the Extension Office. Bedgood will check and see if we can get a camera to check out the lines before starting repair work.

At 10:19 AM the Chairman asked for public comment. Mary Grosshart, Silver Haired Legislator, informed the Commission that she will be attending meetings in Topeka for proposed legislation. There will also be

Senior Health Fair at the Fairgrounds on Oct. 30th. Grosshart also discussed a donation from the County for the Silver Haired Legislature. Last year the County donated \$250.00. Jason Sabine moved to donate \$250.00 to the Silver Haired Legislature. Herb Pemberton seconded the motion. The motion passed 3-0. Ed Self discussed 1700 Road. Self stated that ¼ mile east of Hadsall on 1700, the water has eroded part of the base. Self stated that we need a bigger tube at that location. Fred Kautt thanked Mike Page and the Road Dept. for the work on 1525 Road. Kautt also discussed speed limit signs for 1077 Road. Currently there is no speed limit sign on 1077 when you enter Linn County. Larry Robinson stated that the speed limit on County roads is 55 mph unless otherwise posted by State law. Tim Staton asked about the County Sales Tax question. It will be on the ballot, but no decision has been made about additional reimbursement to the Cities from the County. The Commission and Counselor discussed options for reimbursing the Cities. Dennis Arnold explained his idea for disbursing the money. The Commission discussed matching 50% or 100% of the City's spending. Mike Page moved to match 50% of the City's spending of Sales Tax money. Jason Sabine seconded the motion. The motion passed 3-0. Donna Cottrell complained about a tube that is directing water into a pasture at 17903 Keitel Road.

Gary Thompson informed the Commission that the County cannot use County equipment and personnel on private property unless it is for a public purpose. According to that definition, we would not be able to maintain the roads in Sugar Valley Lakes.

Larry Robinson asked the Commission for permission to attend training in Iola for the Flood Insurance Program. Robinson would also like to take Pam Cannon and Richard Miller to the training. The Commission agreed to allow Robinson, Cannon, and Miller to attend the training. Robinson would also like for himself and 2 others to attend training in Kansas City in December. No decision made.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, September 29, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

September 29, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Herb Pemberton led the Pledge of Allegiance.

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

Mike Page moved to approve the following add/abate/refund orders: 2007-252. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow the Chairman to sign an MOU with the Health Dept. for making mass copies of medical and informational forms as needed for the Linn County Health Dept. in an event that warrants activation of the Linn County Public Health Disaster Plan. Mike Page seconded the motion. The motion passed 3-0.

Joe Maloney reported on the well testing at the landfill. Aquaterra does not recommend taking any action on the wells at this time. Maloney also reported on needed repairs to the Cat Loader. The Commission wants the Road Dept. mechanics do the repair work. The Commission instructed Maloney to order the parts to repair the loader.

At 9:22 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Marilyn Augur attended the executive session.

At 9:32 the executive session ended. As a result of the executive session, Jason Sabine moved to hire John Allcorn as a backup Van Driver at \$8.75 per hour pending results of drug testing. Mike Page seconded the motion. The motion passed 3-0.

Marilyn Augur asked for permission to check into prices for a new vehicle to replace the 1992 Taurus. The Commission agreed to allow Augur to check prices on a new or used vehicle.

Doug Barlet presented information on an Emergency Management trailer. The cost of the trailer would be paid by the Northeast Region Homeland Security. Linn County would be responsible for insurance and license tags. The Commission agreed to accept the trailer when it is ready. Barlet also stated that we need to have a Damage Assessment Officer for the County. Steve Thompson is willing to accept the position. The Commission will talk to Thompson next week.

Larry Robinson addressed the Commission concerning the Road Dept. radio system. Robinson did not receive any additional bids. The bid from Commenco, Inc. was \$4,245.13 to replace the coax and a portion of the antenna. Jason Sabine moved to allow Robinson to contact Commenco, Inc. for radio system repairs in the amount of \$4,245.13. Herb Pemberton seconded the motion. The motion passed 3-0.

Mike Page moved to adopt Resolution #08-23 amending the Vehicle and Equipment Policy concerning Violation of Drug and Alcohol Laws. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-23:

A RESOLUTION AMENDING THE LINN COUNTY VEHICLE AND EQUIPMENT POLICY.

IT IS HEREBY RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS THAT:

The Linn County Vehicle and Equipment Usage Policy, implemented July 23, 2007, is hereby amended by the addition of Section D-4, which shall read as follows:

“(D-4) Violation of Drug and Alcohol Laws

Employee must notify his/her supervisor immediately if the employee is ticketed or otherwise charged by any law enforcement agency with any violation of a drug or alcohol law or regulation, including violations of laws against driving under the influence of alcohol or drugs, whether such events occur when employee is on duty or off duty. Failure to make such notification in a timely manner (no later than the next scheduled work shift of the employee) may be cause for discipline up to and including termination. During the pendency of any such legal charges, no employee shall be assigned or otherwise permitted to operate any County vehicle or heavy equipment, but may be assigned alternate duties at the discretion of the supervisor or the County Commissioners. Conviction on such charges may result in discipline including, but not limited to, reassignment, suspension or termination.

RESOLVED THIS 24 DAY OF SEPT, 2008.


Chairman, Board of Commissioners

ATTEST:

County Clerk



At 9:59 AM the Chairman asked for public comment. Bernita Robbins asked if the airstrip would be considered capital improvement, could the sales tax money be used to pay for the airstrip. Robbins also asked why 1525 Road was graveled and 1350 Road wasn't. Robbins then asked about commodity food drop offs. (It is not a County program.) Mary Thomas stated that she was at Pleasanton to pick up commodities for the Centerville area, but there was nothing left to send to Centerville after they were distributed at Pleasanton.

The Commission discussed the overtime policy for Sheriff's Deputies. The current County policy pays overtime for all time worked over 160 hours in a 28 day period. The law only requires overtime for time worked over 171 hours in a 28 day period. The Commission is not in favor of changing the overtime policy at this time.

Jason Sabine moved to approve the following pays/special pays: General, \$175,494.98; Employee Benefit, \$40,468.12; Appraiser, \$14,368.45; Reappraisal, \$1,683.00; Rural Fire, \$8,340.41; Road and Bridge, \$33,101.88; 911 Telephone Tax, \$1,114.58; Health Dept., \$7,157.38; Crime Victim Assist., \$904.71; Elderly, \$3,479.85; and Zoning LEPP, \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

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

The Commission agreed that they would like to get six people from Kansas Works to do flood damage cleanup.

Bill Van Kirk presented the Community Services Year-End Outcomes, Fiscal Years 2007 and 2008 report. Herb Pemberton moved to allow the Chairman to sign the Year-End Outcomes report. Mike Page seconded the motion. The motion passed 3-0.

David Sweat asked the Commission if they had made any decisions about his septic system problems. Herb Pemberton stated that he believes that the contractor should be responsible. Mike Page stated that

typically the contractor takes responsibility for this type of problem. The Commission would still like to talk to Andy Mayhugh about this issue.

At 11:26 AM Herb Pemberton moved to take a break for lunch and reconvene at 1:00 PM at the IPC site in the Pleasanton Industrial Park for a ribbon cutting ceremony with no action to be taken. Mike Page seconded the motion. The motion passed 3-0.

At 1:00 PM the Commission reconvened at the IPC site for the ribbon cutting ceremony.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, October 6, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

October 6, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; John Copple, Deputy County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Jason Sabine moved to reschedule the October 13th regular meeting to Tuesday, October 14th due to Columbus Day. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to appoint Herb Pemberton as delegate to the Kansas Association of Counties annual meeting. Mike page seconded the motion. The motion passed 3-0. Next week the commission will discuss selecting a voting delegate and alternate to the annual KCAMP meeting.

Jason Sabine moved to appoint Don Proffitt as a member of the Southeast Kansas Mental Health Board of Directors. Herb Pemberton seconded the motion. The motion passed 3-0.

John Byington, Asphalt Foreman, reported on road repairs for the summer season. In Road District #1 he used 1,695 tons of cold mix, and chip sealed more than 34 lane miles of roadway. In Road District #2 he used 1,076 tons of cold mix, and chip sealed 34.6 lane miles of roadway. In Road District #3 he used 2,313 tons of cold mix, and chip sealed 37.28 lane miles of roadway. Byington said he ended up about \$12,000 over budget in District #2, but he expected the shortfall could be made up out of all-district funds. Byington also explained that he had to pay higher prices for some road oil supplies since the original contractor did not fulfill its delivery commitments.

Byington said he is still working on the availability of hot mix for work near Centerville in District #3, and is looking at settling problems that have developed in Centerville from the sewer project. Mike Page asked about the contractor's responsibility for the settling problems. Byington said the problem is the county's to handle. Byington said that as soon as hotmix material is available he will be able to work on the Centerville problems.

Harry Wisdom told the commission that KEBO Oil and Gas, Wichita, has presented an agreement that would allow them to bury six-inch gas pipelines in road rights of way in District #3. Wisdom suggested that company representatives talk to the commission before the agreement is signed. Wisdom said he is aware that the company is paying private property owners for the right to install the lines on their properties, and that he believes the county should get the same treatment. Gary Thompson said that the county has very limited liability for such installations since the county has no role in how the lines are installed. Mike Page said he wanted to be sure that liability was addressed on any easements over county property. The commission agreed that representatives of KEBO Oil and Gas should get on the agenda and talk to the commission before any agreement is signed.

Wisdom told the commission that the Kansas Department of Wildlife and Parks wants to extend the concrete boat ramp installed at Critzer Lake, adding a new section of 15 x 28 feet. With the lake now filled, the top of the ramp extends only two or three feet above the water level. Mike Page said that county crews can do the work and use the hours as in-kind match for KDWP's Community Fisheries Assistance Program (CFAP) funds. Page said that the work might exceed the number of hours required for the CFAP program. Larry Robinson will develop GPS coordinates and use aerial photographs to ensure that the improvements are appropriately planned and sited. District #3 workers will prepare the ground and pour the concrete.

The commission discussed the Kansas Works Program staff that is available for assistance in flood cleanup, noting that the definition of allowable work types has been broadened. The commissioners have approved the use of two Kansas Works Program people for each road district. Danny Morris, Road District #1 foreman, and Wisdom expressed concerns about transporting and supervising the program workers. Jason Sabine said he believes something can be worked out, and that he saw no reason to turn down "free help."

The commission, on a motion made by Herb Pemberton and seconded by Jason Sabine, appointed Appraiser Steve Thompson as the county's damage assessment officer. The motion passed 3-0. Thompson said he has done this kind of work previously for the county, that it is outside of his normal duties, that he has the means to do the work, and that he is not aware of any budgetary impact from the appointment. Fire Chief Doug Barlett said the position is part of the county's emergency preparedness plan. Barlett explained that the damage assessment officer would, in the event of a major emergency, work with insurance companies and others to identify damage across the county. Gary Thompson said that the motion would allow Thompson to assemble a team as needed to complete the task.

The commission, on a motion from Jason Sabine and seconded by Herb Pemberton, voted 3-0 to appoint John Black, Road District #2 foreman, as the highway department designee for emergency preparedness. Barlett said that Larry Robinson, Zoning Administrator, has agreed to function in the planning and zoning capacity required in the emergency preparedness plan.

Barlett also reported on Fire Prevention Week and training programs he is developing.

Jason Sabine made a motion, seconded by Herb Pemberton, to allow Barlett to use job descriptions for Fire Chief/Emergency Management Coordinator and Deputy Fire Chief/Assistant Emergency Management Coordinator in year-end reporting for emergency management grant funding. The motion passed 3-0.

Herb Pemberton moved to allow the commission chairman to sign the Kansas Emergency Management 2009 Cooperative Agreement Program Submission. Mike Page seconded the motion. The motion passed 3-0. Barlett said the program could provide a 50 percent match grant for next year's emergency management funding.

Barlett reported on the new La Cygne fire station. He said that safety railing on steps and the mezzanine area still needs to be installed.

Barlett corrected last week's information on the Homeland Security funded trailer that will be used in Linn County and surrounding counties. The trailer is actually 25 feet long rather than 40 feet long. Barlett said he will submit the request for the trailer at the end of this month, and that he hopes to be able to order it next year when funding is available. On a question from the audience, Barlett explained that all items needed to fully equip the trailer will be funded by Homeland Security.

The commission voted 3-0 on a motion from Mike Page, seconded by Herb Pemberton to move forward with the land acquisition contract for a new fire station at Prescott. Gary Thompson explained that the commission is authorized by state statute to trade one piece of land for another if it's less than \$50,000 in value. A public notice will have to be published twice stating the commission's intention to trade the current fire station property for a vacant piece of land on which the new station would be constructed. Thompson noted that the commission is not required to take bids. Thompson said the owner of the new property has agreed to allow the county to use the current fire station for up to one year without paying rent. After one year, the county would have to pay \$750 per month to continue to use the existing fire station building. The new fire station will be constructed with partial grant funding. Barlett told the commission that the county has until August 2010 to utilize the grant funds.

Herb Pemberton moved to pay \$400 annual dues to the National Association of Counties. Mike Page seconded the motion. The motion passed 3-0.

In public comments Mary Grosshart reported on her attendance at the state Silver Haired Legislature in Topeka. Mary Thomas asked when the gas pipeline is proposed for construction. The company did not give a date for construction. Thomas also asked if the county is receiving any revenue from the current oil wells in operation in the north part of the county. The commission referred her to the appraiser's office for information on the taxation rate for oil wells. The commission discussed Harvester food distribution briefly with Thomas. David Sweat talked with the commission about his ongoing septic system problem. Gary Thompson said that John Maloney is the county employee who inspected the system to be sure it was installed according to code. Maloney did not know where the property line was, and the county assumes no liability for property lines. Thompson pointed out that Sweat's sanitation permit application was not consistent with what was actually constructed. The house was larger than the permit indicated, and the water usage estimate on the permit was considerably lower than actual usage has been. Thompson said that in his opinion the contractor has installed a system that is not working. He said that as far as the inspection goes it was installed to county specifications; and that is the extent of the county's responsibility. It is not the county's responsibility to correctly size the septic system, only to inspect the installation to be sure it meets county regulations. Thompson also noted that the installation, as it is now, is actually in violation of county codes. Jason Sabine suggested that the county give Sweat 180 days to get the system problems corrected so that the system is in compliance. John Maloney agreed with the suggestion. Thompson said it is his advice that the county has no liability for the problems, and that Sweat and his contractor need to figure it out.

Larry Robinson reported that the proposed airport environmental study has not been completed or submitted. Robinson said he received notice that the historical society wants to do more study on the property. He said the Conditional Use Permit will not be considered again by the Planning Commission until at least November.

At 10:28 a.m. Jason Sabine made a motion, seconded by Herb Pemberton, to go into executive session for legal matters. The motion passed 3-0. The commission and counselor attended the session.

The regular meeting resumed at 10:44 a.m. No action was taken as a result of the executive session.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Tuesday, October 14, 2008. Mike Page seconded the motion. The motion passed 2-0.

Attest:

County Clerk

Commission Chair

October 14, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Jason Sabine led the Pledge of Allegiance.

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

The Commission reviewed the YTD Park Report for September 2008.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for September 2008. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to appoint Herb Pemberton as the Voting Delegate for the annual KCAMP meeting. Mike Page seconded the motion. The motion passed 3-0.

Joe Maloney stated that he still has not heard from the State concerning the well inspections. IPC has asked if the County could keep providing a trash container for them. It could be possible for IPC to buy their own containers and have the County service them.

John Maloney informed the Commission that he needs to attend a KDHE class in Wichita on November 7th. Maloney also has some suggestions for updating our sanitation codes that he will give to Gary Thompson for review.

Larry Robinson presented Lot Split #08-234 and accompanying grant of easement requested by Randy & Gayla Johnson located between Quail & Read Road and between 500 & 600 Road. Mike Page moved to approve Lot Split #08-234 and accept the accompanying grant of easement as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Robinson also informed the Commission that there is a Planning Commission meeting tonight.

Herb Pemberton stated that we need the Sheriff, Emergency Manager, and Larry Robinson to meet with George Finical concerning crossovers on the new highway. Pemberton also stated that we have some issues near 1800 Road that need to be discussed concerning a private drive, ditch slope, and fencing.

At 9:59 AM the Chairman asked for public comment. Tommy Tuggle asked about the decision to build a new fire station in Prescott instead of adding on to the existing building. Mary Thomas stated that the Centerville Nutrition Center is worried about passing an inspection due to the roof problems. Thomas would also like to use the building for distributing commodities. Thomas also has concerns about drainage on Market Street in Centerville.

Larry Robinson informed the Commission that George Finical will meet with the Commission at 1800 Road today when we are ready, we just need to give him a call.

The Commission would like to work with Mary Thomas for the commodity distribution, but we would need to check into liability issues.

At 10:24 AM Herb Pemberton moved to take a 15 minute break. Mike Page seconded the motion. The motion passed 3-0.

Kenny Hoop, KEBO Oil & Gas, addressed the Commission concerning a pipeline that is being run through the County. KEBO needs permission to run additional pipe in County right of way. The Commission agreed that they don't have a problem with the project, but we will need to have our Counselor look at the proposed contract.

Herb Pemberton moved to approve the following pays/special pays: General, \$89,187.01; Appraiser, \$657.69; Rural Fire, \$4,297.63; Road and Bridge, \$280,559.56; 911 Telephone Tax, \$18,671.58; DARE, \$5.99; Health Dept., \$2,158.54; and Elderly, \$15,807.91. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$74,327.22; Employee Benefit, \$41,791.69; Appraiser, \$9,128.75; Rural Fire, \$1,597.41; Road and Bridge, \$32,565.13; Health Dept., \$4,949.00; Crime Victim Assist., \$904.71; Elderly, \$1,157.99; and Zoning LEPP, \$216.67. Jason Sabine seconded the motion. The motion passed 3-0.

At 11:10 AM the Commission left to meet with George Finical at 1800 Road.

At 12:15 PM after looking at road and right of way issues and with nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, October 20, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

October 20, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Doug Barlet asked the Commission to hire Kenneth Banner as a Firefighter at Station 920. Jason Sabine moved to hire Kenneth Banner as a Firefighter as requested. Herb Pemberton seconded the motion. The motion passed 3-0. Banner will be on six months probation.

Barlet also informed the Commission that the aerial (Truck 921) needs to be repaired. Jason Sabine instructed Barlet to get a quote on the repairs.

The Commission and Barlet discussed the trade of the existing Prescott Station for land to build the new station. The Commission also discussed the option of listing the building for sale instead of trade. Jason Sabine moved to advertise the existing Prescott Fire Station for sale contingent on an agreement with the landowner of the property we want to acquire to build the new station. Mike Page seconded the motion. The motion passed 3-0.

Barlet also asked for permission to spend the budgeted money for a First Responder Class. The Commission agreed to allow Barlet to pursue setting up a First Responder Class.

John Black presented 2 permits to bury. Jason Sabine moved to approve a permit to bury water line requested by RWD #3 located at 1650 & Quaker Road. Herb Pemberton seconded the motion. The motion passed 3-0. Jason Sabine moved to approve a permit to bury requested by the Kansas Bureau of Environmental Remediation for abandoned strip pit reclamation located at 1100 & Wattles Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to allow John Black to spend \$1,200.00 for a salt storage building. Herb Pemberton seconded the motion. The motion passed 3-0.

John Byington and Dan Morris reported on their expenditures through September.

Larry Robinson presented 2 lot splits. Mike Page moved to approve Lot Split #08-235 and accept the accompanying grant of easement requested by Kenneth Eastwood located on 1525 Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Lot Split #08-236 and accept the accompanying grant of easement requested by Wilbur Eastwood located at 1350 & Faucet Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Robinson also reported on the Floodplain training that Robinson, Pam Cannon, and Richard Miller attended last week. Robinson suggested that Pam Cannon be designated as the person with authority to make changes to the floodplain maps. Cannon described the process for determining if a part of a property is in the flood zone. Cannon also discussed addressing in the lake developments.

At 10:00 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, Larry Robinson, and Pam Cannon attended the executive session.

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

Jerry Bedgood presented bids for roof repairs for the Extension Office. Boone Brothers Roofing bid \$1,402.00 to repair a 16' x 16' area on the roof. Herb Pemberton moved to approve the bid from Boone Brothers Roofing in the amount of \$1,402.00. Mike Page seconded the motion. The motion passed 3-0.

Bedgood and the Commission then discussed the sewer problems at the Extension Office. Herb Pemberton worked with Ellis Plumbing to patch the sewer line. Herb Pemberton also found the blueprints for the building. The Commission and Bedgood then reviewed the sewer blueprint.

Bedgood then discussed the Centerville Senior Center roof. The Commission also discussed the need to repair the Parker Senior Center and the Courthouse. Jason Sabine moved to hire Midwest Diversified to repair the Centerville Senior Center roof for \$6,993.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to hire Midwest Diversified to repair the Parker Senior Center roof for \$5,493.00. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:32 Mike Page moved to take a 10 minute break. Jason Sabine seconded the motion. The motion passed 3-0.

Dennis Arnold presented information on the Frontier Military Scenic Byway. Jason Sabine moved to adopt Resolution #08-24, supporting the Frontier Military Scenic Byway. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-24:

RESOLUTION NO. 08-24

WHEREAS, the Congress of the United States enacted the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Efficiency Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005; and

WHEREAS, Section 1047 of ISTEA directed the Secretary of Transportation to establish a National Scenic Byways Advisory Committee in order to create a National Scenic Byways Program; and

WHEREAS, the Kansas Scenic Byway Committee, consisting of representatives from the Kansas Departments of Transportation, Commerce, Wildlife and Parks and the State Historical Society, has developed guidelines and policies for designation of Kansas Scenic Byways and for nomination of Kansas Scenic Byways for National Scenic Byway designation; and

WHEREAS, a local advocate group composed of community leaders, civic group representatives, residents and other interested parties has completed the necessary procedures and has received Kansas Scenic Byway designation from the Kansas Secretary of Transportation for the Frontier Military Scenic Byway described as follows, to wit:

Beginning at a point on U.S. Highway 69 alternate in Cherokee County at the Oklahoma border at Statewide Milepost 0.000; then north to a point near the south city limits of Baxter Springs at Milepost 0.483.

Beginning again at a point on U.S. Highway 69 alternate in Cherokee County near the north city limits of Baxter Springs at Milepost 2.088; then north to a point at the intersection of U.S. Highway 69, U.S. Highway 400, U.S. Highway 160, and U.S. Highway 69 alternate at Milepost 13.041.

Beginning again at a point at the intersection of U.S. Highway 69, U.S. Highway 400, U.S. Highway 160, and U.S. Highway 69 alternate at Milepost 19.402; then north to a point in Crawford County near the south city limits of Pittsburg at Milepost 35.838.

Beginning again at a point on U.S. Highway 69 in Crawford County near the north city limits of Frontenac at Milepost 39.600; then north to a point at the south intersection of U.S. Highway 69 and U.S. Highway 69 Business at Milepost 43.213.

Beginning again at a point at the north intersection of U.S. Highway 69 and U.S. Highway 69 Business at Milepost 46.088; then north to a point in Bourbon County near the south

city limits of Fort Scott at Milepost 63.998.

Beginning again at a point on U.S. Highway 69 in Bourbon County near the north city limits of Fort Scott at Milepost 66.612; then north to a point in Linn County near Pleasanton at Milepost 90.001.

Beginning again at a point on U.S. Highway 69 in Linn County near Pleasanton at Milepost 90.451; then north to a point in Johnson County near the south city limits of Overland Park at Milepost 135.287.

Beginning again at a point on Kansas Highway 5 in Leavenworth County near the north city limits of Kansas City at Milepost 18.479; then north to a point near the south city limits of Lansing at Milepost 23.229.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF Linn CITY/COUNTY that said Kansas Scenic Byway be nominated for National Scenic Byway designation;

BE IT FURTHER RESOLVED, that the City/County shall support the Kansas Department of Transportation in their effort to control signs in conformance with K.S.A. 68-2233 (a) (b) (c).

BE IT FURTHER RESOLVED, that this resolution shall be forwarded to the Kansas Scenic Byways Committee as part of the national scenic byway application as part of the corridor management plan to preserve, enhance and promote the scenic byway.

Resolved and Adopted this 20 day of Oct, 2008.



Commissioner

Commissioner

Commissioner

Commissioner

Attest:

County Clerk

Arnold updated the Commission his meetings with the Cities concerning the proposed sales tax. Some people have questioned Arnold about using the sales tax money for the airstrip. Jason Sabine moved that the current Commission does not plan on using any of the proposed sales tax for funding the proposed airstrip. Mike Page seconded the motion. The motion passed 3-0.

At 12:11 PM the Chairman asked for public comment. Bernita Robbins asked what the County paid for the airstrip property. Mary Thomas asked about closing the existing airstrip. Thomas also thanked the Commission for approving the work on the Centerville Senior Center. Jean Vaughn why the County

transportation van is setting at the County Shop? Vaughn also asked about the trash containers for IPC. Mike Page stated that IPC actually needs two types of containers. Mike Page has a list of suppliers of containers to give to IPC. Tim Staton stated that he met with the La Cygne City Council and they are supporting the Sales Tax Initiative. Mound City and Pleasanton are also supporting the Sales Tax Initiative.

At 12:28 PM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 20 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, Counselor, Dennis Arnold, and Larry Robinson attended the executive session.

At 12:38 PM Dennis Arnold left the executive session.

At 12:48 PM the executive session ended. No action taken.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, October 27, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

October 27, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Bernita Robbins led the Pledge of Allegiance.

Jason Sabine moved to approve the minutes of the last regular meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet presented a request for bids for replacing the heaters at 3 fire stations (930, 940, & 970). Herb Pemberton moved to allow Barlet to send the request for bids. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow Barlet to spend up to \$3,500.00 to repair the aerial truck (Truck #921). Mike Page seconded the motion. The motion passed 3-0.

Harry Wisdom informed the Commission that he is going to dig out a bridge between 600 & 700 Road on Farris Road so Farris Road will be closed while the repairs are being done.

Dan Morris presented a permit to bury telephone cable requested by Peoples Mutual Telecom located at Industrial Park Road & Ragins Road. Herb Pemberton moved to approve the permit to bury as requested. Mike Page seconded the motion. The motion passed 3-0.

Carmen Self presented the 3rd Quarter and YTD Interest Report. The 3rd quarter interest was \$37,788.05 and the YTD interest was \$179,759.80. Self also presented the Delinquent Tax Report as of 9/30/08. Delinquent Real Estate Taxes were \$615,709.28 and Delinquent Personal Property Taxes were \$62,757.91. Self then presented the Reconciliation of 2007 Taxes.

Mike Page moved to appoint Charlene Sims to the Tri-Ko, Inc. Board of Directors to replace Cheyenne Beisiegel. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to appoint Mike Page as the Alternate Voting Delegate to the annual KCAMP meeting. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission and Gary Thompson discussed an agreement with Kebo Oil & Gas concerning right of ways for a gas pipeline. Francis Weber asked the Commission about the agreement with Kebo Oil & Gas. Weber is concerned about getting payment in advance for damages from the gas company. Weber stated that Anderson County is charging \$20.00 per rod. Our proposed agreement requires payment of \$2.00 per foot, \$33.00 per rod.

Richard Wilson informed the Commission that contrary to rumors, he is not planning on suing the County. This was concerning an incident that occurred last year when Wilson was arrested by Deputy Filla. Wilson read a part of the Court decision stating that this was an illegal arrest. Wilson stated that Filla was operating outside of County policy, so he does not feel that the County is liable in this matter.

At 9:54 AM the Chairman asked for public comment. Fred Kautt asked about getting 55 MPH Speed Limit Signs on County Road 1077. Bernard Geenens asked about digging out a ditch on 600 Road between Casida Road & County Road 1077. Mike Page stated that he will take a look at it with the Road Foreman.

At 10:00 AM Jason Sabine 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. After discussion, Jason Sabine withdrew his motion.

The Clerk gave the Commission a copy of the bill from Ellis Construction on the Extension Office. So far the bill is \$861.45. The Commission discussed the Kansas Works employees. Mike Page has also talked to

a roofer about repairs on the Courthouse roof. The Commission discussed insurance needed for working on roofs.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, November 3, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

November 3, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Frank Grosshart led the Pledge of Allegiance.

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

Jason Sabine stated that he is going to abstain from the Election Canvass so the other Commissioners will need to appoint a 3rd canvasser.

Doug Barlet asked the Commission to add a program called "Snag It" to the approved list of software. Jason Sabine moved to approve adding "Snag It" to the list of approved software. Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney informed the Commission that we need to monitor one well every year for arsenic levels.

John Black presented a permit to bury requested by the State Land Reclamation located on State Line north of 1100 Road. Jason Sabine moved to approve the permit to bury as requested. Mike Page seconded the motion. The motion passed 3-0.

Black also reported that 2 people have contacted him wanting to conduct safety meetings for our Road employees. The Commission agreed to allow the Road Dept. employees to attend the safety meetings.

Harry Wisdom stated that the blacktop is done at Centerville.

Larry Robinson presented information on a CUP for a shooting range at 500 & Read Road. The Planning Commission voted 6-2 to deny the application with the following findings: It does not fit the character of the neighborhood and there is no benefit to the public health, safety, and welfare. Robinson stated that he does not necessarily agree with the findings. The Commission can send the CUP back to the Planning Commission, override the recommendation of the Planning Commission, or accept the recommendation of the Planning Commission. Robinson recommends that if the Commission is going to send this back to the Planning Commission, they should wait until next week when the County Counselor is present. Ward Goodison presented information on the CUP. Goodison stated that they would be willing to donate \$100.00 to Concern for every sold shoot and would also train Law Enforcement Officers at no cost to the County. The Commission wants to talk to the County Counselor before making a decision.

The Commission asked Larry Robinson if he would serve on the Board of Canvassers Friday. Robinson agreed to serve as a canvasser. Herb Pemberton moved to appoint Larry Robinson to the Board of Canvassers Friday. Mike Page seconded the motion. The motion passed 2-0. Jason Sabine abstained.

Jason Sabine moved to schedule a special meeting on Friday, November 7, 2008 at 9:00 AM to meet as the Board of Canvassers for the November 4th General Election. Mike Page seconded the motion. The motion passed 3-0.

Jerry Bedgood presented bids for the roof repair at the La Cygne Senior Center. Bids received were: Daniel Purinton, \$5,060.00 (if we supply a dumpster); and L&E Enterprises, \$5,306.00 (if we supply a dumpster). Mike Page moved to approve the bid from Daniel Purinton in the amount of \$5,060.00. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission and Bedgood also discussed the ongoing sewer line problems at the Extension Office. Bedgood informed the Commission that the truck that the Maintenance Dept. has been using needs repairs that will cost more than the truck is worth. Bedgood would like to use the truck that was the Planning & Zoning truck. The Commission agreed to let Bedgood continue to use the old Planning & Zoning truck.

Sharon Geiss, Mid-America Nutrition, presented her 2008 Year End Report and the 2009 Building Use Agreement. The Congregate meals are up but the home delivered meals are down. The Clerk stated that the Counselor has reviewed the agreement. Mike Page moved to approve the 2009 Building Use Agreement. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission will discuss an addendum to the agreement with the County Counselor.

At 10:10 AM the Chairman asked for public comment. Mary Grosshart, Silver Haired Legislator, gave the Commission a thank you letter from the Treasurer of the Silver Haired Legislature. Glenn Vaughn stated that he just

paid his taxes and they were up about 20%. He also sold a load of cattle and they were down 20%. Mary Thomas commented on the blacktopping job at Centerville. Thomas stated that it looks good except that rock was not removed from south side of Market St. so there is only about 3" of curb left.

Jason Sabine discussed adding an invocation to the agenda. Sabine suggested contacting area Pastors about leading the invocations.

Jason Sabine moved to approve a permit to bury and attached agreement requested by Kebo Oil & Gas, Inc. for a 6" gas line. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$153,799.62; Employee Benefit, \$44,047.67; Appraiser, \$13,021.92; Rural Fire, \$26,635.57; Road and Bridge, \$123,461.83; 911 Telephone Tax, \$2,582.74; Health Dept., \$5,448.59; Crime Victim Assist., \$904.71; Elderly, \$2,724.47; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

The Clerk stated that as of Saturday, 921 voters have already voted an Advance Ballot. So far today another 35 have voted. Advance voting closes at Noon today.

Mike Page stated that he was also planning on abstaining from the Election Canvass. Jason Sabine moved to appoint Frank Grosshart to replace Mike Page on the Board of Canvassers Friday. Herb Pemberton seconded the motion. The motion passed 2-0. Mike Page abstained.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Friday, November 7, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

November 7, 2008

The Board of Linn County Commission met in special session as the Board of Canvassers at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Vice Chairman; David Lamb, County Clerk and Election Officer; and Gary Thompson, County Counselor. Also present were Larry Robinson and Frank Grosshart. Robinson and Grosshart were appointed by the Commission during the November 3, 2008 regular meeting to serve on the Board of Canvassers. David Lamb led the Pledge of Allegiance.

Following is a copy of the Notice of Special Meeting:

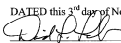
LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2668
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

**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 Friday, November 7, 2008 in the Commission Room, Courthouse Annex. This special meeting has been called for the Commissioners to meet as the Board of Canvassers for the November 4, 2008 General Election and to take any necessary action concerning the Election Canvass.

DATED this 3rd day of November, 2008.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sutherland, County Attorney
Marvin Stites, Sheriff

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augur, Transportation

John Maloney, Noxious Weed
Dennis Arnold, Economic Development
Doug Barlet, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

Election Officer David Lamb read the County machine print out results as the Board of Canvassers compared the results to the Abstract Book. Lamb then read the write in results as the Board of Canvassers compared the results to the Abstract Book and the Tally Books.

At 10:22 AM Herb Pemberton moved to take a 5 minute break. Frank Grosshart seconded the motion. The motion passed 3-0.

The Board of Canvassers then reviewed the 123 Provisional Ballots. The Election Officer explained the reasons for the provisional ballots. Larry Robinson moved to accept the recommendation of the Election Officer to not count 38 provisional ballots, to partially count 4 provisional ballots, and to count the remaining 81 provisional ballots (including hand counting 11 ballots that the machine could not read and 6 UOCAVA ballots). Frank Grosshart seconded the motion. The motion passed 3-0.

At 11:15 AM the Board of Canvassers went to the Courthouse to run the provisional ballots through the ballot scanner, after which the Board of Canvassers certified the total election results.

With nothing further on the agenda Herb Pemberton moved to adjourn the Board of Canvassers meeting. Larry Robinson seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

November 10, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Herb Pemberton moved to approve the minutes of the last regular meeting and the November 7, 2008 Board of Canvassers meeting as printed. Jason Sabine seconded the motion. The motion passed 3-0.

Dan Morris discussed problems with the low-boy trailer. Morris has located a used trailer that would work as a replacement for \$34,000.00. Morris also checked on prices of new trailers. They ran from \$65,000.00 to \$100,000.00. Mike Page would like to look at the trailer before making a decision. Herb Pemberton moved to approve purchasing the low-boy trailer from Highway Trailer Sales, Inc. in the amount of \$34,000.00, if it meets the approval of Mike Page. Mike Page seconded the motion. The motion passed 2-0. Jason Sabine abstained.

Jason Sabine moved to approve the following add/abate/refund orders: 2008-1 thru 9, and 11 thru 24. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney presented a letter on nuisance abatement that was sent to a property owner on 2400 Road. The Commission instructed Maloney to ask the Sheriff to send a Deputy with him to talk to the property owner.

Maloney also discussed allowing the Lake Region RC&D to have a meeting in the Annex concerning septic systems near the Marais des Cygne River. The Clerk can schedule a meeting time for RC&D.

Larry Robinson presented Wireless 911 Grant Reports for Commission signatures. Herb Pemberton moved to allow the Chairman to sign the Wireless 911 Grant Reports. Mike Page seconded the motion. The motion passed 3-0.

The Commission and Robinson also discussed mapping/readdressing in the lake developments and Linn Valley.

Then Commission then discussed the proposed CUP for the shooting range. Ward Goodison stated that their target clientele would be law enforcement personnel. Gary Thompson explained the procedure for a CUP. At this time, the Commission can either accept the recommendation of the Planning Commission or send it back for reconsideration by the Planning Commission with suggested findings and conditions. The Commission will continue this discussion to the next Commission meeting before making a decision.

Dennis Arnold announced that Linn County was recently designated to participate with the Entrepreneurship Program through Network Kansas.

At 10:00 AM the Commission opened bids for the Prescott Fire Station. Bids received were: City of Prescott, \$25,001.00. The County had already negotiated a trade or option to purchase with William Burns in the amount of \$22,000.00. Jason Sabine moved to accept the bid from the City of Prescott in the amount of \$25,001.00, contingent on execution of a sales agreement with the City of Prescott. Mike Page seconded the motion. The motion passed 3-0.

The Commission then opened bids for fire station heaters. The Commission asked Barlet to review the bids with the Fire Board and come back with a recommendation.

Barlet then showed the Commission a sample of reflective safety vests that are required for all workers (Fire, Law Enforcement, Road Dept., etc.) on Federal aided roadways. Barlet had budgeted \$3,000.00 for this purchase in next year's budget, but the deadline is November 24, 2008, so we need to make the purchase now.

Jerry Bedgood stated that the La Cygne Senior Center roof should be completed this week. Bedgood also reported that we can purchase a camera for sewer lines for \$706.41.

Don Proffitt addressed the Commission concerning the proposed CUP for the shooting range and the Senior Center meals. Proffitt is concerned about the caliber of weapons used at the shooting range. Proffitt is also concerned about the character of the neighborhood because of hunting in the area. There is hunting in all areas of the County except in the Cities. Proffitt then discussed the Senior Center meals. Proffitt stated that the numbers are going down at the Senior Centers and the quality of food is not as good as it used to be. Proffitt also is not in favor of the \$0.50 increase in suggested donation for a meal.

At 10:48 AM the Chairman asked for public comment. Bernita Robbins asked about the investment program that Dennis Arnold announced today. The Commission advised Robbins that Arnold would be the person to answer questions on the Entrepreneurship Program. Tim Staton announced that Brown's Farm & Ranch completed work through the Sidewalk Grant.

Jason Sabine moved to approve the following pays/special pays: General, \$73,529.74; Appraiser, \$616.64; Rural Fire, \$1,920.87; Road and Bridge, \$27,163.71; 911 Telephone Tax, \$832.53; Health Dept., \$444.36; and Elderly, \$1,892.90. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to cancel the November 17, 2008 regular meeting due to lack of a quorum. Mike Page seconded the motion. The motion passed 3-0. Herb Pemberton and Mike Page are both planning on attending the annual KAC Meeting in Wichita on that date. The Clerk will contact the Commissioners if anything comes up that would require a special meeting next week.

At 11:00 AM Jason Sabine 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, with no action to be taken, followed by adjournment. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Commissioner-Elect Vicki Leonard, and the County Counselor attended the executive session.

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

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, November 24, 2008. Mike Page seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

November 24, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; John Copple, Deputy County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Dan Morris, Road District #1, presented a water line burial permit for Diversified Contracting at 5630 West 2200 Road. Herb Pemberton moved to approve the permit. Jason Sabine seconded the motion. The motion passed 2-0 with Mike Page abstaining.

The commission discussed a hole in the concrete driveway of the ambulance barn at La Cygne. The commission directed Morris to do a temporary patch until the concrete can be repaired in the spring.

Jason Sabine said OSHA has inspected the ambulance barn at La Cygne, with the primary issue being some deep cleaning that was needed. Steve Hoeger, AMR, said employees have cleaned a number of items and have power washed some of the walls. Hoeger said tests have been performed on the mold that was found. Results were that the mold was old and dormant. Hoeger said the issues are being addressed. The commission directed Jerry Bedgood to complete power washing of the entire building, to meet our commitment to OSHA.

Hoeger said his staff has fielded a number of complaints about issues in re-addressing the lake communities. He asked that the media help explain to the public what is happening and how it is being handled.

Pam Cannon, Mapping, reported on her work on the lake development re-addressing project. She said letters were initially mailed to active addresses, and not to empty lots. She and Larry Robinson said that since that initial mailing the Post Office has provided quite a few additional addresses that were not in the 911 database. Cannon said resolving issues following the initial mailing has been a major project.

Cannon told the commission that she has provided the fire department with some new map layers for use in field work, and that she has been working with Robinson on re-addressing properties along the Highway 69 project.

Cannon requested direction from the commission on appropriate charges for other agencies that want to use our digital aerial photography. She also asked that her new department be designated the Linn County GIS / Mapping Department.

Harry Wisdom, Road District #3, reported that he needs culverts and rebar. Wisdom said that he is basically done with bridges this year, and suggested holding off on the purchases until next year in the hope prices will go down. Wisdom also asked about a purchase order designating 2007 funds to purchase concrete from Maschino Lumber and Ready Mix. Maschino no longer sells concrete, and the material was to be used for extension of the boat ramp at the new lake. Gary Thompson said he would check with the county's auditor to see if the purchase order can be redirected, or can be used to purchase material other than concrete.

The commission approved ordering two loads of road salt, one for District #3 and one for District #2.

Joe Maloney, Solid Waste, reminded the commission of an outstanding proposal well monitoring from AquaTerra. The commission agreed to wait until next year to make a decision. Maloney said that he and Gary Shroyer will be attending a recertification session for household hazardous waste. Maloney said that the landfill will be open Saturday, November 29th, for normal hours. The current landfill cell has approximately a year left until it is filled, and Maloney reported that his crew is doing work on the next cell to get it opened.

Maloney said he has been getting requests from people to pull shingles and debris off their trailers at the construction demolition landfill site. Maloney asked if Solid Waste should continue to help people unloading debris, considering the potential liabilities. Gary Thompson says it is probably okay for the county to charge for unloading assistance, but he recommended that people be required to unload their own debris. Thompson said if the county in the future decides to charge and provide assistance that people should sign a release of liability for any damage that might result to a trailer or truck.

Jason Sabine moved to approve the following add/abate/refund orders: 2008-25 thru 34, and 37 thru 49. Mike Page seconded the motion. The motion passed 3-0.

Barry Walker, sheriff-elect, reported that he will be attending a required two-week 80-hour new sheriff's training course. Walker said

the course is open, on a limited basis, to undersheriffs also. He asked the commission to approve sending his designated undersheriff, Paul McKee, to the same course so that McKee will be trained to act as sheriff during Walker's additional training absences next year. The cost of the course is \$995 each for Walker and McKee, along with related mileage expenses. Herb Pemberton made a motion to approve the expense. Mike Page seconded the motion. The motion passed 3-0. During the two-week course Walker and McKee will be paid wages at the current deputy sheriff's rate. The expense will be taken from the sheriff's department budget lines.

Walker said he had talked with current Sheriff Marvin Stites about a complete inventory of county-owned equipment and the sheriff's evidence room in the transition between sheriffs. Walker requested that the county appoint an independent witness to the actual inventory process. Gary Thompson said he would visit with the county attorney's office about providing the witness.

The commission discussed the shooting range conditional use permit (CUP) recommendation received two weeks ago from the county's Planning Board. The board recommended denying the permit because the proposed use did not fit the character of the neighborhood and that it would detract from property values. Robinson said that he had visited with other nearby property owners, many of whom told him they owned their land with the intention of hunting on it, so he disagreed that the proposed use does not fit the character of the neighborhood. Robinson said he had visited with the appraiser and learned that the proposed use would not impact the value of surrounding properties. Gary Thompson pointed out that it is already legal to fire the weapons on the property in question, but that the owners cannot charge others to fire weapons there without the CUP approval. The commission asked sheriff-elect Walker for his opinion. Walker said he thought a shooting range is needed in the county, and that he thought the commission could address any potential issues with restrictions. Undersheriff David Streigel told the commission that the county currently uses a shooting range with no facility cost, and that officers are required to be certified with their weapons each year. Thompson explained the commission's options to respond to the Planning Board's recommendation, by adopting the board's recommended denial of the CUP, overriding the board's recommendation, or returning the CUP to the board with recommendations. Jason Sabine moved to reject the planning board's recommendation based on inadequate findings and urged the planning board to revisit and consider approval with more thorough findings. The commission also suggested to the planning board that the following conditions be considered: That public signage be provided when large caliber weapons will be in use; that a donation of \$100 per shoot be provided to Concern; that all Linn County Sheriff's Office weapons training be made available with no charge for the use of the facility; that hours of operation be restricted to daylight on Friday and Saturday; that the range meet or exceed all National Rifle Association (NRA) design standards; that all shoots be supervised by an NRA-certified range safety officer; and that all operations be conducted in accordance with federal/state regulations with regard to firearms use/safety, and meet or exceed all requirements of the NRA, ATF, as well as the State of Kansas and the Linn County Sheriff's Office.

At 1035 a.m. Herb Pemberton moved to take a five minute break followed by a 20 minute executive session to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 3-0. At 10:40 a.m. the commission, counselor, and Wes McClain attended the executive session. At 10:50 a.m. McClain left the meeting and Pam Cannon joined the meeting.

At 11:00 Jason Sabine made a motion to extend the executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended the extended session.

At 11:13 a.m. the public session reconvened. As a result of the executive session Herb Pemberton moved to accept the resignation of Wes McClain as a sheriff's deputy, effective November 30, 2008. Mike Page seconded the motion. The motion passed 3-0. The commission directed Gary Thompson to write a letter release McClain from obligations for his training.

There was no other action from the executive session.

The commission directed that by December 8th all department heads and elected officials are to put together a pay matrix for their individual departments. The matrix is to be based on merit, not just seniority, and is include updated job descriptions. Sabine explained that this is to go along with consideration of a proposed new employee handbook, and that if department heads and elected officials do not comply the commission will not consider later requests.

Doug Barlett, Fire Chief, presented automatic aid agreements with Pleasanton and Linn Valley. An agreement has already been approved with La Cygne, and Barlett plans to meet with Mound City this month. Herb Pemberton made a motion to enter into agreements with Pleasanton and Linn Valley. Mike Page seconded the motion. The motion passed 3-0.

The fire board recommended moving Jake Mattingly, Pleasanton Station 920, from probationary to non-probationary firefighter status. Jason Sabine made a motion to make the change in status for Mattingly. Mike Page seconded the motion. The motion passed 3-0.

The fire board recommended buying a used four-wheel drive one-ton truck to replace an older grass truck at Pleasanton Station 920,

using money that is available in this year's budget. Barlett said the existing truck has extensive mechanical problems, and that he expected the replacement truck to cost \$15,000 to \$20,000. Jason Sabine made a motion to allow Barlett to look for a replacement truck. Herb Pemberton seconded the motion. The motion passed 3-0.

Barlett told the commission he has \$18,000 budgeted for replacement turnout gear this year and \$20,000 budgeted for next year. He has been told that the gear prices will go up 2-3 percent in February. Each set of firefighter coat and pants costs about \$1,500 currently. The fire board recommended spending \$18,000 now and spending next year's money in January to get the best value. The commission asked Barlett to check with the suppliers to see if spending the total in January would gain better pricing. The \$18,000 from this year can be put on a purchase order to be held for next year.

Barlett said he had looked for ways to reduce the costs of replacing heaters in several fire stations, but had been told that the infrared heaters are going to be the most effective and efficient. The commission reviewed bids from Douglass and Sons Heating and AC, and Bradley Air Conditioning and Heating for stations at Parker, Centerville, and Blue Mound. The bid from Douglass was \$25,151.00. The bid from Bradley was \$25,606.81. The fire board recommended signing the contract with Douglass in the amount of \$8,637.00 for the Centerville station and in the amount of \$8,163.00 for the Blue Mound, and requesting the bidder to honor the price of \$8,351.00 for the Blue Mound station for another 90 days so that the Blue Mound purchase can be made with next year's budgeted funds. Barlett contacted the vendor who agreed to honor the Blue Mound price for 90 days. Jason Sabine made a motion to allow the chairman to sign the contract with Douglass and Sons Heating and AC for Centerville and Parker, and to require the vendor to honor the Blue Mound price for 90 days. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton said that Rural Water District #1 is now using all of the old fire station building at La Cygne, and suggested that Gary Thompson write a letter requesting the water district to pay the utilities on the building.

Gary Thompson said that he had talked to the county's auditor and it is okay to change to a different vendor for the concrete purchase order, since the designated vendor no longer makes concrete.

In public comments – Bernita Robbins questioned why the commission repeatedly approves more money for the fire department. Jason Sabine explained that they are not approving more money, since the money requested was already budgeted. Herb Pemberton said the commission spends many hours in budget work trying to save the county money, and the budget is the restriction on department spending. Pemberton said that as a commissioner he believes it is necessary to spend the money to protect the citizens of the county.

The deputy clerk informed the commission that the contractor has completed repairs on the Centerville senior center building, and has sealed the seams on the parker senior center roof with completion of that project as soon as the seams are cured.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for October 2008. Mike Page seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for October 2008.

The commission discussed a letter indicating that state courts will be closed for a holiday on Friday, December 26th, the day following Christmas. The commission decided not to extend the holiday to all county employees. Jason Sabine said he didn't think the county could afford to pay employees for an additional holiday. Sabine made a motion for county offices to be open for business on December 26th. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$143,552.79; Employee Benefit, \$59,958.27; Appraiser, \$10,525.00; Rural Fire, \$2,695.97; Road and Bridge, \$78,189.08; 911 Telephone Tax, \$235.50; Health Dept., \$5,348.14; Crime Victim Assist., \$904.71; Elderly, \$1,717.80; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, December 1, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 1, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

Mike Page moved to approve the minutes of the last regular meeting with one correction. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the following add/abate/refund orders: 2007- 254 thru 258, 260, and 261 and 2008-50 and 51. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission and Clerk discussed the day after Christmas. The Commission made no changes to last week's decision at this time.

Doug Barlet presented bids for building the Prescott Fire Station. Barlet and the Fire Board will review the bids.

The Commission signed a letter to Miami County releasing them from liability for Wes McClain's training expenses.

At 9:28 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Mel Bolling attended the executive session.

At 9:38 AM the executive session ended. No action taken.

At 9:49 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues with the County Counselor concerning the Deputy County Coroner position. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and Claude Warren attended the executive session.

At 9:59 AM the executive session ended. No action taken.

At 10:05 AM the Chairman asked for public comment. Jean Vaughn asked if we hired Warren as a Deputy Coroner. (We have not, he was appointed Special Deputy Coroner for Linn County by the District Coroner and Miami County.)

Jason Sabine moved to allow Claude Warren to purchase items needed for his position as the Special Deputy Coroner in the amount of \$547.50, to be paid from the General Fund. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$70,245.77; Employee Benefit, \$60,034.77; Appraiser, \$10,353.94; Rural Fire, \$3,481.98; Road and Bridge, \$30,248.32; Health Dept., \$4,181.67; Crime Victim Assist., \$904.71; Elderly, \$1,803.34; and Zoning LEPP, \$216.67. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the following pays/special pays: General, \$115,996.81; Employee Benefit, Appraiser, \$834.86; Rural Fire, \$5,389.20; Road and Bridge, \$68,593.28; 911 Telephone Tax, \$2,643.64; Health Dept., \$1,333.65; and Elderly, \$6,667.43. Mike Page seconded the motion. The motion passed 3-0.

The Commission discussed December 26th again. They may discuss it further next week.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, December 8, 2008. Mike Page seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 8, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Jason Sabine moved to approve the following add/abate/refund orders: 2008-52 thru 57. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to appoint Rob Dent for another term on the Fire Board. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:05 AM Herb Pemberton 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. Mike Page seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:20 AM the executive session ended. No action taken.

Marilyn Augur presented information on a Transit Grant for 2010 for a new vehicle and operating money for the Transportation program. Augur wants to apply for a new 13 passenger lift vehicle. The County share of the cost would be \$13,198.50. Mike Page moved to sign a letter to KDOT, to apply for the grant. Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney informed the Commission that the Solid Waste loader broke down. It has antifreeze in the oil. Heavy Equipment will put in a rebuilt motor for \$9,000.00. Caterpillar would charge \$17,000.00 for a new motor plus \$4,100.00 for labor. Mike Page suggested taking the head off before making a decision; it could be a cracked head.

Dan Morris asked to declare a lowboy trailer surplus property. Herb Pemberton moved to adopt Resolution #08-25, declaring the 1976 Remco Lowboy Trailer surplus property. Jason Sabine seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-25:

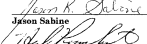
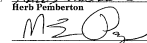

RESOLUTION NO. 08-25


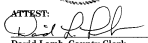
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY, KANSAS

BE IT RESOLVED, that the following piece of equipment be declared as surplus
property:

1976 Remco lowboy trailer 85 ton : 51645

APPROVED AND ADOPTED THIS 8th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Jason Sabine

Herb Pemberton

Mike Page


ATTEST:

David Lamb, County Clerk

John Maloney informed the Commission that there was a meeting on septic issues for the Marais des Cygne Basin last Thursday. Cost share money (up to \$1,000.00 per person) is available for everyone in Linn County that has a failing system.

Doug Barlet gave the Commission a list of equipment that the Fire Board has approved purchasing in the amount of \$20,104.90. Herb Pemberton moved to approve the equipment for the Fire Dept. as requested. Mike Page seconded the motion. The motion passed 3-0.

Barlet also asked for permission to buy 9 tires for up \$4,500.00 for trucks at Centerville and Parker. Mike Page moved to allow up to \$4,500.00 for 9 tires. Jason Sabine stated that he would rather wait and get prices before making a decision. Herb Pemberton seconded the motion. The motion passed 2-0. Jason Sabine abstained.

At 10:07 AM Jason Sabine moved to take a 5 minute break. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine read a letter to KCPL thanking them for donating money for the 2200 Road project. KCPL paid \$215,000.00 for materials for 2200 Road. Herb Pemberton moved to sign the thank you letter to KCPL. Mike Page seconded the motion. The motion passed 3-0.

Larry Robinson informed the Commission that the Planning Commission recommended approving a CUP for a new airstrip by a 6-2 vote (Dave Berglund abstained) with the following findings: 1) The potential gain to the public health, safety, and welfare far outweighs any potential detrimental effect to the nearby properties, 2) Does not disrupt the character of the neighborhood, and 3) Complies with the Comprehensive Plan; and conditions: 1) The City of Pleasanton enter into a wetland mitigation contract, 2) The City of Pleasanton enter into mitigation for the endangered Meads Milkweed that complies with all State and Federal regulations, and 3) All FAA regulations are adhered to. Larry Robinson recommended approval to the Planning Commission with the following findings: 1) Fits the character of the neighborhood, present noise levels from railroad and road traffic exceeds general aviation aircraft noise levels, 2) Zoned "A" Agricultural but is within the 2-mile growth area of the City of Pleasanton, 3) Suitability of the property to its present and proposed use, "A" Agricultural property is suitable to a variety of permitted uses including those requiring a CUP, and the CUP list includes "Airports, aviation fields, heliports and/or landing fields, either publically or privately owned", 4) Affect proposed use would have on nearby property, Dillon &

Witt appraisal report states “there is a lack of information available as to most all issues relating to the development of this property”, “the FAA is stating that airports should be constructed in areas that will least affect people.” This site is as close to the most major highway traffic corridor and the busiest railroad line as you can find in Linn County, 5) This property has been used for the furtherance of agricultural pursuits forever, while many of the properties around it have been divided up or sold off for ag/residential or single family dwelling use, or swallowed up for public or quasi-public use, 6) If an airport by itself creates negative influences on surrounding properties, keeping it in close proximity to other facilities that generate those same negative influences is in the best interest of the overall public safety, health and welfare, 7) The Linn County Comprehensive Plan’s Transportation Policies section on pages 135 through 137 adequately documents that the proposed location is suitable and a desirable location for an airstrip; provided the items outlined in the environmental study are appropriately mitigated to the satisfaction of the agency requiring oversight of those specific environmental concerns.

Nicholas Porto then addressed the Commission concerning the CUP. Porto stated that a protest petition has been filed by 20% of the landowners near the proposed airstrip. Porto also asked that Jason Sabine recuse himself because he is a member of the Runway Advisory Committee. Sabine asked Gary Thompson to give the Commission a written opinion on this subject at next week’s meeting. The Vice Chairman will take over the Commission meeting for this item today, until Gary Thompson can give a written opinion on Jason Sabine participating in the decision. Porto also stated that the CUP should be denied due to the *Golden* factors. Porto listed his reasons for denying the CUP based on each of the *Golden* factors. Porto stated that Mr. J. Russell Dillon, a certified appraiser, opines that the construction of the proposed runway will create a permanent and sudden drop in the property values surrounding the airfield. Porto’s conclusion stated “Using the *Golden* Factors to evaluate the application for Conditional Use Permit leads to the reasonable conclusion that the application must be denied given the agricultural nature of the community and that the potential devastating effects on the surrounding property owners. Should the application be denied, Mr. Arnold, the current property owner would not be adversely affected because he would still maintain his property at its current value and be able to sell it if he so chooses. For each of the foregoing reasons, I respectfully request that the Linn County Commissioners deny the Runway Advisory Committee’s application for Conditional Use Permit.”

Gary Thompson recommends that the Commission get a complete copy of the record of this CUP application and prepare questions for the applicants and the opponents for next week’s meeting. Herb Pemberton moved to take the advice of the Counselor and wait until next week to ask questions and make a decision. Mike Page seconded the motion. The motion passed 2-0. Jason Sabine abstained.

At 10:57 AM the Chairman asked for public comment. Bernita Robbins stated that the audience was not allowed to speak at the last Planning Commission meeting. Larry Hall commented on the serious financial issues facing the Country and the State and the costs to the County if this is approved, cost of maintaining the airstrip, and other issues including drug trafficking, and the potential costs associated with a lawsuit. Hall asked to have the issue put on the ballot. Jean Vaughn is concerned about drug trafficking at the airstrip. Fred Kautt spoke about allowing the citizens to vote on this issue, were citizens allowed to vote on the paving of 1050 Road & Massey Road. Mary Thomas thinks the cost of the property is excessive. Thomas also stated that we need to be concerned with the clear zone. Thomas stated that airstrips are monitored for drug traffic. Janice Fryendall spoke against the CUP. Rick Thomas discussed reasons to deny the CUP, quoting our Comprehensive Plan. Patsy Stogsdill spoke in favor of the CUP. Stogsdill stated that the application is for a runway, not an airport. Any other uses for the property would have to be applied for in a separate CUP. Bernita Robbins asked if the Commissioners had been out to look at the pump station on CR 1095. Clarence Easley spoke in favor of the airstrip. Easley stated that property values have increased near KCI and Johnson Co. Executive Airport. Easley also stated that one coal truck produces as much pollution as 150 cars, one small aircraft produces as much pollution as 3 cars. Tommy Tuggle asked if there has been a study of what the airstrip will cost the County each year.

Joy Purkeypile and Roger Carbon requested a purchase order for paving the parking area at the 4-H Building. John Byington stated that the materials would cost \$3,041.00. There does appear to be adequate funding left for this project in the 4-H Building budget. We will need to list the vendor and cost of the materials in order to use a purchase order for this project. Carbon and Purkeypile can work out the details

with the County Clerk.

Mike Page and Herb Pemberton agreed that Herb Pemberton will be the Chairman next year. We have to submit signatures for the digital signature file now in order to be able to sign checks for the 1st payroll of 2009.

Jason Sabine moved to close the County offices on Dec. 26th for the Christmas holiday. Herb Pemberton seconded the motion. The motion passed 3-0.

Donna Thomas presented job descriptions for her employees. Thomas also presented a copy of her responsibilities. Thomas then presented suggested salaries for her department for next year. Thomas stated that she missed giving her Office Assistant her raise at six months of employment. Herb Pemberton moved to give Jennifer Sabine a \$0.25 raise retroactive to September 1st. Mike Page seconded the motion. The motion passed 2-0. Jason Sabine recused himself from this discussion and abstained from the vote.

At 12:52 PM Jason Sabine moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 1:33 PM the meeting reconvened. Jason Sabine did not return for the afternoon session.

The Commission discussed the proposed new Employee Handbook. Several suggestions were made by Dept. Heads and Commissioners that will be printed in a new draft for the Commission to approve.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, December 15, 2008. Herb Pemberton seconded the motion. The motion passed 2-0.

Attest:

Commission Chair

County Clerk

December 15, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

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

Jason Sabine moved to approve the following add/abate/refund orders: 2008-58 thru 60. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for November 2008.

Mike Page moved to approve the Sheriff's Monthly Fee Report for November 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to sign the letter of support for the Coordinated Transit District #10 for capital and/or operating assistance under a Section 16 or 18 grant. Mike Page seconded the motion. The motion passed 3-0.

The Clerk gave the Commission the Final Draft Copy of the new handbook. The Counselor suggested a change in the wording on Page 16 concerning Retirement Gifts. Jason Sabine moved to adopt Resolution #08-26, adopting the new Employee Handbook (with the change suggested by the Counselor) and repealing all previous handbooks and policies. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-26:

RESOLUTION NO. 08-26

IT IS HEREBY RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS:

1. The "Linn County Kansas Employee Handbook: Personnel and Administrative Policies", printed December 9, 2008, and attached hereto, is hereby adopted as the official statement of policy of Linn County, Kansas to take effect January 1, 2009, and to be in effect thereafter.
2. All Employee Handbooks, personnel policy statements and summaries existing and applicable prior to January 1, 2009 are hereby repealed and shall henceforth be deemed null and void.
3. Each current employee shall be supplied with a copy of the Handbook adopted hereby prior to January 1, 2009, as well as a form entitled "Acknowledgement of Receipt and Review of Employee Handbook", and shall, as a condition of continued employment, sign and submit to that employee's supervisor the Acknowledgement, which shall be included in the employee's personnel file.
4. Each new employee beginning service on or after January 1, 2009, shall be supplied with a copy of the Handbook adopted hereby prior to beginning employment, as well as a form entitled "Acknowledgement of Receipt and Review of Employee Handbook", and shall, as a condition of employment, sign and submit to that employee's supervisor the Acknowledgement, which shall be included in the employee's personnel file.

RESOLVED THIS 15TH DAY OF DECEMBER, 2008.

CHAIRMAN

VICE CHAIRMAN

MEMBER

ATTEST

COUNTY CLERK



Jerry Bedgood reported on the powerwashing of the La Cygne Ambulance building. Bedgood stated that a powerwasher would damage the old siding on the building and at this time of year we would not be able to paint the building. The Commission agreed to deal with the problem in the spring.

Joe Maloney reported that the Solid Waste loader has a cracked block. Heavy Equipment would charge \$11,500.00 to replace the motor. Caterpillar would charge \$14,578.71 to replace the motor. Both quotes include the core charge. Heavy Equipment has a 6 month warranty, Caterpillar has a 12 month warranty. The Commission instructed Maloney to get bids from both vendors that include new belts, hoses, and turbo. The Commission also instructed Maloney to get a bid on replacing the undercarriage.

Doug Barlet presented bids for new grass fire trucks. Bids received were: Cox Motors – F350 4X4, \$21,373.00; Beckman Motors – F350 4X4, \$20,573.95, and Shepherd Team - F350 4X4 Diesel, \$29,514.00. Cox Motors also bid \$24,029.00 for an F450 and \$12,900.00 for a 2004 F350. Barlet will discuss the bids with the Fire Board.

Barlet also presented a Memorandum of Agreement with the Northeast Kansas Regional Homeland Security Council for housing the Emergency Response Trailer. Barlet also stated that the Fire Board recommends purchasing foam nozzles and cartridges for \$5,915.50. Herb Pemberton moved to approve purchasing foam nozzles and cartridges for \$5,915.50. Mike Page seconded the motion. The motion passed 3-0. The Fire Board also recommends purchasing oil and filters for fire trucks for an amount not to exceed \$1,800.00. Jason Sabine moved to approve the purchase of oil and filters for \$1,800.00. Mike Page seconded the motion. The motion passed 3-0. Barlet asked for authorization to repair Truck #953 for up to \$1,200.00. Herb Pemberton moved to approve up to \$1,200.00 to repair Truck #953. Mike Page seconded the motion. The motion passed 3-0. Barlet also asked for permission to buy equipment/supplies for First Responders in the amount of \$3,760.09 out of the EMS Budget. Herb Pemberton moved to approve purchasing the needed equipment/supplies for \$3,760.09. Mike Page seconded the motion. The motion passed 3-0.

Mike Page moved to appoint Tom Kemper to replace Robert Morse on the Fire Board. Jason Sabine seconded the motion. The motion passed 3-0.

At 10:21 AM Herb Pemberton moved to take a 10 minute break. Mike Page seconded the motion. The motion passed 3-0.

Donna Thomas reported that KDHE asked her to give a presentation to the State Public Health Emergency Planners. Thomas and Jennifer Sabine will be in Topeka for the presentation Friday.

Vicki Leonard presented information on maintenance costs for an airstrip. Leonard's information came from the Nevada Airport and the Bourbon County Airstrip. Leonard reported that Nevada spent \$1,900,000.00 to surface their 5000' airstrip. They budget \$50,000.00 per year for maintenance. They are also planning a \$200,000.00 lighting project. Leonard also reported that Bourbon County spent \$458,000.00 for a seal and overlay project on their runway in 2001. The runway needs to be overlaid every five years. Leonard also listed costs for parking areas for planes, fuel systems, and fencing. Leonard also questioned the availability of grant funds for future airstrip projects/maintenance.

At 10:49 AM the Chairman asked for public comment. Larry Hall quoted the Commissioner's handbook on authority to spend County funds. Ed Young, Director of Aviation for Kansas stated that the funds have been approved for this project. Young has information available for maintenance plans for airstrips. Janice Frydendall asked if there was going to be a 10' fence around the property. Frydendall stated that a lot of deer cross there every day.

Jason Sabine read copies of information about maintenance on another airstrip and letters from 2 County Appraisers stating that property values have increased around their airports.

At 11:07 AM Jason Sabine 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, Counselor, and Vicki Leonard attended the executive session.

At 11:17 AM the executive session ended. Jason Sabine stated that the executive session was about our legal obligations in this situation. Gary Thompson explained the legal obligations of the Commission. The Commission's job is to function as a quasi-judicial body to decide if the CUP should be granted. The Commission will decide if this use is a proper use for the land. The Commission is not deciding if an airport should be built or what it will cost to build an airport. The decision that needs to be made is based on the CUP application as submitted. Thompson also stated that in his opinion, Jason Sabine does not need to recuse himself from this decision. The Runway Advisory Committee was created to seek out a suitable site, coordinate the application process for the CUP, and to represent the interests of the applicant. Thompson stated that Sabine does not have a conflict of interest on this issue. Sabine did not participate in the selection of the site and has no financial interest in this issue. Thompson also stated that Sabine does not have a substantial interest and is not required to file a substantial interest statement on this issue. Thompson also stated that a 3rd concern expressed by people that spoke last week. Some people stated that Mr. Sabine has a bias on this issue, that he has prejudged the CUP. Sabine stated at a candidate forum, that "a vote for me is a vote for the airport." Thompson stated that taking the position of supporting the runway is not the necessarily the same as prejudging the CUP. Thompson recommends making written findings on the decision on this CUP. The other Commissioners are not asking Sabine to recuse himself. Sabine stated that he is not recusing himself from this issue. Mr. Porto stated that he has been informed that the Commissioners had a role in selecting the site. Herb Pemberton and Jason Sabine stated that they did not participate in selecting the site. Mike Page stated that he was involved in site selection before he was a Commissioner. Mr. Porto asked Mike Page to recuse himself based on his participation in site selection. The Commission asked Gary Thompson to write an opinion on Mr. Page's participation in this issue. Jason Sabine moved to ask Gary Thompson to do further investigation on the issue of Mike Page recusing himself. Herb Pemberton seconded the motion. The motion passed 2-0. Mike Page abstained. Gary Thompson asked Porto about 70 acres being used for air related business, does he believe that is a part of the CUP application. Porto stated that the airstrip is a large piece of the puzzle. Gary Thompson asked if the opinion from the appraiser was a part of an appraisal of the property. Porto stated that he was unable to do an appraisal due to lack of specificity in the CUP application. Gary Thompson then asked about noise disrupting quality of life, does Mr. Porto have any detailed study of noise levels. No study has been done yet. Gary Thompson asked what would be considered a reasonable amount of noise. Porto referred to Mr. Dillon's appraisal report. Gary Thompson also asked about the statement that a runway should not be located in or near an agricultural zone. Where would we put a runway in Linn County that is not in an agricultural zone? Porto stated that is not his job to answer that question. Gary Thompson asked Clarence Easley, speaking for the committee, why there has been no formal engineering study. Easley stated that they have not done the study because the CUP has not been approved. KDOT will pay for the engineering study. Gary Thompson asked Mr. Young if KDOT will pay for the engineering study if the CUP is approved. Young stated that they will, but they do not want to spend the money until a location has been approved. Gary Thompson asked Clarence Easley if they were asking for lights. They are not. Easley stated that they will comply with all FAA & KDOT regulations. Easley submitted copies of letters from the Clay County Appraiser discussing the value of land around their airport. The sale of property around the airport did not reflect an adverse effect of the airport. Easley read a letter from Coffey County that stated that land adjacent to the airport is in higher demand than other land in the County. Easley also read a letter from the Allen County Appraiser stating that she has no record of negative value around their airport. Gary Thompson asked if any studies have been done about increases in air traffic over the next 5 or 10 years. No study has been done at this time. Thompson asked if any studies on increased vehicle traffic due to airport had been done. Easley stated no studies have been done, but the increased traffic would be very small. Gary Thompson asked if there are any plans for related businesses on this property. Clarence Easley stated not that he is aware of, the CUP is only for runway and area to park planes. Thompson asked how other runways deal with crop burning. Easley stated that as a pilot, he is not aware of any problems from smoke in his 42 years of flying. Mr. Young stated that many airports use land around airports for raising crops. Runways could be closed when burning would affect the runway. Gary Thompson asked how far the property is from US 69. Easley stated around ¼ mile. Thompson asked about the distance from the railroad. Easley stated 3/8 to ½ mile. Thompson asked about the distance from commercial zoned property. Easley stated around ½ mile. Thompson asked about the distance from residential properties. Dennis Arnold stated that those distances are shown on a map of property. Dennis Arnold also stated that grant application stated that 80 acres would be available for development purposes. Easley stated that the airstrip would begin 500' north of Tiger Road, continuing 3000' north. Easley stated that the nearest house

from north end of runway would be 2,340', the nearest house to the east would be 2,310', nearest house from south end of runway would be 2,020', Mr. Arnold's house would be 650' from the runway. Gary Thompson asked if there are any plans that would require new utilities or a wider road. Easley stated that he is not aware of any. Jason Sabine asked about decibel levels. Easley stated that the noise level would be 85 decibels or less. The Commission also discussed salvage airplanes parked at the site. Gary Thompson stated that the conditions in the CUP could address the issue of salvage planes. The Commission, Easley, and Ed Young also discussed the area around a runway that must be clear from any obstructions. Easley also stated that the FAA requires that planes must maintain a distance of 500' above the nearest person's property except for takeoff and landing. Gary Thompson suggested having an executive session next week to deliberate on this issue and then draft written findings for final approval at the following week's meeting.

Herb Pemberton moved to approve the following pays/special pays: General, \$208,091.29; Employee Benefit, \$70,444.27; Appraiser, \$18,659.91; Rural Fire, \$6,214.60; Road and Bridge, \$46,861.36; 911 Telephone Tax, \$1,208.58; Health Dept., \$5,269.14; Special Alcohol, \$6,000.00; Crime Victim Assist., \$904.72; Elderly, \$3,331.90; and Zoning LEPP, \$216.67. Jason Sabine seconded the motion. The motion passed 3-0.

The Commission signed the Employee Handbook signature page. The Clerk's office will distribute the new handbooks to the employees before the end of the year.

The Commission then discussed salary schedule issues. The Dept. Heads have submitted requests to the County Clerk. The Clerk is working on compiling the information from the Dept. Heads' requests.

After discussion with Pam Cannon, Jason Sabine moved to increase Ann Brown's salary to Range 7, Step L. The motion died for lack of a second. The Commission agreed to discuss salaries next Monday afternoon. The Clerk will meet with Dept. Heads this week and bring proposals to next week's meeting.

Jason Sabine moved to appoint Nona Knox to the Planning Commission for the 3rd District. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, December 22, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

December 22, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Jason Sabine led the Pledge of Allegiance.

At 9:02 AM Jason Sabine 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 and Counselor attended the executive session.

At 9:12 AM the executive session ended. No action taken.

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

Mel Bolling presented 2 purchase orders for Road & Bridge and Solid Waste and 2 transfer requests for Noxious Weed and Road & Bridge. Herb Pemberton moved to approve Purchase Order #2008-5, General Fund, Solid Waste, WCA Waste Systems, Solid Waste Trash Disposal, \$27,000.00; and Purchase Order #2008-6, Road & Bridge Fund, Foote Construction, Box Culvert, \$16,000.00. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the following transfers: \$14,000.00 from Noxious Weed, General Fund to Noxious Weed Eradication Fund; and \$198,000.00 from Road & Bridge Fund to Special Machinery. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the following add/abate/refund orders: 2008-61 thru 67. Herb Pemberton seconded the motion. The motion passed 3-0.

Bruce Holt presented bids for roofing the Marina building. Bids received were: Midwest Diversified, Inc., \$4,152.00; and Houston Construction, \$4,162.00. Both bids are for Conklin Roofing Systems. Houston Construction's warranty is 12 years materials, 5 years labor. Midwest Diversified's warranty is 10 years. The Commission asked Bruce Holt to call both companies for details on their warranties.

Marilyn Augur presented 2 purchase orders for the Elderly Fund. Augur also presented quotes on a new vehicle for the Transportation Dept. Jason Sabine moved to approve Purchase Order #2008-7, Elderly Fund, East Central Kansas Area Agency on Aging, Area Agency match for Federal dollars and Senior Care Act match for State dollars, \$11,000.00; and Purchase Order #2008-8, Elderly Fund, Kansas City Power & Light, Utilities, \$10,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold presented a request from the City of La Cygne for the Sidewalk Grant in the amount of \$2,500.00. The City will match an additional \$2,500.00. The property owner will also match \$12.00 per linear foot. This application is for sidewalks around the Library. Herb Pemberton moved to approve the Sidewalk Grant of \$2,500.00. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet presented a request to purchase 14 chain saws in the amount of \$3,061.90. This would provide 2 Husqvarna chain saws per Fire Station. Jason Sabine asked Barlet to check into prices on other brands of chain saws.

Barlet also asked to purchase two vehicles for grass trucks from Cox Motor for \$20,773.95 each, with the requested tires. Beckman Motor bid was \$20,573.95 each, without the requested tires. The Fire Board recommended purchasing two vehicles, one from this year's budget and one from next year's budget.

Barlet then presented a lease agreement with the Water District for the old Station 950 in La Cygne. The Water District would be interested in the lease agreement if we would change the term to 10 years instead of 5 years. The Counselor will make some changes to the agreement and bring it back to the Commission.

Barlet informed the Commission that the Fire Board recommends using Zingre & Associates for the architectural work for the Prescott Fire Station. Mike Page moved to approve hiring Zingre & Associates for the architectural work. Herb Pemberton seconded the motion. The motion passed 2-0. Jason Sabine abstained.

Mike Page moved to approve the Transfer of Property Agreement for the Emergency Response Trailer with the Northeast Kansas Regional Homeland Security Council. Herb Pemberton seconded the motion. The motion passed 3-0.

Bruce Holt informed the Commission that Midwest Diversified will warranty the roofing materials and labor for 10 years. Jason Sabine moved to approve the bid from Midwest Diversified, Inc. in the amount of \$4,152.00 for the Marina Roof. Mike Page seconded the motion. The motion passed 3-0. (The Commission will need to approve a purchase order for the project.)

At 9:55 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, Vicki Leonard, and Doug Barlet attended the executive session.

At 10:00 AM the executive session ended. No action taken.

At 10:02 AM Jason Sabine 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. Mike Page seconded the motion. The motion passed 2-0. The Commission, Counselor, Vicki Leonard, and Doug Barlet attended the executive session.

At 10:12 AM the executive session ended. No action taken.

At 10:12 AM the Commission opened bids for the lowboy trailer. Bids received were: Dave Berglund, \$1,655.00; Arthur Vohs, \$4,000.00; and Frankie Noel, \$4,000.00. Mike Page stated that he would rather take the bid from the Linn County resident. Mike Page moved to accept the bid from Frankie Noel in the amount of \$4,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:16 AM Herb Pemberton moved to take a break until 10:30 AM. Jason Sabine seconded the motion. The motion passed 3-0.

Clarence Easley, Runway Advisory Committee, addressed the Commission concerning maintenance costs of a runway. Easley stated that last week's information on maintenance costs at Nevada and Bourbon County was erroneous and incomplete. Easley stated that the Fort Scott Municipal Airport is a City Airport, not a County Airport. Easley stated that our proposed runway does not compare with Fort Scott or Nevada. Easley quoted information from Kenny Howard, Fort Scott; William McCaffree, Nevada; and Mark Mitchell, Nevada. The Fort Scott Airport Manager Kenny Howard stated that he does not want to talk Linn County out of building a runway, he doesn't know what it would cost and has no idea what Linn County can afford. Howard stated that the airport has done a lot for Fort Scott. The Nevada City Attorney William McCaffree stated that Vicki Leonard's memorandum contains some misleading and erroneous information. McCaffree stated that Nevada has never had a claim because of an airplane hitting a wild animal and wouldn't have a claim because the City is not responsible for collision with a wild animal. McCaffree also stated that the Federal Government usually gives 90% grants for airstrip projects. McCaffree stated that Nevada did not have problems with eminent domain issues or litigation with property owners. McCaffree stated that over time, the airstrip should be good for the County. Kenny Howard stated that Fort Scott sealed the runway 1 time in nine years, paying \$150,000.00 for the runway seal. Howard

said it is not needed every 5 years, and it is usually paid by 90% or 95% grants. Mark Mitchell, City of Nevada, said that their normal budget is \$20,000.00 to \$25,000.00 for airport maintenance.

At 10:50 AM the Chairman asked for public comment. Bernita Robbins stated that Easley is working hard for this, what is in it for him? Robbins stated that she heard that KCPL is laying power lines for lights now. Easley stated that he is not aware of KCPL laying any lines. Easley stated that he understood that KCPL agreed to bury the existing overhead lines near the end of the proposed runway. The Commission stated that no commitment has been made by KCPL. Vicki Leonard stated that she got her information from the people she talked to at the airports, she did not make up anything. Leonard is also concerned about drainage into the Pleasanton City Lake. Leonard stated that Jason Sabine and Dennis Arnold need to let the public know what is going on, there is information that the public is not aware of. Jason Sabine listed 3 industrial development options for the land. Dennis Arnold stated that he mentioned in previous meetings that the land could be available, and as for being secretive, we don't have a plan for the land. Arnold was just talking about options for the land. Vicki Leonard also stated that Clarence Easley had told her previously that he thought it would cost \$2,000.00 to \$3,000.00 per year for maintenance. Jason Sabine stated that he thought the only maintenance for now would be snow removal and mowing. Vicki Leonard has checked with the Miami County Airport and is going to look at Anderson County's airport. Dennis Arnold stated that he understands the concern about maintenance costs, but he doesn't understand why people are concerned about maintenance on 3000 to 4000 feet of runway and not concerned about the over 20 miles of additional hard surface roads we are acquiring from KDOT. Arnold stated that we need to look at the big picture. Mary Thomas stated that she has been a Real Estate agent and the Commission doesn't have the knowledge to know if they can resell the property for what we are paying for it. Larry Hall stated that there are issues that will come up that adjoining landowners are concerned about. Hall said, the question is, will this just be an airstrip or will it be more than an airstrip? Larry Hall also asked why the Commission is approving a CUP when they will benefit from it. Gary Thompson stated that Counties have to approve their own CUP's when they need one. Hall also questioned the possibility of bias because IPC would use the airstrip and Mr. Page is a contractor at IPC. Herb Pemberton asked Clarence Easley if anyone had mentioned using the airstrip for crop dusters. Easley stated that it could be used for crop dusters and that could be a benefit to the County. Mary Thomas asked Mr. Easley to report on the ruling capacity of an Airport Authority. Jason Sabine stated that Mrs. Conley has stated that she would be willing to address the issue about the land. Jason Sabine called Mrs. Conley and put her on the speaker for everyone to hear. Rick Thomas asked if Conley's were willing to donate land for the airstrip. Thomas stated that Charles Conley told him that he would donate land. Mrs. Conley stated that they were never asked if they would donate land and they have never offered to give the County any land. Noel Jurgens stated that he has been involved in Fixed Based Operations for years. Jurgens stated that very little has been spent on Gilmore and it has not been taken care of. Jurgens is in favor of accepting the grant for the airstrip. Jurgens stated that he is available to answer questions about operating a country airport.

Doug Barlet gave the Commission local prices on other brands of chain saws. Randall Hardware, 14 Stihl chain saws, approximately \$1000.00 more than New Lancaster Sales; Conley Sales, Poulan chain saws, \$179.99 per saw, did not have a price for cases and they do not work on saws. Mike Page moved to purchase the Husqvarna saws from New Lancaster Sales for \$3,061.90. Herb Pemberton seconded the motion. The motion passed 3-0.

Barlet then asked about purchasing the trucks that were discussed earlier. Mike Page moved to approve purchasing 2 trucks from Cox Motors for \$41,547.90. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton asked Gary Thompson about the matching (like-kind) contributions for the runway grant. Would the engineering count as a like-kind contribution? (It would not.)

Gary Thompson stated that no decision will be made this week on the Airstrip CUP.

Mike Page moved to approve a Cereal Malt Beverage License renewal (License #2009-1) for Jamie L. Chambers, dba Crossroads Café & Convenience located at 22392 E 2200 Road, La Cygne KS, 66040. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a Cereal Malt Beverage License renewal (License #2009-2) for Michael M. Miller, dba Miller's Corner located at 20980 KS Highway 7, La Cygne, KS 66040. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve an Emergency Vehicle Permit for John Willard, dba A1 Tire & Auto, for a wrecker. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the following Purchase Orders for District Court, General Fund: Purchase Order #2008-1, Richard M. Fisher, Jr., Contract Attorney Fees, \$14,400.00; Purchase Order #2008-2, Gilbert E. Gregory, Contract Attorney Fees, \$14,400.00; Purchase Order #2008-3, Jesse T. Randall, Contract Attorney Fees, \$14,400.00; and Purchase Order #2008-4, John Domoney, Contract Attorney Fees, \$14,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:55 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session to discuss legal issues (attorney/client privilege) with the County Counselor until 12:30 PM. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Vicki Leonard attended the executive session.

At 12:30 PM the executive session ended.

At 12:32 PM Jason Sabine moved to extend the above executive session until 1:00 PM. Mike Page seconded the motion. The motion passed 3-0. The Commission, Counselor, and Vicki Leonard attended this portion of the executive session.

At 1:00 PM the executive session ended. No action taken.

The Clerk presented salary schedule information to the Commissioners. Clerk explained the handouts to the Commission. The Commission, Clerk, and various Dept. Heads discussed the proposals that were submitted. The Commission wants each department to compare their job descriptions to Miami County's job descriptions. The Clerk will call Miami County and ask for copies of all their job descriptions.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, December 29, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

December 29, 2008

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor. Herb Pemberton led the Pledge of Allegiance.

Jason Sabine moved to approve the minutes of the last regular meeting as printed. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following add/abate/refund orders: 2008-68 thru 71. Mike Page seconded the motion. The motion passed 3-0.

Doug Barlet presented Purchase Orders for the Rural Fire Dept. Jason Sabine moved to approve Purchase Order #2008-19, Rural Fire Fund, Diversified Contracting, Labor & Materials for wiring Station 950, \$11,627.03. Herb Pemberton seconded the motion. The motion passed 2-0. Mike Page abstained.

Jason Sabine moved to approve the following Purchase Orders for the Rural Fire Fund: Purchase Order #2008-20, Apparatus Services, LLC, Repairs for Truck #921, \$3,500.00; Purchase Order #2008-21, Douglass & Sons Heating & A/C, 930 & 940 Heaters, \$16,800.00; Purchase Order #2008-22, Cox Motor Company, Ford F350 4X4, \$20,773.95; Purchase Order #2008-23, New Lancaster Sales, 14 Chain Saws & Cases and 8 Chains, \$3,061.90; and Purchase Order #2008-24, Trinkle Auto, Repairs for Truck 953, \$1,200.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet also requested a transfer of \$37,500.00 from Rural Fire Fund to the Rural Fire Special Equipment Fund. Herb Pemberton moved to approve the transfer as requested. Mike Page seconded the motion. The motion passed 3-0.

Barlet then presented a Real Estate Lease with RWD #1 for the old La Cygne Fire building. Herb Pemberton moved to approve the Real Estate Lease as presented. Jason Sabine seconded the motion. The motion passed 3-0.

Barlet also presented a Work for Hire Agreement with Zingre & Associates, PA for the architectural and engineering services for the Prescott Fire Station. Mike Page moved to approve the Work for Hire Agreement in the amount of \$27,260.00 plus up to \$910.00 for reimbursable expenses. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Purchase Order #2008-18, General Fund, EMS Dept., National College of Technical Instruction, 16 First Responder Class Fees, \$8,800.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #08-27, cancelling outstanding warrants over two years old. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to adopt Resolution #08-28, designating the Official Depositories for County Funds for 2009. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #08-29, adopting the Official Holidays for 2009. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to adopt Resolution #08-30, adopting the Schedule of Pay Dates for 2009. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #08-31, 2009 GAAP Waiver. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to adopt Resolution #08-32, designating the *Linn County News* as the 2009 Official Newspaper for Linn County. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #08-27 thru #08-32:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY, KANSAS
RESOLUTION NO. 08-27
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 KSA 10-815 that all the County warrants listed below are hereby canceled and set aside upon the records of the County. Such records shall show the date of cancellation and shall recite that such warrant is unpaid but canceled by reason of this resolution.

The County Warrants to be canceled are:

GENERAL FUND		
2/13/2006	#62107	Julie's Thriftway \$ 84.74
3/13/2006	#62540	KDHF SW Management Fund \$ 100.00
4/10/2006	#62915	Angeleno's Dilleys \$ 10.00
4/10/2006	#62933	Kathy Hanks \$ 75.50
4/10/2006	#62989	Money \$ 10.00
4/10/2006	#62990	Patricia E. Moss \$ 35.90
5/08/2006	#63353	Arielle Billingsly \$ 10.74
5/08/2006	#63475	Taste of Home \$ 14.98
5/31/2006	#63731	Nancy J. Moore \$ 16.08
10/10/2006	#66993	Jeremy Aldrich \$ 10.00
10/10/2006	#67027	Greg Edgman \$ 23.35
12/04/2006	#67924	Jessica Jones \$ 10.00

RURAL FIRE		
3/13/2006	#62673	City of La Cygne \$ 34.95

HOSPITAL BOARD		
6/12/2006	#64091	Tami Casutt \$ 63.00

ELDERLY FUND		
3/31/2006	#62872	Allied \$ 20.66
4/10/2006	#63238	City of Pleasanton \$ 64.18
10/10/2006	#67269	Rapid Cable \$ 48.96

PAYROLL		
3/31/2006	#51001	Brian Bloomfield \$ 18.47
4/28/2006	#51260	Omar Crafton \$ 778.44
7/31/2006	#52426	Protective Life Ins. Co. \$ 13.00
10/31/2006	#53597	Todd Mead \$ 18.47

APPROVED AND ADOPTED THE 29th DAY OF DECEMBER, 2008.

ATTEST:

David L. Lamb, County Clerk


Jason Sabine, Chairman


Herb Pemberton, Vice Chairman


Mike Page, Member

RESOLUTION #08-28

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

BE IT RESOLVED: That effective January 1, 2009 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:

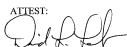
FARMERS & MERCHANTS BANK
FARMERS STATE BANK
LABETTE BANK
CITIZENS BANK
PRESCOTT STATE BANK

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.

APPROVED AND ADOPTED this 29th day of December, 2008 for year 2009.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS



ATTEST:

David L. Lamb, County Clerk


Jason Sabine, Chairman


Herb Pemberton, Vice Chairman


Mike Page, Member


RESOLUTION #08-29


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 2009:


January 1, Thursday	Now Year's Day
January 19, Monday	Martin Luther King, Jr. Day
February 16, Monday	President's Day
May 25, Monday	Memorial Day
July 3, Friday	Independence Day
September 7, Monday	Labor Day
October 12, Monday	Columbus Day
November 11, Wednesday	Veteran's Day
November 26 & 27, Thursday & Friday	Thanksgiving Day
December 25, Friday	Christmas Day

APPROVED AND ADOPTED this 29th day of December, 2008 for the year 2009.

ATTEST:

David L. Lamb, County Clerk


Jason Sabine, Chairman


Herb Pemberton, Vice Chairman


Mike Page, Member

RESOLUTION #08-30 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 2009:

PAYROLL	VOUCHERS (Due before Noon)	MONTH	VOUCHERS (Due before Noon)	COUNTY CLAIMS
January 15 January 30	January 8 January 23	January	January 29	February 9
February 13 February 27	February 6 February 20	February	February 26	March 9
March 13 March 31	March 6 March 24	March	April 2	April 13
April 15 April 30	April 8 April 23	April	April 30	May 11
May 15 May 29	May 8 May 21	May	May 28	June 8
June 15 June 30	June 8 June 23	June	July 1	July 13
July 15 July 31	July 8 July 24	July	July 30	August 10
August 14 August 31	August 7 August 24	August	August 27	September 8
September 15 September 30	September 8 September 23	September	October 1	October 13
October 15 October 30	October 7 October 23	October	October 29	November 9
November 13 November 30	November 5 November 20	November	November 24	December 7
December 15 December 31	December 8 December 23	December	December 17	December 28

APPROVED AND ADOPTED this 29th day of December, 2008 for the year 2009.

ATTEST:

David L. Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS
Jason Sabine, Chairman
Herb Pemberton, Vice Chairman
Mike Page, Member

RESOLUTION #08-31

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

WHEREAS, The Board of Commissioners, Linn County, Kansas has determined that the financial statements and reports for the year ending December 31, 2009 to be prepared in conformity with the requirements of K.S.A. 75-1120(a) 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.

WHEREAS, There are no revenue bond ordinances or others ordinances or resolutions of said municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120(a) for the year ended.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of Linn County, Kansas in regular meeting duly assembled this 29th day of December, 2008 that the Board of Commissioners, Linn County, Kansas request the Director of Accounts and Reports to waive the requirements of K.S.A. 75-1120(a) as they apply to Linn County for the year ending December 31, 2009.

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.

THEREFORE, on this 29th day of December, 2008 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, 2009.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Jason Sabine, Chairman
Herb Pemberton, Vice Chairman
Mike Page, Member

ATTEST:


David L. Lamb, County Clerk

RESOLUTION #08-32

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

BE IT RESOLVED: That effective January 1, 2009 the "Linn County News" is designated as the official County newspaper for year 2009.

APPROVED AND ADOPTED this 29th day of December, 2008 for year 2009.

ATTEST:

David L. Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS
Jason Sabine, Chairman
Herb Pemberton, Vice Chairman
Mike Page, Member

The Clerk presented the Audit Contract for the year ending December 31, 2008 with Diehl, Banwart, and Bolton, CPAs in the amount of \$13,585.00 (2% increase). The Commission agreed to wait until after the reorganization of the Commission to approve the Audit Contract.

Herb Pemberton moved to approve Purchase Order #2008-9, General Fund, Treasurer, United States Postal Service, Postage, \$5,000.00. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Purchase Order #2008-10, General Fund, Park, Midwest Diversified, Inc., Marina Roof, \$4,152.00. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve Purchase Order #2008-11, General Fund, 4-H Building, Heckert Asphalt, Hot Mix for 4-H Parking Lot, \$3,041.00. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Purchase Order #2008-12, General Fund, Election, United States Postal Service, Postage, \$1,000.00. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve Purchase Order #2008-13, Employee Benefit Fund, Election, Linn County Treasurer's Benefit Trust, Health Insurance Claims, \$300,000.00. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Purchase Order #2008-14, General Fund, Register of Deeds, United States Postal Service, Postage, \$1,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Mike Page moved to approve Purchase Order #2008-15, General Fund, Register of Deeds, Kansas Reg. of Deeds Assoc., School & Seminar, \$300.00. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Purchase Order #2008-16, General Fund, Register of Deeds, Lockwood Company, Book Repair, Sleeves, Books, & Archival Linen, \$1,800.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve Purchase Order #2008-17, General Fund, Register of Deeds, Bottom Dollar Office Supply, Redo Office Furniture, \$3,500.00. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a Cereal Malt Beverage License renewal (License #2009-3) for PDQ, Inc., Theresa Nall, Resident Agent, located at 21356 KS Highway 239, Prescott, KS 66767. Jason Sabine seconded the motion. The motion passed 3-0.

At 9:48 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session to discuss legal issues (attorney/client privilege) with the County Counselor until 10:00 AM. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Larry Robinson, and Vicki Leonard attended the executive session.

At 10:00 AM the executive session ended.

At 10:04 AM Jason Sabine moved to extend the above executive session for 10 minutes. Mike Page seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 10:14 AM the executive session ended. No action was taken at this time.

At 10:24 AM Jason Sabine moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Chairman asked Gary Thompson to read the proposed Findings and Conditions of the County Commission re: CUP application for runway (CUP #0508330). Following is a copy of the proposed findings and conditions:

"Findings of the County Commission re: CUP application for runway.

The commission, having read the record of the planning commission-public hearings, documents, submissions, research, having heard extensive comments from public and parties in the Commission meetings, and having deliberated extensively for three weeks, now makes the following findings:

1. The land is currently zoned for agriculture. There are other agricultural uses in the area as well as agricultural/residential uses. In addition, the subject property is a few hundred feet from New Highway 69 as well as commercially zoned properties. Also close by is the railroad.

The subject property is in the "growth area" of the City of Pleasanton, that area which is expected to see commercial and residential growth as the City grows and expands. The City controls subdivision regulation in this area.

We find that although there are residences as close as two thousand feet from the proposed site, there are none located so close as to make this use inappropriate for the area. Further, we find that the site's proximity to the highway, to the railroad, to commercial areas and to the City make this site appropriate for a runway and outweigh the negative aspects of this use in this site. We note that evidence shows that a runway cannot be placed on just any acreage available, but that there are requirements as to the suitability of the land (i.e., land that is relatively flat, with unobstructed approaches, etc.), which this site fulfills. Applicants have provided a preliminary environmental survey which shows few environmental problems and none which cannot be relatively easily remediated.

It is our determination that the proposed use fits well in this location and is consistent with the overall character of the neighborhood and with the uses of the area.

2. The current zoning is entirely appropriate for the property as it has been used, which is agriculture. However, evidence shows that this property is only a few hundred feet from a new four-lane highway and from newly zoned commercial property. Because of its proximity to transportation (highway and railroad) and developing commercial areas and because of its location in the City's official growth area, it is unlikely that properties in this area will remain exclusively zoned agricultural for very long. Already, several nearby properties are zoned agricultural/residential and single family residential, and it appears that some of the properties are already beginning to engage in commercial activities.

Therefore, we find that while the subject property is suitable for its current use, it is unlikely to remain pristine agricultural land for long and the proposed use is also a suitable use.
3. Some of the nearby property owners gave testimony to the effect that they believe the presence of the runway will negatively impact their property values. A total of approximately 26 letters in opposition to the permit were entered into evidence, most citing, among other concerns, this possible diminution of property value. An opinion by real estate appraiser J. Russell Dillon, based in Overland Park, Kansas, was also entered into evidence by the opponents of the permit. This opinion indicates that construction of an airport facility often results in a decrease in value of nearby properties. This opinion was based on professional literature and in the experience of the opining appraiser. The Commissioners have reviewed all the letters and Mr. Dillon's opinion.

On the other hand, proponents of the permit have entered into evidence letters from several county appraisers citing the impact of small air facilities and runways in their respective counties and indicating that they saw no decrease in the value of nearby land and in some cases, saw the value of nearby land actually increase.

Opponents of the permit who live nearby testified that they feared noise from the runway would be a problem to them. Proponents of the permit entered into evidence studies showing the decibel levels of a variety of activities and types of equipment, including airplanes, which they testified show noise could be expected to be a minimal factor to homes 2000 or more feet from the runway, particularly in light of the small daily average number of planes expected to use the runway. Proponents also pointed out that the proximity of the proposed runway to the highway made it likely that any added noise from runway traffic would be unnoticeable as compared to the highway traffic noise.

Opponents testified as to other fears concerning the proposed use, including possible use of the runway for "illegal" activities and possible future expanded uses of the runway property which are not covered under this CUP.

We find that while it is possible that this use of the land in question could decrease nearby property values, the weight of the evidence presented does not establish that such an outcome is more likely than not to occur and thus we find that the burden on the nearby property owners will not be so detrimental as to make this an unacceptable use of the property.
4. We find that the subject property is not technically "vacant" as zoned; that is, while there are not buildings or other structures on the property, it is and has been in continual use for agricultural purposes. We note that nearby properties, particularly to the West (between this property and the City) have begun to be converted to commercial uses, in some case, divided, and in some cases, they have been annexed into the City.
5. Proponents of the permit offer evidence/testimony of the following benefits to the public health, safety and welfare:
 - The runway will be available for medivac/lifeflight uses, which is a benefit to medical and emergency care in the county
 - The runway will be available for private uses, which may be beneficial for attracting business to the county and broadening the reach of businesses already in the county, thus providing employment and enhancing the tax base
 - The runway will be available for agricultural uses.
 - The runway will contribute to the State's emergency plan, which envisions the availability of usable runways no more than 30 miles apart throughout the state
Opponents of the permit offer evidence/testimony of the possible following losses attributable to the permit being granted:
 - The runway may be used for a variety of illegal uses, including drug trafficking
 - The runway may contribute to a loss in property values to near by properties
 - The runway will result in an increase of noise in the area around it
We find that the gain to the public health, safety and welfare from granting this permit outweighs the possible losses that may be suffered by nearby property owners.
6. The Commission takes notice of the County's Comprehensive Plan in its deliberations and has heard comment in the testimony about whether this application conforms to that plan.

Opponents of the permit point out that one of the primary goals advocated by the Comprehensive Plan is the preservation of agricultural land and suggest that granting this permit would be in violation of that goal.

Proponents of the permit point out that another major goal of the Comprehensive Plan is to prevent piecemeal, scattered development and to keep commercial type development as compact as possible around cities and major transportation intersections. They point out this application is for property 1/4 mile from a major highway, less than 1/2 mile from commercial properties and within the City's growth area.

We find that since the creation of a runway anywhere in the County would necessarily take some agricultural land out of production, that argument carries very little weight as it applies to this specific application. On the other hand, we also find that the particular location of this subject property minimizes the impact on agricultural land by placing the runway as close to commercial areas, existing transportation and municipal expansion as could be reasonably possible. Therefore, we find that the application complies with the both the letter and the spirit of the Comprehensive Plan.
7. Infrastructure-

Roads-The Commission heard no credible testimony as to negative impact of the application on the County roads serving the application site. Proponents of the permit testified that the small number of vehicles that would be added to the present traffic load due to the runway would have negligible impact on the maintenance or safety of the roads. The primary road serving the proposed runway is a paved road and dust is not a concern.

Utilities-The use applied for includes no facilities requiring sewer, electricity or water, although water lines and electric service are available at the property.

We find no evidence that granting this application will have a negative impact on any of the community's infrastructure, including roads or utility services.
8. Twenty-six letters in opposition to this application were received by the County. Many of those were from neighbors who oppose the application for reasons generally already addressed: noise, general diminution in property values, etc. Eleven letters in favor of the application were received, some from neighbors, including the current owners of the land which would be sold to the project developer if the application is approved. The Planning and Zoning Commission heard extensive testimony both for and against the application, as have the County Commissioners.

We find that while some neighbors approve of the application, most oppose it out of fear of its impact on their property values, on their general quality of life and out of concern for possible future development the runway may encourage.

9. Staff Recommendation-The Planning and Zoning Staff recommended granting the permit. That recommendation is attached to these findings and adopted as a supplement hereto.

Based upon these findings, we hereby grant the conditional use permit with the following conditions:

1. Engineering studies shall be completed before construction begins
2. This CUP only allows the construction and use of a runway and parking areas. The addition of any other facilities, including buildings, lights or fences will require additional permits.
3. All Federal, State and County regulations, including FAA regulations and environmental regulations, must be complied with.
4. County codes, including nuisance codes, will be enforced on this property and will explicitly apply to inoperative or abandoned vehicles/airplanes."

No action was taken on CUP #0508330 at this time.

Herb Pemberton moved to approve the following pays/special pays: General, \$86,839.89; Appraiser, \$2,757.55; Rural Fire, \$44,545.07; Road and Bridge, \$39,222.01; Special Machinery, \$9,634.14; 911 Telephone Tax, \$781.21; Health Dept., \$1,691.84; Elderly, \$946.56; and Economic Development Grant, \$2,500.00. Mike Page seconded the motion. The motion passed 3-0.

At 11:00 AM the Chairman opened the public hearing for amending the 2008 Rural Fire District #1 and 2008 911 Telephone Tax Budgets. The Chairman asked for public comment. None was given. Herb Pemberton moved to approve the 2008 Rural Fire District #1 and 2008 911 Telephone Tax Amended Budgets as presented. Mike Page seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #08-33 approving CUP #0508330 for the Construction & Operation of a Public Airstrip in an Agricultural District with the findings listed above. Mike Page seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-33 and a copy of the Staff Report:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 08-33
A RESOLUTION APPROVING CONDITIONAL USE
PERMIT #0508330 TO PERMIT CONSTRUCTION & OPERATION OF A PUBLIC
AIRSTrip IN AN AGRICULTURAL DISTRICT

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 18, 2008 & on July 9, 2008 publish a notice of a public hearing to consider Conditional Use Permit # pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on August 12, 2008 & on November 12, 2008; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimonies did, by a majority 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 recommendation of the Planning Commission together with all public comment finds to issue said Conditional Use Permit as follows:

SECTION 1: Conditional Use Permit #0508330 is hereby issued on the following described property: Part of Section 32, Township 21 South, Range 25 East.

SECTION 2: Written findings and conditions 1 through 4 as outlined in the written findings of the Board of County Commission which are attached hereto, are hereby adopted.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 29th day of December, 2008.

 
Jason Sabine - Chairman

Herbert Pemberton - Vice-Chairman

Mike Page - Member

Attest:

David Lamb - Clerk

Staff Report
CUP 0508330 - Public Airstrip

Applicant: Runway Advisory Committee

Requested Action: Approval of a conditional use permit to build a public airstrip

Location: Parts of the W½ Sec 32, T21S, R25E. The property is currently owned by Edmund Glen Arnold and Charles Conley. Options to purchase have been secured contingent on approval of a CUP.

Current Zoning: "A" Agricultural

Current Use: Agricultural

Proposed Use: Public/Quasi-Public

Comments Received: As of the preparation of this staff report, there were approximately 37 written comments received in reference to this case. 26 of the written comments were considered to be in opposition and 11 were in support of approval of a CUP for the airstrip.

Staff Recommendation: Staff recommends approval of this CUP based on the following findings:

- Character of the neighborhood - Many of the written comments received mentioned how the new four lane limited access highway will impact the peace & quiet of the neighborhood. Several of the comments also mentioned noise from railroad traffic and traffic on 1000 (Tiger) Rd. After reviewing sound level comparisons of various sources of sound, I believe the present noise from the railroad and the traffic on 1000 (Tiger) Rd is in excess of general aviation aircraft. Further, KDOT cleared the US 69 Hwy four lane freeway of noise impact concerns with the Federal Highway Administration according to a memo dated August 19, 2005. I anticipate a dramatic change in the character of the neighborhood in the future because of the US 69 Hwy expansion. The traffic corridor will have shifted about ¼ mile east, limited access interchanges will alter traffic movements and traffic volumes/patterns to & from the interchanges, and overall growth around a major traffic corridor is expected.
- Zoning and uses of nearby properties - This specific property is zoned "A" Agricultural, however, it is within the 2-mile growth area of the City of Pleasanton, and three (3) of the nearby properties are zoned "AR" Agricultural/Residential & two (2) are zoned "R-1" Single Family Dwelling district.
- Suitability of the property to its present and proposed use - "A" Agricultural property is suitable for the pursuit of agricultural purposes, as well as a variety of permitted uses including single family homes, accessory structures, public parks, playgrounds & recreational areas operated by a public agency, cemeteries, mausoleums, certain home occupations (subject to conditions), and those requiring a conditional use permit enumerated in Article 10.07. At the top of that list is "Airports, aviation fields, heliports and/or landing fields, either publicly or privately held."
- Affect proposed use would have on nearby property - Many of the comments received in the written and verbal presentations express fears, concerns, and speculation without facts

or documentation to substantiate their validity. The one appraisal report requested & submitted by Nicholas Porto (on behalf of his clients, prepared by Dillon & Witt, Inc.), does conclude that air traffic, ground traffic and noise do have a negative impact on property values based on other study areas. On page 3 of the Dillon & Witt appraisal report it states, "there is a lack of information available as to most all issues relating to the development of this property." That appraisal report sought to dramatize the effect of a proposed airstrip while failing to detail the effect the highway and the railroad will have on those same property values. On page 2 of the Dillon & Witt appraisal report, it states "the FAA is stating that airports should be constructed in areas that will least affect people." This site is as close to the most major highway traffic corridor and the busiest railroad line as you can find in Linn County.

- This property has been used for the furtherance of agricultural pursuits forever, while many of the properties around it have been divided up or sold off for ag/residential or single family dwelling use, or swallowed up for public or quasi-public use.
- The relative gain to the public health, safety and welfare as compared to the loss in value or hardship imposed upon the applicant – The gain to the public health, safety and welfare would be those benefits that could be derived from having an airstrip at a location with fewer liabilities than the present site imposes, the close proximity of the most major highway traffic corridor in the county, an incorporated city, and where future growth in Linn County is projected to occur. If an airport by itself creates negative influences on surrounding properties, keeping it in close proximity to other facilities that generate those same negative influences is in the best interest of the overall public health, safety and welfare.
- The Linn County Comprehensive Plan was developed as a tool to guide Linn County in orderly growth and development. As written on page 3 of that Plan, "The Plan will assist in evaluating the impacts of development (i.e. economic, social, fiscal, service and amenity provision, health, safety and general welfare) and encourage appropriate land uses throughout the jurisdictional area of the county. The objective of planning is to provide a framework for guiding the community, whether a county or a city, toward orderly growth and development. The Plan assists the County in balancing the physical, social, economic, and aesthetic features as it responds to private sector interests." There were 135 citizens of Linn County and a number of government officials involved in creating that vision for Linn County. Throughout that document, air transportation is mentioned as a part of the overall transportation plan and a part of Linn County's transportation infrastructure. In the section titled "Land Use" on page 125, the Plan states, "Linn County should manage the land in a cost-effective and efficient manner. Guiding future growth and development in Linn County towards a compact pattern of land uses based upon the efficient and economical expansion of public infrastructure will continue to maintain and improve the quality of life for Linn County residents." That isn't intended to mean every individual resident of Linn County, but rather the residents of Linn County as a whole. Locating an airstrip as compactly to a major highway and a railroad is in keeping with that goal. Under the "Commercial & Industrial Development Policies" sections on page 127, the Plan calls for limiting the extent of commercial development to areas designated on the Future Land Use Map and along major transportation corridors (1.3.4) and within a community's extrajurisdictional jurisdiction (1.4.2). The "Development Chapter" of the Plan identifies a County Land Use Management Policy, and the C.L.U.M.P. map (Figure 24) on page 145 splits this property between the Urban Transition and the Transitional-Development Zone. That chapter also identifies FUTURE LAND USE NEEDS and provides a map (Figure 25) on

page 154 which has the property completely removed from the Agricultural Use zone. The Linn County Comprehensive Plan's Transportation Policies section on pages 135 through 137 adequately documents that the proposed location is suitable and a desirable location for an airstrip; provided the items outlined in the environmental study are appropriately mitigated to the satisfaction of the agency requiring oversight of those specific environmental concerns.

The Commission then discussed CUP #0908331 for a Shooting Range. The Commission previously sent the CUP back to the Planning Commission with suggested conditions. The Planning Commission approved the CUP with the suggested and some additional conditions. The Chairman read the following conditions approved by the Planning Commission:

Planning Commission

- 1) the permit be for a 2 year time period
- 2) proof of a \$1,000,000 liability policy be kept on file in this office and at the range itself
- 3) berm must be checked by a structural engineer and a certified NRA range inspector to make sure it is free of rocks, metal, or foreign objects capable of returning bullets and a copy of a report must be kept on file in this office and at the range itself
- 4) any time there is a shooter there must be an NRA certified range instructor on hand with that shooter, meaning they have had 44 hours of training
- 5) no fifty caliber weapons
- 6) approved weapons include any standard fire rifle cartridge up to a four sixty Weatherby
- 7) CUP is terminated immediately upon sale of business
- 8) a red flag be flown whenever a shoot is in progress
- 9) operating hours be limited to between 8:00 am and 5:00 pm

Ward Goodison asked the Commission to approve the CUP without the restriction on 50 caliber weapons. The Commission discussed various issues with Mr. Goodison.

At 11:26 AM the Chairman asked for public comment. Jean Vaughn asked why County employees come to the meeting if they don't have anything to report to the Commission. Vaughn also asked why the ambulance personnel come to the meetings. Bernita Robbins stated that she saw a lot of properties for sale around Pleasanton. Robbins stated that we may all have to become pilots if we don't get some roads and bridges fixed. Steve Johnson asked about the loader at the landfill, why did we run it when we had antifreeze in the oil. Johnson also asked how to get the roadsides mowed. Tim Staton said that Mrs. Robbins made comments that insulted the residents of Pleasanton last week in a conversation she had with Mr. Easley by stating that Pleasanton is a dying community.

Mike Page moved to adopt Resolution #08-34 approving CUP #0908331 (Shooting Range) with the conditions listed below. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #08-34 and the attached conditions:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 08-34
A RESOLUTION APPROVING CONDITIONAL USE
PERMIT #0908331 TO PERMIT CONSTRUCTION & OPERATION A PRIVATE SHOOTING
RANGE IN AN AGRICULTURAL DISTRICT

CUP #0908331

Conditions:

1. The permit shall be for a 2 year time period
2. Proof of a \$1,000,000 liability policy shall be kept on file in this office and at the range
3. The berm must be checked by a structural engineer and a certified NRA range inspector to make sure it is free of rocks, metal, or foreign objects capable of returning bullets, and is safe for use w/ weapons up to 50 caliber. A copy of this report must be kept on file in this office and at the range.
4. Any time there is a shooter, there must be an NRA certified range instructor on hand with that shooter, on a one to one ratio of instructors to actual shooter
5. The CUP will be terminated immediately upon sale of the business
6. A red flag will be flown whenever a shoot is in progress
7. Operating hours will be 8:00 AM to 5:00 PM. No shooting will be allowed on Sundays and the official County holidays.

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 24, 2008 publish a notice of a public hearing to consider Conditional Use Permit #0908331 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on October 14, 2008 & on December 9, 2008; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimonies did, by a majority 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 recommendation of the Planning Commission together with all public comment finds to issue said Conditional Use Permit as follows:

SECTION 1: Conditional Use Permit #0908331 is hereby issued on the following described property: Part of the SE¼ Section 27, Township 22 South, Range 24 East.

SECTION 2: Specific conditions as attached from the Board of County Commission, are hereby adopted.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 29th day of December, 2008.



Attest:

David Lamb - Clerk

Jason Sabine - Chairman

Herbert Pemberton - Vice Chairman

Mike Page - Member

Jason Sabine moved to approve Purchase Order #2008-25, General Fund, EMS Dept., Region V EMS, 18 First Responder Fees, \$1,800.00. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to schedule a special meeting for Wednesday, December 31, 2008 at 1:00 PM to approve year end bills, purchase orders, and transfers and to discuss salary schedules and take any necessary action. Herb Pemberton seconded the motion. The motion passed 3-0. Herb Pemberton stated that he also wants to compare benefits with Miami County.

With nothing further on the agenda Jason Sabine moved to adjourn until 1:00 PM Wednesday, December 31, 2008. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

December 31, 2008

The Board of Linn County Commission met in special session at 1:00 PM in the Commissioners’ Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jason Sabine, Chairman; Herb Pemberton, Vice Chairman; Mike Page, Member; and David Lamb, County Clerk. Jason Sabine led the Pledge of Allegiance.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66055-0350
913-795-2668
Fax: 913-795-2889

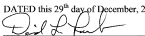



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Jason Sabine
Third District
Mike Page

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 31, 2008 in the Commission Room, Courthouse Annex. This special meeting has been called for the Commissioners to approve year end bills, purchase orders, and transfers; and to discuss salary schedules and take any necessary action.

DATED this 29th day of December, 2008.


David L. Lamb,
Linn County Clerk



Herb Pemberton moved to approve the following pays/special pays: General, \$94,811.94; Employee Benefit, \$39,108.83; Appraiser, \$13,763.34; Rural Fire, \$42,933.70; Road and Bridge, \$233,170.97; 911 Telephone Tax, \$1,703.55; Health Dept., \$6,919.82; Crime Victim Assist., \$2,206.97; Elderly, \$7,491.60; and Zoning LEPP, \$216.67. Mike Page seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Purchase Order #2008-26, General Fund, Windfall, Zingre & Assoc., PA, Architectural & Engineering Services for Prescott Fire Station, \$27,260.00. Mike Page seconded the motion. The motion passed 3-0.

Steve Thompson asked the Commission for permission to purchase a vehicle to replace his 2000 Ford Explorer. Cox Motor Company has a 2004 F150 4X4 with 9000 miles for \$9,500.00 with trade in. The Commission asked Thompson to check with Cox Motor Company on the cost of a new vehicle.

Joe Maloney asked the Commission about getting a purchase order for the repair of the loader. (Solid Waste only has around \$4,000.00 left in their budget.) The Commission decided not to allow the purchase order since their budget is almost used up.

The Commission and Clerk discussed salaries and the employee cost of health insurance (compared to Miami County). Carmen Self would like to see our scale go farther than 15 years so employees have something to move up to. Self suggested giving the 3% COLA now and then budget for changes to the scale for the following year. Mike Page suggested putting a group together to study the salary schedule and make suggestions to fix the scale. Mike Page stated that he had a couple of calls opposing any increase in salary. Mike Page moved to approve the current salary schedule with a 3% COLA for next year for all employees. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission asked the Clerk to put a list together to be on the committee to study salaries.

At 1:53 Mike Page moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to specific non-elected personnel, their job duties/performance and their salaries. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Vicki Leonard attended the executive session.

At 2:03 PM the executive session ended. As a result of the executive session, Jason Sabine moved to increase Pam Cannon from Range 7, Step K to Range 8A, Step K (\$16.60 per hour after the 3% COLA). Herb Pemberton seconded the motion. The motion passed 3-0. Jason Sabine moved to increase Ann Brown from Range 5, Step L+ to Range 6, Step L (\$15.19 per hour after the 3% COLA). Herb Pemberton seconded the motion. The motion passed 3-0.

Steve Thompson stated that a comparable new truck with trade in would cost around \$15,500.00. Mike Page moved to approve Purchase Order #2008-27, Appraiser Fund, Cox Motor Company, 2004 F150 4X4, \$9,500.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Donna Thomas asked the Commission to increase her salary by more than 3% since she does not receive any step increases.

At 2:57 PM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to specific non-elected personnel, their job duties/performance and their salaries. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Vicki Leonard and Donna Thomas attended the executive session.

At 3:12 PM the executive session ended. As a result of the executive session, Herb Pemberton moved to increase Donna Thomas’s salary from \$49,000.00 per year to \$56,000.00 per year, with no additional 3% COLA, effective 1/1/09. Jason Sabine seconded the motion. The motion passed 2-0. Mike Page abstained.

With nothing further on the agenda Mike Page moved to adjourn until 9:00 AM Monday, January 5, 2009. Herb Pemberton seconded the motion. The motion passed 3-0.

Attest:

County Clerk

Commission Chair

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