

January 5, 2004

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

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

The Commission approved the following pays/special pays: General, \$101,254.32; Employee Benefit, \$28,789.77; Appraiser, \$8,885.41; Rural Fire, \$5,226.59; Road & Bridge, \$49,034.40; S.R.O., \$4,169.37; Hospital Board, \$32,543.94; Crime Victim Assistance, \$679.46; Elderly, \$8,383.98.

The Commission approved the following add/abate/refund order numbers: 2004-177-181.

At the request of Dist. #2 Foreman John Black, Tom Foerschler motioned to purchase tubes from J & J Metals for \$1,800.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve a permit to bury telephone cable requested by Sprint United located on 1350 Road, 1600' east of Faucett Road. Tom Foerschler seconded the motion. The motion passed 3-0.

At 9:26 a.m., Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Deputy Clerk, Solid Waste Coordinator Ed Fleming and County Counselor attended the executive session.

At 9:41 a.m., the executive session ended. No action taken.

At 9:41 a.m. at the request of Solid Waste Coordinator Ed Fleming, Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, County Counselor, Deputy Clerk, and Solid Waste Coordinator attended the executive session.

At 9:46 a.m., Herb Pemberton motioned to extend the executive session for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:51 a.m., the executive session ended. No action taken.

Tom Foerschler motioned to approve the Liberty Township Annual Report. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed a C.U.P. #1103292 for Trillion for a communication tower. This C.U.P. was approved 5-0 by the Planning Commission. Tom Foerschler motioned to accept the recommendation of the Planning Commission and approve C.U.P. 1103292 as approved by the Planning Commission and to pass Resolution 04-01. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-01:

At 10:04 a.m. at the request of Fire Coordinator Bernard Streeter, Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, County Counselor, Deputy Clerk, Fire Coordinator, Mike Gillespie, Dan Morris, and Russell Beth attended the executive session.

At 10:14 a.m., Herb Pemberton motioned to extend the executive session for 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0.

At 10:19 a.m., the executive session ended. No action taken.

At 10:30 a.m., bids were opened for two Sheriff's patrol cars. The only bid received was from Cox Motors, Inc., Pleasanton, KS for \$22,473.00 each. Tom Foerschler motioned to accept the bid from Cox Motors, Inc. in the amount of \$22,473.00 each for two patrol cars. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission will open bids for the used patrol cars at 10:00 A.M. Monday, January 12, 2004.

At 10:39 a.m. at the request of Sheriff Marvin Stites, Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, County Counselor, Deputy Clerk, and Sheriff Stites attended the executive session.

At 10:44 a.m., the executive session ended. No action taken.

At 10:45 a.m., the Commission took a 15-minute break.

Bill Braden addressed the Commission concerning Continental Coal Company's trucks driving on Tiger Road with full loads.

With nothing further on the agenda, Tom Foerschler motioned to adjourn until 9:00 A.M., Monday, January 12. Herb Pemberton seconded the motion. The motion passed 3-0.

Deputy County Clerk

Commission Chair

January 12, 2004

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

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

The Commission approved the following add/abate/refund order numbers: 2004-182-185.

Tom Foerschler motioned to approve Resolution #04-02 Declaration of Surplus Property. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-02:

At 9:07 a.m. at the request of Dist. #2 Foreman John Black, Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, County Counselor, Deputy Clerk, and John Black attended the executive session.

At 9:17 a.m., the executive session ended. No action taken.

David Nation asked the Commission about bidding on rock chips for the year. He wants to make sure that all quarries are bidding on the same thing.

At 9:44 a.m. at the request of County Counselor Gary Thompson, Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, County Counselor, Deputy Clerk, and Solid Waste Coordinator Ed Fleming attended the executive session.

At 9:59 a.m., the executive session ended. No action taken.

Tom Foerschler motioned to accept the trade in offer of \$1,800.00 for the 1998 patrol car and \$2,100.00 for the 1999 patrol car from Cox Motors, Inc. No other bids were received. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve the Cemetery District #4 Annual Report. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD County Park report for 2003.

Herb Pemberton motioned to appoint Tom Foerschler as Chairman for 2004. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to appoint Herb Pemberton as Vice-Chairman for 2004. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to move the next regular meeting to Tuesday, Jan. 20th due to Jan. 19th being a holiday. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:15 a.m., the Commission took a 15-minute break.

Claudia Christianson and Steve Lohr with SEK-CAP provided the Commission with information concerning transportation provided by SEK-CAP for Linn County.

Tom Foerschler motioned to approve Resolution #04-03 adopting the Lake Region Solid Waste Management Plan. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-03:

At 10:44 a.m. at the request of Register of Deeds Sharon Barnes, Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, County Counselor, Deputy Clerk, and Sharon Barnes attended the executive session.

At 10:49 a.m., Tom Foerschler motioned to extend the executive session until 11:00 a.m.. Herb Pemberton seconded the motion. The motion passed 3-0. At 10:58 A.M. Sharon Barnes and David Lamb left the executive session.

At 11:00 a.m., the executive session ended. No action taken.

County Treasurer Ellie Davey presented the Interest Report for the 4th quarter of 2003 and for the year 2003.

Tom Foerschler motioned to send County Counselor Gary Thompson to "The Role of the Government Attorney" presented by the Kansas Bar Association on Jan. 30th in Topeka. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:08 a.m., Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, County Counselor, and Deputy Clerk attended the executive session.

At 11:18 a.m., Herb Pemberton motioned to extend the executive session for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0.

At 11:23 a.m., the executive session ended. No action taken.

With nothing further on the agenda, Tom Foerschler motioned to adjourn until 9:00 A.M., Tuesday, January 20. Herb Pemberton seconded the motion. The motion passed 3-0.

Deputy County Clerk

Commission Chair

January 20, 2004

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

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

The Commission approved the following pays/special pays: General, \$192,121.04; Employee Benefit, \$104,427.63; Appraiser, \$10,292.69; Rural Fire, \$23,696.59; Road & Bridge, \$63,305.68; 911 Telephone Tax, \$1,963.72; S.R.O., \$3,268.00; Hospital Board, \$29,732.25; Crime Victim Assistance, \$709.26; Elderly, \$13,447.36.

The Commission reviewed bids for rock cover material. Delbert Cannon motioned to reject all bids. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:00 a.m., bids were opened for the Household Hazardous Waste building. Bids received were Foote Construction Co., Pleasanton, \$59,353.00; BC Construction Co., Pleasanton, \$59,884.14; and Rutherford Construction Co., Louisburg, \$94,787.00. The Commission is reviewing the bid specifications and tabled their decision until next week.

At 10:17 a.m., the Commission took a 15-minute break.

Oscar Holway addressed the Commission about chipping and sealing 2000' of streets in Blue Mound. Herb Pemberton motioned to do the chip and seal project in Blue Mound. Tom Foerschler seconded the motion. The motion passed 3-0.

Sheriff Marvin Stites informed the Commission that he is in the process of getting a new drug dog.

At the request of Dist. #2 Foreman John Black, Herb Pemberton motioned to purchase 10 tires for approximately \$2,400.00 from Cross Midwest. Delbert Cannon seconded the motion. The motion passed 3-0.

At the request of Dist. #2 Foreman John Black, Delbert Cannon motioned to hire Paul Hamilton as an equipment operator in Dist. #2 at \$9.01 per hour. Herb Pemberton seconded the motion. The motion passed 3-0. Hamilton must take a preemployment physical and be on normal county probation for six months.

At the request of Fire Coordinator Bernard Streeter, Delbert Cannon motioned to hire Rob Dent as a firefighter at the Pleasanton station and to hire Allen Kinsley as a firefighter at the Mound City station. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to install a dry barrel fire hydrant at 2150 Rd. & Valley Rd. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to pay the 2004 KAC dues in the amount of \$2,765.99. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motion to approve a Cereal Malt Beverage license renewal for LaCygne Power Stop. Delbert Cannon seconded the motion. The motion passed 2-1.

Herb Pemberton motion to approve the annual township reports for Valley Township, Potosi Township, Paris Township, Scott Township, Blue Mound Township, Mound City Township, and Stanton Township. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve the annual reports for Mound City Cemetery District and Cemetery District #1. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve the Sheriff's fee report through December. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Tom Foerschler motioned to adjourn until 9:00 A.M., Monday, January 26. Herb Pemberton seconded the motion. The motion passed 3-0.

Deputy County Clerk

Commission Chair

January 26, 2004

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

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

The Commission approved the following add/abate/refund order numbers: 2003-186.

At 9:33 a.m. Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 20 minutes to discuss a legal issue with the County Counselor (possible litigation). Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, County Counselor, County Clerk, Deputy Clerk, and Solid Waste Coordinator Ed Fleming attended the executive session.

At 9:53 a.m. the executive session ended. No action taken.

At 9:33 a.m. Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, County Counselor, County Clerk, and Deputy Clerk attended the executive session.

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

At 10:00 a.m. bids were opened for scrap metal disposal. Bids received were Bernard Dumcum, \$4,200.00 and Wes' Recycling \$1,751.00. Herb Pemberton motioned to accept the bid from Bernard Dumcum for \$4,200.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve the annual township report for Lincoln Township. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to appoint Diane Bertone as County Health Officer for Linn County. Bertone replaces Judy Richey who passed away in November. Tom Foerschler seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve \$600.00 for the Lake Region RC&D for their 2004 budget as requested. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to donate \$50.00 to USD #344 for their "Alcohol Free After Prom." Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:15 a.m. Herb Pemberton motioned to take a 10-minute break. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:26 a.m. Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, County Counselor, County Clerk, Deputy Clerk, Zoning Administrator Andy Mayhugh, County Appraiser Steve Thompson, and County Surveyor Jim Schmitz attended the executive session.

At 10:36 a.m. Tom Foerschler motioned to extend the executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:46 a.m. Herb Pemberton motioned to extend the executive session for 10 minutes. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:56 a.m. the executive session ended.

As a result of the executive session, Gary Thompson explained the following options to Gregg Polley concerning his non-conforming lot: 1. He would need to show evidence that it was a lot of record prior to 1994, or 2. He would need to get the developer to plat the lots now, or 3. He would need to get the developer to give him a lot split. Also, the Commission will seek an opinion from the Kansas Attorney General to see if this would qualify for a Clerk's Plat.

At 11:13 a.m. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, County Counselor, County Clerk, and Fire Coordinator Bernard Streeter attended the executive session.

At 11:23 a.m. the executive session ended. As a result of the executive session, Delbert Cannon motioned to send notification of release from the fire dept. to Scott Mayse and Ed Benson. Herb Pemberton seconded the motion. The motion passed 3-0.

At the request of Diane Van Kirk, Delbert Cannon motioned to hire Deborah Bowman as a PRN Office Assistant @ \$6.60 per hour and to hire Anita Rowe as a PRN/RN @ \$14.05 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission discussed the roof on the La Cygne Clinic, no action was taken.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 A.M., Monday, February 2. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

February 2, 2004

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

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

The Commission approved the following pays/special pays: General, \$81,388.71; Employee Benefit, \$51,641.99; Appraiser, \$8,970.08; Rural Fire, \$169,011.64; Road & Bridge, \$29,751.12; 911 Telephone Tax, \$819.24; School Resource Officer, \$3,952.07; Hospital Board, \$32,163.26; Crime Victim Assist, \$709.27; Elderly, \$7,883.24;

The Commission approved the following add/abate/refund order numbers: 2003-187 through 2003-190.

Tom Foerschler motioned to approve the purchase of 16 tires, 8 – 1100x20 and 8 - R1122.5 from Cross Midwest for \$4,190.04. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to sign an amendment to the consent agreement concerning county landfill closing. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to purchase a load of salt for Road District #1 & 3 from Kumshek Chat and Coal, Pittsburg for approximately \$1,000.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to go out for bids for cover material using a bidding procedure. Delbert Cannon seconded the motion. The motion passed 3-0. The bids will be opened at 9:30 a.m., February 23, 2004.

Delbert Cannon motioned to move the February 16, 2004 meeting to Tuesday, February 17, 2004 due to the county holiday. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to proceed with chip and seal plans if landowners pay ½ of the cost, the county will pay ½ the cost. Tom Foerschler seconded the motion. The motion passed 2-1.

Zoning Administrator Andy Mayhugh presented C.U.P. 1203293 requested by Al Winters, Pleasanton. The Planning Commission has approved this request. Delbert Cannon motioned to pass Resolution #04-04 to approve C.U.P. 1203293 as recommended by the Planning Commission. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-04:

At 10:30 a.m. Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor (possible litigation). Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Zoning Administrator attended the executive session.

At 10:45 a.m., the executive session ended.

As a result of the executive session Mayhugh reported further research he discovered the lot at the mini farm that Mr. Polly has requested a building permit for was split off prior to the county subdivision regulations and that a building permit could be issued for this property.

Also, Gary Thompson stated that the high bid on the county scrap iron does not meet bid requirements. Delbert Cannon motioned to request all bids on scrap iron and to bid. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve Cemetery District #3, 2003 Annual Report. Tom Foerschler seconded the motion. The motion passed 3-0.

AT 11:06 a.m. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a legal issue with the Counselor (possible litigation) for 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 11:11 a.m. the executive session ended. No action taken. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

At 11:28 a.m. Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor (possible litigation) for 10 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Ed Fleming attended the executive session.

Herb Pemberton motioned to pay Foote Construction Company \$4,000.00 upfront for the household hazardous waste and noxious weed building. Delbert Cannon seconded the motion. The motion passed 3-0.

At 11:50 a.m. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor and Ed Fleming attended the executive session.

At 12:00 noon the executive session ended.

The Commission signed a statement that Linn County affirmative action plan for 2004 would remain the same as 2003.

At 12:02 p.m. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue (possible litigation) with the County Counselor and County Attorney. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor and Attorney attended the session.

At 12:12 p.m. the executive session ended. No action taken.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until next Monday, at 9:00 a.m.. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

February 9, 2004

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

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

The Commission approved the following pays/special pays: General, \$144,774.49; Employee Benefit, \$13,030.68; Appraiser, \$11,493.75; Rural Fire, \$8,347.40; Road & Bridge, \$54,743.35; 911 Telephone Tax, \$1,952.30; D.A.R.E. \$27.00; School Resource Officer, \$275.15; Hospital Board, \$16,109.97; Crime Victim Assist, \$36.44; Elderly, \$12,159.99.

The Commission approved the following add/abate/refund order numbers: 2003 191 -193.

Herb Pemberton motioned to approve a permit to bury telephone cable requested by Sprint United Telephone located at 7120 Kansas Highway 31. Tom Foerschler seconded the motion. The motion passed 3-0.

After seeing a affidavit from Courtois, that they filed the necessary paperwork, Delbert Cannon motioned to approve revitalization request from Chuck and Frieda Courtois for a double wide they purchased and moved to Pleasanton. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to accept the Sheridan Township Report and the Cemetery District 5 Annual Report. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the January park year-to-date report.

Herb Pemberton motioned to approve the annual noxious weed eradication report. Delbert Cannon seconded the motion. The motion passed 3-0.

Traffic Control Director Larry Robinson updated the Commission on some problems with E-911 database in the Craw-Kan area.

Delbert Cannon motioned to approve Centerville annual township report. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to sign construction agreement with Foote Construction to build the household hazardous waste and noxious weed building and to approve \$4,000.00 to Foote Construction to order the building. Delbert Cannon seconded the motion. The motion passed 3-0.

At the recommendation of the Clerk, Herb Pemberton motioned to purchase a Toshiba DP80F fax from Copy Products Inc. for the courthouse for \$895.00. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to appoint Eddie Andersen to the Linn County Hospital Board to fill the term of Larry Sullivan. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to reappoint Robert Stocking to a 3-year term on the Linn County Hospital Board. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:00 a.m.. bids were opened for Noxious Weed Chemicals. Bids received from North Eastern Rural Services and Vegetation Management Supply, The Noxious Weed Director will review the bids and make a recommendation to the Commission.

AT 10:11 a.m.. Delbert Cannon motioned to recess from the Board of Commission into executive session for 15 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:26 a.m.. the executive session ended. No action taken.

Delbert Cannon motioned to hire Irma Darlene Van Vlack as part time receptionist at \$6.50 per hour and as part time EMTID at \$11.02 per hour on an as need basis. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:45 a.m.. the Commission took a 15 minute break.

Ken Shetlar met with the Commission to get the necessary paper work processed for funding the Centerville Sewer District.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until Tuesday, February 17 at 9:00 a.m.. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

February 17, 2004

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

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

The Commission approved the following pays/special pays: General, \$205,130.55; Employee Benefit, \$49,714.46; Appraiser, \$19,966.44; Rural Fire, \$10,429.96; Road & Bridge, \$86,390.30; 911 Telephone, \$1,952.30; D.A.R.E. Fund, \$27.00; School Resource Officer, \$2,597.15; Hospital Board, \$37,355.86; Crime Victim Assistant, \$745.70; Elderly, \$19,350.43.

The Commission approved the following add/abate/refund order numbers: 2003-194 through 2003-200.

Delbert Cannon motioned to transfer a 1985 Hobb Van Trailer from Solid Waste to Rural Fire, District #1. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to accept the bid for Noxious Weed chemicals from Northeast Rural Services. Herb Pemberton seconded the motion. The motion passed 3-0. This was the only qualified bid received.

Clinic Manager, Diane Van Kirk reported that Jennifer Leach, LaCygne Clinic has given her notice to leave county employment. The Commission gave Van Kirk permission to post the job to county employees and to advertise if necessary.

At 9:12 a.m.. Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the county counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Ed Fleming attended the executive session.

At 9:22 a.m.. the executive session ended. Herb Pemberton motioned to extend the above executive session for 10 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The same people attended this session.

At 9:32 a.m.. the executive session ended. No action taken.

Several people from Centerville Township addressed the Commission about the Centerville sewer district. They were concerned that the county was paying for it. The Commission assured them that it was being paid for by a grant and the patrons in the district.

The Commission opened bids for a building to store recyclables. Bids received from tri State \$34,845.00, Top Line \$37,425.00, BC Construction \$29,868.00, Foote Construction \$31,584.00. The Commission took the bid under advisement.

At 10:05 a.m.. at the request of the Court Clerk, Mariebeth Kehl, Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue related to a non elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Maribeth Kehl attended the executive session.

At 10:10 a.m.. the executive session ended. No action taken.

The Commission approved the January 2004 Sheriff monthly fees report.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m., Monday, February 23. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

February 23, 2004

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

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

The Commission approved the following add/abate/refund order numbers: 2003-201.

Herb Pemberton motioned to approve a permit to bury pipe requested by Rural Water District #3 and Chambers Construction located at 5927 Cleveland, Goodrich. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Joe Maloney's as alternate voting delegate for the Lake Region Committee. Tom Foerschler seconded the motion. The motion passed 3-0.

At 9:12 a.m. at the request of Ed Fleming, Herb Pemberton motioned to recess from the Board of Commission Meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Fleming attended the executive session.

At 9:22 a.m. the executive session ended.

As a result of the executive session, Delbert Cannon motioned to pass Resolution #04-05 to establish license and fees for commercial trash haulers in Linn County. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-05:

RESOLUTION NO. 04-05

A RESOLUTION ESTABLISHING LICENSING AND FEES FOR COMMERCIAL TRASH HAULERS IN LINN COUNTY, KANSAS, AND REPEALING PREVIOUS RESOLUTIONS RELATING TO THE SAME. IT IS HEREBY RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS.

- No commercial trash hauler shall deposit solid waste in any county compactor or at the Linn County Transfer Station unless that hauler is currently licensed as a commercial trash hauler within Linn County. Procedures for said licensing shall be established by Solid Waste staff and shall be made available to all interested parties. A license processing fee of Ten Dollars (\$10.00) shall be assessed all applicants for such license.
- Failure to comply with Section 1 shall be punishable by a fine of up to \$500 per infraction.
- Commercial trash haulers dumping trash at Linn County compactor sites or at the Linn County Transfer Station shall be charged per load on the following scale:

Automobiles	\$40.00
Pickup Trucks	40.00
Single axle trucks	320.00
Tandem axle trucks	400.00
- Said fees shall be paid at the time of dumping, unless the hauler has established an account with the County for monthly payment.
- Individuals licensed pursuant to Section 1 of this ordinance who are legal residents of Linn County shall be exempted from Section 3 hereof upon the filing with the County of a sworn affidavit to the effect that all solid waste they deposit in Linn County containers and at the Linn County Transfer Station was collected in Linn County from Linn County residents.
- Entities licensed pursuant to Section 1 of this ordinance which have their primary place of business located in Linn County, as evidenced by a sworn affidavit executed by a duly authorized officer thereof, shall be exempted from Section 2 hereof upon the filing with the County of a sworn affidavit to the effect that all solid waste they deposit in Linn County containers and at the Linn County Transfer Station was collected in Linn County from Linn County residents.
- Any load hauled by individuals covered by Section 5 or by entities covered by Section 6 which is determined to contain trash collected outside of Linn County or from non-residents of Linn County shall be subject to the fees indicated in Section 3.
- Resolution No. 03-19 and Resolution No. 03-32 are hereby repealed.
- Any Commercial Trash Hauler licensed with Linn County as of December 31, 2003, shall not be required to register again pursuant to the terms of registration portion of Section 1 of this resolution, but will be subject to all other requirements of this resolution.
- This resolution shall be in effect upon its passage and publication in the official newspaper of Linn County.

RESOLVED THIS 17th DAY OF FEBRUARY, 2004

Tom Foerschler
CHAIRMAN

Herb Pemberton
COMMISSIONER

Delbert Cannon
COMMISSIONER

ATTEST:
Don Proffitt
COUNTY CLERK

Herb Pemberton motioned to approve solid waste collection permits for Waste Management, L&K Services, David Ayres, David Cummings, Jesse Spears, Arnold Ayres, Kathryn Hester, Bill Hawk and Sullivan Service. Tom Foerschler seconded the motion. The motion passed 3-0.

At 9:30 a.m. bids were opened for Linn County's scrap metal bids received from TT&T, Richmond, Kansas for \$4,551.00 and Wes Recycling, Centerville for \$9,205.10. Herb Pemberton motioned to accept the high bid from Wes Recycling for \$9,205.10. Delbert Cannon seconded the motion. The motion passed 3-0.

Bids were opened for cover material. Bids received were from Hunt Midwest – Bid 3 at \$6.00, does not meet bid specs. Wades Quarry \$6.50 per ton, does not meet bid specs. Ash Grove 4000 ton of 3/8 cover at \$6.75 per ton; Nation Rock, Bid 1 – District #1 – District #1 \$5.50, Bid #2 at \$6.00, Bid #3 at \$6.00, Bid #4 at \$5.50, Bid #5 at \$5.50, Bid #6 at \$5.25 and Bid #7 at \$5.50.

Delbert Cannon motioned to evaluate the bids from Nation and Ash Grove for study by John Byington to determine cost with mileage included. Tom Foerschler seconded the motion. The motion passed 2-1.

Herb Pemberton motioned to accept the bid from B.C. Construction to build the cardboard recycle building at the transfer station in the amount of \$34,096.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve lot split #04-158 and to accept the accompanying road easement. Herb Pemberton seconded the motion. The motion passed 3-0.

The Sheriff notified the Commission that full time dispatcher Brandi Shideler is leaving county employment and he plans to move Terri Johnson from part time to full time dispatcher at \$9.11 per hour.

At 10:32 a.m. Tom Foerschler motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the county counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor attended the executive session.

At 10:42 a.m. the executive session ended. No action taken.

The Clerk updated the Commission on health insurance premiums and claims for the first 6 months with Mutual of Omaha. The total cost per month is \$657.00 per employee.

The Commission reviewed the January 2004 Emergystat report showing total calls (70) with an average response time of 10.27 minutes.

The Commission reviewed the February 24th agenda and January 27th minutes of the SEK Multi County Health Board.

Commissioner Cannon reported he plans to get with the County Counselor and draw 4-H bid specs for furnace, ceiling and windows.

Delbert Cannon motioned to approve Regional Planning Commission dues of \$3,835.50. Herb Pemberton seconded the motion. The motion passed 3-0.

Neighborhood Revitalization was discussed it was the concensus of the Commission that they will not renew the plan when it expires May 13, 2004.

Herb Pemberton motioned to appoint Karen Thomas to the Economic Development Committee. Tom Foerschler seconded the motion. The motion passed 3-0.

County Counselor Thompson left the meeting.

Fisheries Biologist, Don George reported that due to a recent ruling a new memorandum of understanding will need to be approved by the County Commission and Kansas Department of Wildlife and Parks for the county to remain in the Community Lakes Assistance Program. The Commission stated they will have the County Counselor review the document.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m., Monday, March 1st. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 1, 2004

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

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

The Commission approved the following pays/special pays: General, \$61,769.31; Employee Benefit, \$30,039.51; Appraiser, \$8,994.07; Rural Fire, \$5,386.45; Road & Bridge, \$30,320.91; School Resource Officer, \$3,951.99; Hospital Board, \$31,331.56; Crime Victim Assist., \$709.26; Elderly, \$7,111.70.

The Commission approved the following add/abate refund order numbers: 2003-202.

The Commission and Road Foreman discussed the county chipping/sealing program. John Byington reported we are going to be short on road oil money to do the regular 3-year rotation for roads for chipping and sealing. The Commission tabled the issue to a later meeting.

Commissioner Pemberton discussed the road rock bids and the cost of hauling. Herb Pemberton motioned to reject all bids for road cover material. After lengthy discussion, the motion died for lack of a second.

Delbert Cannon motioned to purchase road rock from Nation Quarry for road rock on roads maintained by District 2 & 3 at \$5.25 per ton. Herb Pemberton seconded the motion. The motion passed 3-0. This bid was for approximately 9300 ton.

Herb Pemberton motioned to reject all other bids for cover material and for Byington to get prices for rock to be used in Road District #1. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:52 a.m. Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor attended the executive session.

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

Devonna Herrin, LaCygne City Clerk and Sam Barber, LaCygne Mayor discussed a permit to bury 4" sealed pipe on county right-of-way. Herb Pemberton motioned to approve pipe burial at 1095 Highway and 2450 Road and 1095 Highway at 2400 Road and 152 Highway at 2200 Road. Delbert Cannon seconded the motion. The motion passed 3-0.

District #2 Road Foreman reported Steve Catron, Mechanic is leaving county employment. The Commission gave approval to post the job to county employees. The starting pay will be \$9.79 per hour.

At 10:14 a.m. at the request of John Black, Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Black attended the executive session.

At 10:19 a.m. the executive session ended. No action taken.

At 10:23 a.m., Herb Pemberton motioned to extend the above executive session for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. Harry Wisdom and Dan Morris attended this portion of the executive session.

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

Delbert Cannon motioned to approve for Ed Fleming to attend KDHE meeting in Lindsborg, Kansas. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:46 a.m. at the request of Nutrition Director, Marilyn Augur, Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a personnel issue related to a non-elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Augur attended the executive session.

At 10:51 a.m. the executive session ended. No action taken.

Herb Pemberton motioned to approve CMB license renewal requested by Timothy M. Schreckler dba Linn County Speedway. Delbert Cannon seconded the motion. The motion passed 2-1.

County Counselor reported that an agreement has been reached to purchase the 5 acres and easement for the Centerville Sewer District if the Commission approves. Herb Pemberton motioned to purchase the 5 acre and easement for the Centerville Sewer for \$10,500.00 from Nancy Dodson. Delbert Cannon seconded the motion. The motion passed 3-0. This action will stop the condemnation process.

Sara Weatherman, Ashgrove representative met with the Commission to complain about the bidding procedure the county used for cover material. The Commission reported they would do it differently next year.

The Commission discussed next week being Government Day and since they will meet with students at 9:00 a.m. the Commission meeting will not start until 9:30.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:30 a.m., Monday, March 8th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 8, 2004

At 9:00 a.m. the Commission met in the old courtroom with government day students from USD 344, 346 and 362.

At 9:37 a.m. the Commission met in a regular session with the following attending. Tom Foerschler, Chairman; Herb Pemberton, Vice Chairman; Delbert Cannon, Member; and Don Proffitt, County Clerk.

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

The Commission approved the following pays/special pays: General, \$232,075.58; Employee Benefit, \$12,917.43; Appraiser, \$2,480.23; Rural Fire, \$9,566.89; Road & Bridge, \$42,506.02; Law Enforcement, \$292.93; 911 Telephone Tax, \$2,779.45; School Resource Officer, \$275.15; Hospital Board, \$13,392.15; Elderly, \$15438.43.

The Commission approved the following add/abate/refund order numbers: 2003-203.

Herb Pemberton motioned to approve a permit to bury water line requested by Rural Water District #3 located south of 2200 Road and 1077 Road. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to move Paul Hamilton to mechanic position to replace Steve Catron in Road Shop #2 at \$10.02 per hour. Tom Foerschler seconded the motion. The motion passed 2-0. Delbert Cannon abstained.

Herb Pemberton motioned to approve a permit to bury telephone cable requested by Sprint United located at 1525 Road & 1077 Highway. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve a permit to bury telephone cable requested by Sprint United located at 3997 West 1600 Road. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve \$6,000.00 to B.C. Construction as first payment of contract to order cardboard recycling building. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve a voucher for \$12,320.55 to Foote Construction for second installment on the Household Hazardous Waste Building when it is delivered. Herb Pemberton seconded the motion. The motion passed 3-0.

Elizabeth Maxwell with East Central Kansas Agency on Aging gave the Commission an update on their program.

The Commission gave approval for Mine Creek FCE to use the Courthouse lawn for their Easter Egg Hunt, April 10.

The Commission reviewed and approved the February year-to-date park report.

Chris Merrell met with the Commission to ask for a donation for the alcohol free after prom party for USD 346 students. Herb Pemberton motioned to donate \$50.00 to USD 346 after prom. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:50 a.m. the Commission took a 10 minute break.

Zoning Administrator, Andy Mayhugh gave a update on Centerville Sewer District. Mayhugh stated Tim Rogers, Rural Development will be at the Commission March 22, 2004 meeting for added info.

Herb Pemberton motioned to appoint Russell Ruth to the Economic Development Committee. Delbert Cannon seconded the motion. The motion passed 3-0.

Ed Samyn discussed water going over the road north of 200 Road on Neil Road. The Commission will look into the problem.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m., Monday, March 15. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 15, 2004

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

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

The Commission approved the following pays/special pays: General, \$75,294.14; Employee Benefit, \$38,136.25; Appraiser, \$8,773.84; Rural Fire, \$2,501.61; Road & Bridge, \$42,841.87; 911 Telephone Tax, \$819.24; School Resource Officer, \$2,322.00; Hospital Board, \$22,906.83; Crime Victim Assistance, \$709.26; Elderly, \$8,922.25.

John Byington presented quotes for oil prices. Herb Pemberton motioned to purchase MC30, EA300 & SS1H from Vance Brothers and RS1H from Coastal Energy. Delbert Cannon seconded the motion. The motion passed 3-0.

Jim Knox, USD 346 Superintendent told the Commission that he feels the road districts do a great job in keeping roads clear. He feels they do a better job than any school district he has been in.

Bids were opened to do the counties box culverts for the year. The only bid received was from Foote Construction. Herb Pemberton motioned to accept the bid from Foote Construction \$226.00 per cubic yard. Tom Foerschler seconded the motion. The motion passed 3-0.

At 9:29 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with county counselor (possible litigation). Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Clerk, Andy Mayhugh, and Ed Fleming attended the executive session.

At 9:39 a.m. the executive session ended. No action taken.

Herb Pemberton motioned to sign F.S.A. form for Garland Ginther who farms county ground near the transfer station. Tom Foerschler seconded the motion. The motion passed 3-0. It was also noted the county received a check from Ginther for \$600.00 for rent on the ground.

Herb Pemberton motioned to purchase a pc from Global Computers for David Lamb in the Clerk's Office in the amount of \$952.00. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission asked the County Counselor to respond to a letter from Linn Valley P.O.A. asking the county to send them funds to repair streets inside the City of Linn Valley. The Commission feels if these streets are public streets they are city streets.

At 9:48, Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 12 minutes to discuss a personnel issue related to a non-elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:00 a.m., the executive session ended. No action taken.

Township Representative from Homer Township, Bates County Missouri, asked the Commission about the proposed agreement to repair State Line Road. The Commission reported they are waiting for the County Counselor and Homer Township to finalize the agreement.

At 10:17 a.m. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor attended the executive session.

At 10:22 a.m., the executive session ended. Tom Foerschler motioned to extend the above executive session by 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:32 a.m., the executive session ended. No action taken.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m., Monday, March 22. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 22, 2004

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

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

The Commission approved the following pays/special pays: General, \$9,408.92; Rural Fire, \$784.76; Road & Bridge, \$1,079.26; Hospital Board, \$301.09; Elderly, \$350.00; Employee Benefit, \$35,050.57.

Delbert Cannon motioned to accept the recommendation of John Black to hire Berl Annis an equipment operator in Road District #2 at \$9.01 per hour. Tom Foerschler seconded the motion. The motion passed 3-0. Annis must take a pre employment physical and will be on the normal 6-month county probation.

Herb Pemberton motioned to approve a permit to bury telephone cable requested by Sprint United located at 3386 Cassida Road. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to purchase 1/2" and 5/8 " rebar from Carter Waters for a total of \$7,737.60. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve a permit to bury telephone cable reported by People's Telecom, located at 18494 Perry Road. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission reviewed the minutes of the S.E.K. Mental Health Center Board Meeting dated November 17, 2003.

The Commission reviewed the Emergystat Ambulance monthly report for February 04.

The Commission reviewed the Sheriff monthly fee report for February 04.

The Commission reviewed KCAMP Board Meeting minutes dated February 11, 2004.

At 9:47 a.m. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Dan Morris attended the executive session.

At 9:52 a.m. the executive session ended. No action taken.

Tim Rogers with Rural Development discussed the Centerville Sewer District grant and loan. The Commission asked the County Counselor to exhaust interim financing possibilities for the start up on the project and also to try and delay the closing date if necessary.

Herb Pemberton motioned to allow the county counselor to hire a bond counselor for the sewer project (Bell & Gilemore). Delbert Cannon seconded the motion. The motion passed 3-0.

Ola May Earnest updated the Commission on Bleeding Kansas National Heritage Area. Senator Sam Brownback will introduce a bill in the U.S. Senate to approve this heritage area. Earnest also discussed a new trend called agritourism that is on the increase.

At the request of Bruce Holt, Herb Pemberton motioned to hire temporary summer employees at the park, Sherry Thompson, Calvin Brown and Patsy Rhyneron. These temp employees will be paid \$6.70 per hour.

Herb Pemberton motioned to allow Centerville Sewer District an easement on lots 11 & 12 block 15 in Centerville plat. Tom Foerschler seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m., Monday, March 29. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

March 29, 2004

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

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

The Commission approved the following add/abate/refund order numbers: 2003-204, 205 and 206.

Delbert Cannon motioned to approve Resolution #04-07 to approve interim financing for the Centerville Sewer District. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-07:



Herb Pemberton motioned to hire John Aleshire as temporary employee in the Noxious Weed Department at \$7.20 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

At the request of John Black, Herb Pemberton motioned to purchase a hydraulic motor for a boom mower from Mid America Hydraulic Repair for \$690.00. Delbert Cannon seconded the motion. The motion passed 3-0.

County Appraiser Steve Thompson reported valuation notices would go out April 1. Thompson reported the trend in value is going up again this year. Thompson also explained the appeal steps.

At 9:41, Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor attended the executive session.

At 9:51 a.m., Tom Foerschler motioned to extend the above executive session by 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. Linn Valley Police Chief Jack Harris attended this portion of the executive session.

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

Zoning Administrator Andy Mayhugh presented C.U.P. #0204294 for a bait shop on the east side of Holly Street, Pleasanton. Delbert Cannon motioned to approve Resolution #04-06 for C.U.P. #0204294 as approved by the Planning Commission. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-06:



Herb Pemberton motioned to approve lot split #04-159 and to accept the accompanying road easement, this lot split was ordered by a court judgment do to a divorce decree. Tom Foerschler seconded the motion. The motion passed 3-0.

Traffic Control Director Larry Robinson reported there are some 911 addressing problems in Holiday Lakes. The Commission agreed with Robinson to change the MSAG in Holiday Lakes to correct the problem.

The Commission signed an agreement with Homer Township and Bates County, Missouri for maintenance on State Line Road from the river north to north of 1700 Road. Following is a copy of the agreement:



Herb Pemberton motioned to sign a clap agreement with the Kansas Department of Wildlife and Parks. Delbert Cannon seconded the motion. The motion passed 3-0. There is no change from last years agreement.

The Commission opened bids for adapters and hose rollers for Rural Fire District #1. Bids received from Weiss Fire and Safety for \$966.30, Conrad Fire for \$1,010.00 and Jerry Ingrahm for \$1,076.70. Delbert Cannon motioned to accept the low bid from Weiss Fire and Safety for \$966.30. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:45 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and Economic Development Director Dennis Arnold attended the executive session.

At 10:50 a.m. Herb Pemberton motioned to extend the above executive session for 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The same people attended this session.

At 10:55 a.m. the executive session ended. As a result of the executive session, Herb Pemberton motioned to make a micro loan of \$15,000 to Jamie Wilson d.b.a. the Painted Pony General Store, LaCygne. Delbert Cannon seconded the motion. The motion passed 3-0.

Commission Chairman Foerschler stated that Linn County would not renew the counties portion of the revitalization program when it ends in May.

Donna Thomas, Public Health Nurse presented the Commission with the Linn County/Multi County Health Bioterrorism Emergency Plan. Herb Pemberton motioned to accept the plan as presented. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to purchase a new refrigerator for the Annex Building not to exceed \$550.00. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission agreed to allow the First Baptist Church to use the Courthouse lawn for Church Service on May 30th.

Delbert Cannon motioned to run advertising to put a metal roof on the LaCygne Medical Clinic and to install a drop ceiling, furnace, and air conditioning in the 4-H Building with bid opening to be April 12th at 10:00 a.m.. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission approved for Dennis Arnold to apply for S.R.O. Grants for next year.

At 11:50 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue related to a non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0.

At 11:55 a.m., the executive session ended. No action taken.

With nothing further on the agenda, Herb Pemberton motion to adjourn until 9:00 a.m., Monday April 5th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

April 5, 2004

The Board of Linn County Commissioners met in a regular session. Those present were Tom Foerschler, Chairman; Herb Pemberton, Vice Chairman; Don Proffitt, County Clerk and Gary Thompson, County Counselor. Commissioner Delbert Cannon was not present.

Herb Pemberton motioned to approve the minutes of the last regular meeting as printed. Tom Foerschler seconded the motion. The motion passed 2-0.

The Commission approved the following pays/special pays: General, \$129,947.05; Employee Benefit, \$40,726.22; Appraiser, \$8,338.52; Rural Fire, \$4802.56; Road & Bridge, \$28,347.74; School Resource Officer, \$4237.53; Hospital Board, \$34,546.84; Crime Victim Assist., \$709.26; Elderly, \$8,747.89.

Tom Foerschler motioned to purchase two tires for the paver machine from Net State, Kansas City Missouri for \$687.00 each. Herb Pemberton seconded the motion. The motion passed 2-0.

John Byington reported one application for chipping and sealing a road has been received that qualifies for 50/50 match 1.2 miles of 2000 Road west of 1095 Highway. The Cost of the road will be \$43,637.00 with one-half to be paid by the landowner's (\$21,818.00). The County Counselor will prepare the contract.

Jerry Boone and J.J. Isenhower met with the Commission to seek approval on a revitalization application that was turned in late. The Commission asked Isenhower to bring in the affidavit from Isenhower and LaCygne City Clerk stating facts on this revitalization and the Commission will make a decision.

At 9:30 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor (possible litigation) for 15 minutes. The Commission, Clerk, County Counselor, and Traffic Control Coordinator Larry Robinson attended the executive session.

At 9:45 a.m., the executive session ended. No action taken.

At 9:45 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session. To discuss a legal issue with the County Counselor for 15 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:00 a.m., the executive session ended. No action taken.

At 10:00 a.m. bids were opened to haul Linn County solid waste. Waste Corp of Joplin bid \$37.00 per ton including disposal. Waste Management bid \$552.89 per haul plus disposal. After reviewing the bids the Commission tabled a decision until the county can explore the cost if the county hauled our solid waste directly to the landfill.

At 10:15 a.m., bids were opened to provide engineering study for C.D. Landfill. Bids received from Terracon and Shetlar, Griffith, Shetlar. The County Counselor will study the bid proposals and report his finding at the next Commission meeting.

At 10:20 a.m., the Commission took a 10-minute break.

The meeting reconvened at 10:30 a.m.

The Clerk reported there will be a S.E.K. County Official meeting in Anderson County April 15th. Commissioner's Foerschler and Pemberton both stated they plan to attend.

At 10:40 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 2-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:50 a.m., the executive session ended. No action taken.

Zoning Administrator Andy Mayhugh gave the Commission an update on building permits in Linn County.

Herb Pemberton motioned to approve a micro loan of \$15,000.00 to Sharon Henry to own and operate the Mound City Laundromat. Tom Foerschler seconded the motion. The motion passed 2-0.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m., April 12. Tom Foerschler seconded the motion. The motion passed 2-0.

County Clerk

Commission Chair

April 12, 2004

The Board of Linn County Commission met in a regular session. Those present were Tom Foerschler, Chairman, Herb Pemberton, Chairman; Delbert Cannon, Member; Don Proffitt, County Clerk. County Counselor Gary Thompson was absent due to illness.

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

The Commission approved the following pays/special pays: General, \$167,644.39; Appraiser, \$1,204.77; Rural Fire, \$6,483.66; Road & Bridge, \$99,546.63; C.D.B.G. Revolving Loan, \$15,000.00; Law Enforcement Trust, \$838.06; 911 Telephone Tax, \$1,960.51; Hospital Board, \$17,324.60; Crime Victim Assist., \$142.85; Elderly, \$11,130.79.

The Commission approved the following add/abate/refund order #'s 2003-209 and 212.

Delbert Cannon motioned to approve a permit to bury cable located at 10580 Payne Road requested by Sprint United. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve a permit to bury telephone cable located at 200 Road and 69 Highway requested by Craw-Kan Telephone Company. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission agreed that the Noxious Weed Department pay \$26,548.45 as its share of the Hazardous Waste/Noxious Weed Building, total cost of \$59,383.00.

The Commission reviewed the February 24th minutes and the March 30th Agenda for SEK Multi County Health Board.

At 10:38 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected personnel. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:48 a.m., the executive session ended. No action taken.

The Commission reviewed the 2004 year-to-date Park Report through March.

Due to the County Treasurer illness the Clerk presented the treasurer interest report for quarter ending March 31, 2004. The report showed total 1st Quarter Interest earnings of \$26,610.64.

At 10:00 a.m., bids were opened for the 4-H building and LaCygne Clinic Roof. Five 4-H Building bids were received, B. C. Construction bid \$30,040.00 for ceiling project #1 and project #2 furnace and air conditioning \$26,732.00 Klein Heating and Cooling bid project #2, \$21,999.00; Country Home and Heating Project #2 at \$11,893.00; Double K Construction bid project #1 at \$14,515.00; project #2 at \$11,313.00. Spencer Heating and Cooling bid project #2 at \$17,950.00.

Herb Pemberton motioned to have the County Counselor study the specs and the Commission will announce bid winners next week. Delbert Cannon seconded the motion. The motion passed 3-0.

There were no bids received for the LaCygne Clinic Roof repair.

Delbert Cannon motioned to run a notice to bid on the LaCygne Clinic Roof for two more weeks with bid opening to be April 26 at 10:00 a.m.. Herb Pemberton seconded the motion. The motion passed 3-0.

Sheriff Marvin Stites updated the Commission on a 23-year-old male that has not been seen since a party in LaCygne last week. Stites stated both the KBI and the FBI are both involved in searching for the missing man.

Melissa McDow, with 4Bac Inspections Services met with the Commission about their new company that does bridge inspections and would like to be put on the counties bid list. The Commission asked Traffic Control Director Larry Robinson to add 4Bac to the bid list.

At 10:30 a.m., the Commission took a 15-minute break.

Christy Schmitz presented a final plat for the Mine Creek Industrial Park, Pleasanton for the Commissioners approval. After reviewing the plat Delbert Cannon motioned to accept the plat for Mine Creek Industrial Park. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m., Monday April 12. Delbert Cannon seconded the motion. The motion passed 3-0.

After adjournment the Fire coordinator, Bernard Streeter came in at 11:05. Tom Foerschler motioned to reopen the meeting. Herb Pemberton seconded the motion. The motion passed 3-0.

On the recommendations of Streeter Delbert Cannon motioned to hire Tyler Brown and Thomas Basore as part time fire fighters at the Pleasanton Rural Fire Station. Herb Pemberton seconded the motion. The motion passed 3-0.

Streeter also explained an emergency management grant that Linn County is eligible to receive for \$54,000.00 grant that is a 100% grant with no matching funds.

Delbert Cannon motioned to adjourn until 9:00 a.m., Monday April 12. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

April 19, 2004

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

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

The Commission approved the following pays/special pays: General, \$64,661.53; Employee Benefit, \$42,055.06; Appraiser, \$8,312.03; Rural Fire Dist., \$2,182.35; Road & Bridge, \$28,880.07; CDBG Revolving Loan, \$18,600.00; Special Fire Equip. Replacement, \$1,298.00; School Resource Officer, \$2,322.00; Hospital Board, \$20,405.42; Crime Victim Assist, \$709.26; Elderly, \$7,924.05; Noxious Weed Eradication, \$4,001.40.

The Commission approved add/abate/refund order numbers: 2003-213 through 216.

At 9:05 a.m. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission Clerk, County Counselor, and Ed Fleming attended the executive session. At 9:10 a.m., Fleming left the executive session.

At 9:15 a.m. Herb Pemberton motioned to extend the above executive session for 15 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. At 9:25 a.m., Fleming was called back into the executive session.

At 9:30 a.m., the executive session ended. No action taken.

Delbert Cannon motioned to approve a permit to bury water line located .2 of a mile south of Payne Road and 52 Highway, requested by Rural Water District #2. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve for Harry Wisdom to purchase four maintainer tires from Kansas Land Sales at \$395.00 each and two tires from Cross Midwest at \$502.66 each. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission opened bids for a new Bush Hog for District #2. Bids received were Conley Sales \$8,539.00 and R & K Equipment for \$9,250.00. Delbert Cannon motioned to accept the low bid from Conley Sales, Pleasanton for \$8,539.00, with no trace. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:39 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and John Black attended the executive session. At 9:44 a.m., John Black left the executive session.

At 9:49 a.m., the executive session ended.

Tom Foerschler motioned to hire Autumn Stroup as temporary part time lifeguard at the park for \$6.70 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to hire Charles Rush as temporary part time employee at the park at \$6.70 per hour. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission reviewed pictures of items placed on the county right-of-ways. The Commission agreed to notify property owners that obstructions cannot be allowed to continue.

The Commission asked John Black to set up a defensive driving class for necessary county employees.

The Clerk reported that next Monday at 11:30 a.m. the Commission would plant a tree to commemorate the Sesquicentennial.

Delbert Cannon motioned to reappoint Joe Wurtz to the SEK Mental Health Board. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve using bookmarks as the Commission's civil rights activity for 2004. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission reviewed the Sheriff monthly fee report for March 2004 and the Elderly Fund receipts through March 2004.

The Counselor reported on bid specs for 4-H Building repairs. After hearing from the County Counselor, Delbert Cannon motioned to accept the low bid from Double K at \$14,515.00 for ceiling repair. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to accept the low bid from Double K Construction for the heating and air conditioning \$11,313.00. Herb Pemberton seconded the motion. The motion passed 3-0.

After hearing advice from the County Counselor, stating that LaCygne City Clerk had not given J. J. Isenhower revitalization papers at the time he applied for a building permit, Herb Pemberton motioned to approve the late revitalization application for Isenhower. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:30 a.m., the Commission took a 15-minute break.

Ed Fleming, Solid Waste Coordinator called and reported that Andrew Alcorn has resigned from Solid Waste Department.

Delbert Cannon motioned to purchase a water cooler for upstairs in the courthouse and District #2 Shop for \$575.00 each. Tom Foerschler seconded the motion. The motion passed 3-0.

At 11:04 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:14 a.m., the executive session ended. No action taken.

At 11:18 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a personnel issue related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Sheriff Stites attended the executive session.

At 11:33 am. the executive session ended. No action taken.

At 11:33 a.m., Tom Foerschler motioned to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor attended the executive session.

At 11:43 a.m., the executive session ended. No action taken.

At 11:44 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a personnel issue related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Economic Development Director Dennis Arnold attended the executive session.

At 11:59 a.m., the executive session ended. No action taken.

At 11:59 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Arnold attended the executive session.

At 12:09 the executive session ended. No action taken.

Delbert Cannon motioned to adjourn until 9:00 a.m. Monday, April 26th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

April 26, 2004

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

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

The Commission approved the following add/abate/refund orders numbers: 2003-217 and 218.

The Commission reviewed March 30th minutes and the April 27th agenda of the SEK Multi County Health Board.

The Commission reviewed the Emergystat monthly report for March 2004.

Traffic Control Director, Larry Robinson reported that KDOT plans to replace the box culverts on Highway 31 at the south end of Blue Mound at 7 Highway North of Mound City and on 152 Highway west of Prairie View High School and there roads will be closed while culverts are being replaced.

Delbert Cannon motioned to tentatively add \$6,000.00 to the 2005 Budget as match dollars from the Area Agency and \$5,000 for services provided through the Senior Care Act. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to send a letter to Senator Tyson and Representative Howell asking that the state give the counties their share of revenue sharing and demand transfer they gave in the past before it was discontinued. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to hire William Breckenridge as part time fire fighter at the Pleasanton Rural Station. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission gave Rural Fire Coordinator Bernard Streeter permission to fly to Pennsylvania to look at a fire truck that is available for purchase.

Herb Pemberton motioned to sign an agreement with Double K Construction to lower ceiling and install air conditioning and heating in the 4-H Building. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:00 a.m., the Commission opened bids to repair a roof on LaCygne clinic roof. Only one bid was received from G & D Construction, LaCygne. Delbert Cannon motioned to accept the bid of \$18,500.00 from G & D Construction. Tom Foerschler seconded the motion. The motion passed 2-0 with Commissioner Herb Pemberton abstaining, with the money to come from Hospital Board Capital Outlay.

At the request of clinic director, Diane Van Kirk, Herb Pemberton motioned to move Debbie Bowman from part-time receptionist to full time. The motion died for lack of a second.

At 10:25 a.m. Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor (possible litigation). Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk and County Counselor attended the executive session.

At 10:40 the executive session ended. No action taken.

At 10:41 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor, (possible litigation) for 20 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Marilyn Augur attended.

At 11:01 a.m. the executive session ended. No action taken.

Zoning Administrator, Andy Mayhugh presented amendments to the county zoning regulations. Herb Pemberton motioned to pass Resolution #04-08 amending article 13.08 and article 11 of the zoning regulations. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of Resolution 04-08:

RESOLUTION #04-08
AMENDING ARTICLE 13.08 AND ARTICLE 11 OF THE LINN COUNTY ZONING REGULATION
 The following text and provisions are presented by Temporary Use Permit under authority conferred by the zoning regulations:
13.07 Temporary Use - Qualification and Review
 Prior to the establishment of any of the above temporary uses or significantly similar uses, an application for a Temporary Use Permit shall be submitted to the Zoning Administrator as follows:
 1. The requested temporary use will not have a significant detrimental impact on nearby properties.
 2. The requested temporary use will not create excessive traffic hazards on adjacent streets.
 3. The applicant shall submit a copy of a Certificate of Liability Insurance in an amount deemed appropriate for the activity which is being applied for.
 4. The applicant shall provide for the restoration of the site to its original condition. A plan of substantial remediation which is necessary to meet this criteria shall be submitted with the application.
 5. Limitations on particular temporary uses:
 a. Construction temporary buildings or trailers that are used in conjunction with construction work shall be removed within ten (10) days of completion of the construction work.
 b. Temporary use of concrete plants shall be considered as a temporary use only if the proposed location has direct access to a State or Federal Highway right-of-way.
 c. The proposed location is not less than seven feet to the nearest residential use.
 d. The application shall include a statement from the Kansas Department of Health and Environment certifying that all wastewater and fuel containment issues have been addressed to the satisfaction of the State of Kansas.
 e. A safety fence or other of roads surrounding the site will be returned to its original condition shall be submitted to the County prior to issuance of the permit.
 f. All equipment and materials utilized in the operation of the limited application or concrete plant shall be removed from the site within ten days following completion of the construction project for which the permit was obtained.
 g. A sign indicating the proposed use of the site shall be placed on the site and the designated land shall be returned to its original condition.
 h. All other uses shall not occupy the site for more than 14 days.

Article 13.08, 13.09 and 13.10 are hereby amended to read as follows:
 13.08 Nonconforming Use - Definition
 Any building, lot or use, which was legally established at the time of the effective date of this zoning regulation, or across the lot lines, which does not conform to the requirements of the district in which it is located.
 13.09 Nonconforming Use Permitted to Continue
 a. The maximum use of a building:
 (a) Existing at the time of the adoption of this zoning regulation.
 (b) Existing at the time an amendment is made to the zoning regulation so as to increase the height of a nonconforming building, may be continued, although such use may not conform to the provisions of the zoning regulation as amended.
 c. The height of a building:
 (a) Existing prior to the effective date of this zoning regulation or amendments thereto, may be continued although such existing use does not conform to the provisions of the zoning regulation. Such use may be continued throughout the useful life of the building, but such use shall be discontinued if structural alterations are made to the building which are more than required by law.
 13.10 Limitations on Nonconforming Uses
 a. Whenever a nonconforming use has been changed to a more conforming use, such use shall not otherwise be changed to a nonconforming use.
 b. No such nonconforming use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
 c. A lawful nonconforming use which has been discontinued for a period of one continuous year shall not be resumed.
 d. The usual, incidental, temporary or slight use of land or structures shall not be allowed to establish the character of a nonconforming use.
 e. No building which has been damaged by any casualty, act of God or public enemy to the extent of more than fifty percent (50%) of its structural value shall be restored except in conformity with these regulations.
 f. A nonconforming use shall not permit the existence of a nuisance as established by State Law or the County Resolution.
It is further resolved, that this resolution shall become effective upon publication in the Official County Newspaper.

Printed and signed this 26th day of April, 2004.
 Board of County Commissioners
 Tom Foerschler
 Herb Pemberton
 Delbert Cannon
 Don Proffitt
 Gary Thompson

Economic Development Director Dennis Arnold presented a proposal by United Wholesale to purchase 4.81 acres in the east industrial park at LaCygne. Herb Pemberton motioned to have the County Counselor look at the proposal and get back to the Commission.

At 11:15 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 15 minutes to discuss confidential data relating to financial affairs on trade secrets of corporations, partnerships, trusts and individual proprietorships. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk and Dennis Arnold attended the executive session.

At 11:30 a.m., the executive session ended. No action taken.

At 11:30 a.m., Herb Pemberton motioned to recess for 15 minutes to plant a commemorative tree for the sesquicentennial celebration. Delbert Cannon seconded the motion. The motion passed 3-0.

At 11:47 a.m., the Commission meeting reconvened.

At 11:47 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a personnel issue related to a non-elected employee for 10 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and Solid Waste Coordinator Ed Fleming attended the executive session.

At 11:57 a.m., the executive session ended. No action taken.

At 11:57 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 15 minutes to discuss the financial affairs or trade secrets of a corporation, partnership, trust or individual proprietorship. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk and Arnold attended the executive session.

AT 12:19 p.m., the executive session ended. No action taken.

At 12:19 p.m., Delbert Cannon motioned to recess from the Board of Commission meeting into executive session to discuss a personnel issue related to a non elected employee for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 12:24 p.m., the executive session ended. No action taken.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m., Monday, May 3. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

May 3, 2004

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

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

The Commission approved the following pays/special pays: General, \$78,592.03; Employee Benefits, \$142,866.95; Appraiser, \$8,772.52; Rural Fire, \$4,696.54; Road & Bridge, \$29,163.17; Law Enforcement Trust, \$8,410.00; 911 Telephone Tax, \$10.21; School Resource Officer, \$4,284.24; Hospital Board, \$29,836.03; Crime Victim Assist, \$709.26; Elderly, \$7,760.54.

The Commission approved the following add/abate/refund order numbers: 2003-219 & 220.

1. The Commission reviewed KCAMP quarterly claim summary. 2. A letter from the Legislative Division of Post Audit Concerning the Register of Deeds technology fund and 3. The minutes of the March 12, 2004 KCAMP board meeting.

Road Foreman District #1, Dan Morris, and Commission discussed an area on Robertson Road where the road is sliding into a ditch. The Commission decided to dig out the area and try to find out why the road is sliding toward the ditch.

Delbert Cannon motioned to approve a permit to bury water line located at 1959 West 800 Road requested by Anderson County Rural Water District #1. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to accept the bid from Gerken Rent All, Paola to service port-a-potties at the 7 Solid Waste collection centers at \$31.00 per monthly service and \$51.00 per bi-monthly service. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission heard results of bid specs for environmental engineering update for the C & D landfill. Bids received were from Terracon at \$12,000.00; Allied Environmental at \$12,650.00 and Shetlar Griffith Shetlar at \$18,750.00. Herb Pemberton motioned to accept the low bid for Terracon for \$12,000.00. Tom Foerschler seconded the motion. The motion passed 3-0.

At 9:33 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 9:43 a.m., the executive session ended. No action taken.

At 9:45 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a personnel issue related to a non-elected personnel until 10:00 a.m. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:00 a.m., the executive session ended. No action taken.

At 10:04 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Mark Schuler attended the executive session.

At 10:14 a.m., the executive session ended. No action taken.

AT 10:15 a.m., the Commission took a 15-minute break.

The County Counselor reported that Double K Construction Company had made a mistake in the bid on the 4-H Building heating and cooling and would like to withdraw their bid. Herb Pemberton motioned to allow Double K Construction to withdraw the bid for heating cooling in the 4-H Building. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively accept the next low bid from Spencer Heating and Cooling of \$17,950.00 and to let the County Counselor get with Spencer Heating on a contract. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:43 a.m., Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation) Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:53 a.m., the executive session ended.

Delbert Cannon motioned to sign a work for hire agreement with G & D Construction to put a metal roof on the Linn County Family Care Clinic in LaCygne for \$18,500.00. Tom Foerschler seconded the motion. The motion passed 2-0. With Herb Pemberton abstaining.

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

County Clerk

Commission Chair

May 10, 2004

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

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

The Commission approved the following pays/special pays: General, \$139,958.35; Appraiser, \$1,172.14; Rural Fire, \$7,892.27; Road & Bridge, \$41,387.85; Law Enforcement Trust, \$704.88; Hospital Board, \$11,460.47; Crime Victim Assist., \$250.21; Elderly, \$10,500.99.

The Commission approved the following add/abate/refund order numbers: 2003-222 and 223.

The Commission reviewed financial statements from KWORC, 4th Quarter 2003 and 1st Quarter 2004.

Herb Pemberton motioned to approve a permit to bury cable requested by Sprint United located on Keitel Road ½ mile north of 1800 Road. Tom Foerschler seconded the motion. The motion passed 3-0.

Bids were opened to sell a Lincoln SA-200 welder in Road District #1. Herb Pemberton motioned to accept the bid from Larry Morgan for \$1527.50. Delbert Cannon seconded the motion. The motion passed 3-0. With the \$1527.50 going into the special equipment fund.

Delbert Cannon motioned to purchase a Hobart Welder, Champion 4500 from Stainbrooks for \$1,200.00. Herb Pemberton seconded the motion. The motion passed 3-0. The money to come out of the special equipment fund of Road District #1.

Herb Pemberton motioned to hire Vic Roach and Keith Smith at \$8.24 per hour as temporary summer employees in Road District #1. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to purchase two Recap road grader tires from Cross Midwest at \$337.65 each. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to purchase 20 tubes for Road District #2 from J & J Metal, Paola for approximately \$2,200.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to purchase 10 tubes for Road District #3 from J & J Metal at approximately \$1,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve a permit for solid waste collections for Wm. E. Braden. Tom Foerschler seconded the motion. The motion passed 3-0.

At 9:16 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Ed Fleming attended the executive session.

At 9:26 a.m., the executive session ended. No action taken.

At 9:26 a.m., Tom Foerschler motioned to extend the above session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the session.

At 9:36 a.m. the executive session ended. No action taken.

At the recommendation of Solid Waste Coordinator Ed Fleming, Delbert Cannon motioned to hire Jesse Spears as a truck driver in Solid Waste Department at \$9.01 per hour. Herb Pemberton seconded the motion. The motion passed 3-0. Spears must take a pre-employment physical and will be on normal county probation for 6 months.

The Commission gave Fleming permission to go out for bids for a new solid waste truck, both out right purchase and also a lease purchase.

Tom Foerschler motioned to appoint Herb Pemberton as a member to the SEK Mental Health Board. Delbert Cannon seconded the motion. The motion passed 2-0 with Herb Pemberton abstaining.

Tom Foerschler motioned to temporarily route eastbound traffic around Blue Mound, east on 400 Road and north on Ellington Road back to 52 Highway with Ellington Road one way going north between 400 and 500 Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve for the County Clerk to take the low bid from Global Computer for a Systemax Ascent Pro A24 computer for \$794.99. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to sign a contract with Terracon for an environmental study of C & D landfill for \$12,000.00. Tom Foerschler seconded the motion. The motion passed 3-0.

At 10:11 a.m., Delbert Cannon motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:21 a.m., the executive session ended. No action taken.

Bids were opened for a new antenna and cable for the Sheriff's Department. Bids received from Western Communications for \$4,712.70 and Washington Electronics for \$7,935.10. The Commission asked that Emergency Preparedness coordinate review bids and make recommendations next week.

Herb Pemberton motioned to approve 11 applications for youth employment grant. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve \$3,835.50 for SEK Regional Planning Commission dues. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to adjourn until 9:00 a.m., Monday, May 17th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

May 17, 2004

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

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

The Commission approved the following pays/special pays: General, \$61,879.50; Employee Benefit, \$35,039.32; Appraiser, \$8,288.31; Rural Fire District, \$2,228.76; Road & Bridge, \$29,462.73; 911 Telephone Tax, \$819.24; School Resource Officer, \$2,322.00; Hospital Board, \$19,815.69; Crime Victim Assist, \$709.26; Elderly, \$7,345.33.

Herb Pemberton motioned to approve a permit to bury cable requested by Sprint United located at 10499 West 1800 Road. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission reviewed the sheriff monthly fee report for April 2004.

The Commission reviewed the park year-to-date report through April 2004.

At 9:07 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 9:17 a.m., the executive session ended. No action taken.

At 9:18 a.m., Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 9:28 a.m., the executive session ended. No action taken.

Delbert Cannon motioned to pass Resolution #04-09 pertaining to detours around Blue Mound, Kansas while KDOT is replacing a bridge south of Blue Mound. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-09:

RESOLUTION NO. 04-09

WHEREAS, Kansas Highway 31 has been temporarily closed by the Kansas Department of Transportation in the vicinity of Blue Mound, Kansas; and

WHEREAS, traffic circumventing said closure will necessarily revert to County Roads to reach their destinations; and

WHEREAS, one such county road that will be used by the public for this purpose is Ellington Road between West 400 Road and Kansas Highway 31; and

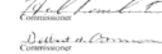
WHEREAS, said Ellington Road between West 400 Road and Kansas Highway 31 may have insufficient width to handle the volume of two way traffic this use would lead to

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS,

1. Ellington Road between West 400 Road and Kansas Highway 31 is hereby declared to be temporarily restricted to one-way travel northbound.
2. This restriction shall be effective immediately and the County Road Department instructed to install appropriate signage.
3. This restriction shall be terminated by action of the Board of Commissioners and public notice thereof given notice to the Board that the Kansas Department of Transportation has reopened Kansas Highway 31 around and through Blue Mound.

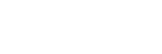
RESOLVED THIS 17TH DAY OF MAY, 2004.


Commissioner Chairman


Commissioner


Commissioner

ATTEST


COUNTY CLERK



Tom Foerschler motioned to accept a letter of resignation from Charlene Sims as a member of the SEK Mental Health Board. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:47 a.m., Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk and County Counselor attended the executive session.

At 9:57 a.m., the executive session ended. No action taken.

At 10:00 a.m. at the request of Robert Stocking and Keith Couch, Hospital Board members, Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a personnel issue related to non-elected personnel. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Stocking and Couch attended the executive session.

As a result of the executive session, Herb Pemberton motioned to hire Debbie Bowman as full time receptionist at \$7.98 per hour. Tom Foerschler seconded the motion. The motion passed 3-0. Bowman will take the pre-employment physical and drug test. The Commission also gave permission for the Board to advertise for the clinic manager position that Diane Van Kirk has

resigned.

At the request of Maribeth Kehl the Commission agreed for her to hire a temporary employee at District Court for approximately 12 weeks at \$6.75 per hour.

Herb Pemberton motioned to accept the low bid from Western Communications Inc. for antenna's and cable for the Sheriff's Department in the amount of \$4,712.70. Delbert Cannon seconded the motion. The motion passed 3-0. The other bid received was from Washington Electronics for \$7,935.10.

AT 10:26 a.m. at the request of Fire Coordinator Bernard Streeter, Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a personnel issue related to non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Streeter attended the executive session.

At 10:31 a.m., the executive session ended. No action taken.

Robert Dent reported he went to look at a new fire truck that Streeter would like to purchase. Dent stated he feels it is a good truck and that minor problems he found will be repaired by the seller. Herb Pemberton motioned to trade a 2000 model rescue truck for a 1994 rescue/tanker truck and \$60,000 difference to be financed for 5 years on a lease purchase agreement. Delbert Cannon seconded the motion. The motion passed 3-0. Streeter will get necessary paperwork done and bring back to the Commission.

Nutrition Director Marilyn Augur discussed the need to have the roof repaired at Pleasanton and Centerville and need for furnace and air at Blue Mound. The Commission asked Augur to get firm prices if possible. The Commission also discussed the need for commercial dishwashers at the senior centers but tabled the issue to a later date.

At 11:05 a.m. Delbert Cannon motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss a personnel issue related to a non elected employee. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk and County Counselor attended the executive session.

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

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m., Monday, May 24th. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

May 24, 2004

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

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

The Commission approved the following pays/special pays: Noxious Weed Eradication fund, \$13,117.90.

The Commission approved the following add/abate/refund order numbers: 2003-226 & 227.

Herb Pemberton motioned to move the May 31 meeting to Tuesday, June 1, due to Memorial Day. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:05 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session. At 9:08 a.m., Harry Wisdom was called into the meeting.

At 9:15 a.m., the executive session ended. No action taken.

Delbert Cannon motioned to hire Jason Smith as temporary employee at the Transfer Station through June and July at \$6.50 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

Bids were opened to sell outright a used 1984 F700 Ford Truck. Bids received were Larry Holt \$1,004.00, Walt Grigsby, \$2,500.00; Larry Morgan \$3,250.00 and trade-in price from Merle Kelly Ford, Chanute of \$2,000.00. Bids were opened to purchase a new truck, cab and chassis only for District #1. Bids received were from Merle Kelly Ford, F-700 Ford with/Cat engine \$47,891.60, Sterling with Cat engine, \$48,093.00 and Sterling with Mercedes engine, \$46,948.00

Bids were opened for a new truck bed, hydraulics, and spreader. Bids received were Knaphiede \$22,261.00 and Midwest Truck \$21,972.00. The Commission asked Danny Morris to study bids and specs and get back to the Commission next week.

At the request of Traffic Control Director Larry Robinson, Herb Pemberton motioned to purchase a trailer from Neal Manufacturing for \$835.00 for the sign department. Delbert Cannon seconded the motion. The motion passed 3-0.

Dennis Norton, presented the Tri-Ko Budget. Norton asked for a 2% increase to \$67,034.00 for 2005. Delbert Cannon motioned to tentatively approve the \$67,034.00 request for 2005 budget for Tri-Ko. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:15 a.m., the Commission took a 15-minute break.

Rick Porter with RC & D presented the Commission with the 2003 annual report and other literature, also Porter reported Linn County lead the state installing dry hydrants, and also showed the Commission a map of RC & D Development areas in the state.

Ron Briggs, Conservation District reported Linn County has received \$442,868.00 for 36 different conservation programs in Linn County over the next 5 years.

At 10:43 a.m., Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:53 a.m., the executive session ended. No action taken.

Bids were opened for haying the south Pleasanton Industrial Park, the only bid received was from Kenneth Baugh for \$7.10 per big bale. Herb Pemberton motioned to accept the bid from Baugh for \$7.10 per bale. Delbert Cannon seconded the motion. The motion passed 3-0.

Sherrie Clifton, 7963 Ungeheuer Road complained about the trash, boards, nails, etc that is being dropped on the road as people are taking trash to the Transfer Station. The Commission reported they will try to correct the problem and will be open to possible solutions.

Herb Pemberton motioned to approve a lot split #04160 as requested and to accept the grant of road easement. Delbert Cannon seconded the motion. The motion passed 3-0.

John Sutherland, County Attorney reported that Monica Mullins is leaving county employment and Jeannie Kerr, Sheriff Dispatcher bid on the Administrative Assistant position. Herb Pemberton motioned to move Jeannie Kerr to County Attorney office as Administrative Assistant at \$9.79 per hour. Tom Foerschler seconded the motion. The motion passed 3-0. Kerr will remain at the Sheriff Department for approximately 2 weeks.

Delbert Cannon motioned to approve a new employment contract with Economic Development Director Dennis Arnold effective June 24, 2004. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m. Tuesday, June 1st. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

June 1, 2004

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

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

The Commission approved the following pays/special pays: General, \$66,826.61; Employee Benefit, \$38,880.10; Appraiser, \$8,338.52; Rural Fire District, \$5,474.82; Road & Bridge, \$29,791.29; 911 Telephone Tax, \$10.72; School Resource Officer, \$4,303.95; Hospital Board, \$32,131.11; Crime Victim Assist, \$709.26; Elderly, \$8,144.95.

The Commission approved the following add/abate/refund order numbers: 2003-232 & 233.

Road Foreman, Danny Morris reported on the bids on a new truck. At the recommendation of Morris, Delbert Cannon motioned to purchase cab & chassis from Merle Kelly Ford, Chanute for \$47,212.00 and bed & spreader from Knapheide for \$22,261.00 and to accept the bid of \$3,250.00 from Larry Morgan for the 1984 Ford dump truck, with the \$3,250.00 put in the Special Machinery fund. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to pass Resolution #04-10 to surplus 1984 F700 dump truck. Tom Foerschler seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-10:



Tom Foerschler motioned to approve permit to bury water line located at 9625 S. Kirby Lane. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:20 AM the Commission took a 5 minute break.

At 9:25 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal issue with the County Counselor for 15 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 9:40 AM the executive session ended. No action taken.

At 9:50 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to non-elected personnel. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Fire Coordinator Bernard Streeter attended the executive session.

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

Herb Pemberton motioned to extend the above executive session for 10 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The same people attended the executive session.

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

County Attorney John Sutherland presented his 2005 budget. Herb Pemberton motioned to tentatively approve the County Attorney 2005 Budget at \$176,419.43. Delbert Cannon seconded the motion. The motion passed 3-0.

Cheyenne Beisiegel discussed the management of the Health Clinics in Linn County. He and a group of citizens plan to get involved in getting out accurate & positive information on the clinics.

Delbert Cannon motioned to tentatively approve the SEK Multi County Health Dept. 2005 Budget request of \$46,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Bids were opened for a new Solid Waste truck. Bids received were: Cox Motor Co. \$66,769.00, Doonan Truck, Wichita \$70,272.00, and John Ross \$84,130.00, including roll off frame; Merle Kelly Ford \$64,372.00, Roy Conley \$64,372.00 + \$25,338.00 for roll off frame. The Commission asked Ed Fleming to review the bids and get back to the Commission next week.

Clyde Bowman, resident of Goodrich, complained that an ambulance that was called to his home went to Parker first. He lives on Kimball Ave. in Goodrich and there is also a Kimball Street in Parker. The Commission asked Traffic Control Coordinator Larry Robinson to check out the problem.

At 11:46 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a personnel issue related to non-elected personnel. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk,

County Counselor, and Ed Fleming attended the executive session.

At 11:51 AM the executive session ended. No action taken.

Economic Development Director Dennis Arnold gave the Commission an update on his department. At 11:57 AM at the request of Arnold, Herb Pemberton motioned to recess from the Board of Commissioners meeting for 10 minutes to discuss the acquisition of real property. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Arnold attended the executive session.

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

Delbert Cannon motioned to adjourn. Herb Pemberton seconded the motion. The motion passed 3-0.

It was then noted the Commission had not signed payroll. The Chairman reconvened the meeting to sign payroll.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m. Monday, June 7th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

June 7, 2004

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

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

The Commission approved the following add/abate/refund order numbers: 2003-234,235 & 236.

Oscar Holway, Blue Mound, reported his fire rating had dropped from a 9 to an 8 and saved him \$400.00 on his house insurance.

Delbert Cannon motioned to approve a permit to bury water line located at 8805 W. 1525 Rd. requested by Cal Zimmerman. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve a permit to bury telephone cable located from Thomas Rd. to Ungeheuer Rd. on 200 Rd. requested by Craw Kan. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to purchase 100 Linn County decals from All Road Barricade for \$1282.00. Delbert Cannon seconded the motion. The motion passed 3-0.

At the request of Dist. Court Clerk Maribeth Kehl, Herb Pemberton motioned to hire Lu Ann Hargrove in the Dist. Court Clerk's office as a temporary employee at \$6.75 per hour. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve a permit to bury cable located at 2402 Ullery Rd. requested by KCP&L. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to sign a request for tax exemption on the Centerville Sewer Dist. #1 property to be used for the sewer lagoon system. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to pass Resolution #04-11 to surplus a 2000 International E-1 Rescue Truck. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-11:



Herb Pemberton motioned to purchase a 1994 E-1 Rescue Pumper on a lease purchase from Fire Trucks Plus, financed on a five year lease purchase through Baystone Financial with \$13,943.13 annual payment at 4.79% interest with 1st payment due 8/03/05. Delbert Cannon seconded the motion. The motion passed 3-0. Linn County will trade in the above 2000 International E-1 Rescue Truck.

At the request of Sheriff Stites, Herb Pemberton motioned to hire Linda Holt as a Dispatcher at \$9.27 per hour. Tom Foerschler seconded the motion. The motion passed 3-0. Holt will take a pre-employment physical & drug test and will be on the normal County 6 month probation.

Delbert Cannon motioned to hire Jimmy Watts as a Jailer at \$9.01 per hour. Herb Pemberton seconded the motion. The motion passed 3-0. Watts will take a pre-employment physical & drug test and will be on the normal County 6 month probation.

Herb Pemberton motioned to purchase a new cab & chassis for a Solid Watse truck from Cox Motor Co. for \$66,769.00 on a lease purchase for 60 months at 4.78% interest. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to purchase a roll off frame from Galbreath Custom Truck Body for \$24,500.00 from the Solid Waste Budget. Herb Pemberton seconded the motion. The motion passed 3-0.

At the request of Nutrition Director Marilyn Augur at 10:16 AM, Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Augur attended the executive session.

At 10:21 AM the executive session ended. No action taken.

Marilyn McKibben and a group of citizens from Parker Library Dist. asked the Commission about possible grants for Library Districts. The Commission asked the group to contact the Economic Development Director about possible grants.

Chris Paus with Lake Region Solid Waste Authority presented their 2005 budget request. Herb Pemberton motioned to tentatively approve \$4,766.00 for the Lake Region Solid Waste Authority Budget. Tom Foerschler seconded the motion. The motion passed 3-0.

At 10:55 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to non-elected personnel for 10 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Robert Stocking attended the executive session.

At 11:05 AM the executive session ended.

As a result of the executive session and at the request of Robert Stocking, Hospital Board Member, Herb Pemberton motioned to hire Mary Ashburn, RN/PRN at \$14.05 per hour; Sherri Crane, LPN/PRN at \$11.02 per hour; Melinda Layne Fry, LPN/PRN at \$11.02 per hour; and Carol Parnell, PT Receptionist at \$6.50 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

At 11:15 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:30 AM the executive session ended. No action taken.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m. Monday, June 14th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

June 14, 2004

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

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

The Commission approved the following pays/special pays: General, \$247,259.36; Employee Benefit, \$26,029.60; Appraiser, \$10,225.48; Rural Fire District, \$9,938.22; Road & Bridge, \$151,712.58; Law Enforcement Trust, \$166.85; 911 Telephone Tax, \$5,540.99; Spec. Fire Equip. Replacement, \$1,017.25; School Resource Officer, \$2,322.00; Hospital Board, \$77,482.21; Crime Victim Assist, \$906.78; Elderly, \$27,051.87.

The Commission reviewed the year to date Park Report through May 2004.

Herb Pemberton motioned to sign the Certificate of the Transfer of Real Property Roll from the Appraiser to County Clerk for 2004. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:26 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 9:36 AM the executive session ended. No action taken.

At 9:39 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 9:48 AM the executive session ended. No action taken.

Tom Foerschler motioned to hire Abby Burnett as an Intern in the Economic Development department at \$7.00 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to adjust dispatcher Terri Johnson's pay from \$9.11 per hour to \$9.27 per hour retroactive to her hire date. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission asked Nutrition Director Marilyn Augur to go out for bids to have the roofs repaired at the Pleasanton & Centerville Senior Centers.

At 9:59 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Hospital Board Member Robert Stocking attended the executive session.

At 10:09 AM the executive session ended. No action taken.

At 10:09 AM Delbert Cannon motioned to extend the above executive session for 10 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The same people attended the executive session.

At 10:19 AM the executive session ended. No action taken.

Robert Stocking reported on a Bio-Terrorism grant originally thought to apply to the medical clinics. However now it appears to be a grant for Emergency Preparedness.

Kayleena Boyd, 7th grader asked the Commission for funds to help her go to the National Pedal Pull Championship. The Commission reported they do not donate to individuals.

At 10:38 AM the Commission took a 10 minute break.

Ed Samyn, resident on 200 Road west of Mantey reported a stop sign & post was found washed into a culvert and was plugging it up, also complaining about warning reflectors on 200 Road. The Commission asked the Traffic Control Director to check into the sign shortages.

At 10:53 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:03 AM the executive session ended. No action taken.

The Clerk & Commission discussed record storage problems. The Commission asked the Clerk to check into using the nursing home for storage.

At the recommendation of the County Counselor, Herb Pemberton motioned to remove non-commercial dishwashers from all senior centers (except Pleasanton) and to install mop sinks at all sites. Delbert Cannon seconded the motion. The motion passed 3-0.

Dr. Spencer and Pat Trask reported on plans for a Mine Creek reenactment this fall. Plans are to have the reenactment Oct. 23rd & 24th on the Charles & Pat Trask farm ½ mile east of the Highway 69 & 52 junction. Dr. Spencer presented the Commission with a painting of the Battle of Mine Creek.

Delbert Cannon motioned to approve the release of \$7,690.00 to pay for the County portion of the new transportation van. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m. Monday, June 21st. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

June 21, 2004

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

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

Herb Pemberton motioned to move the July 5th meeting to Tuesday, July 6th due to the July 4th Holiday. Delbert Cannon seconded the motion. The motion passed 3-0.

At the recommendation of the Solid Waste Coordinator, the Commission agreed to close the Transfer Station Saturday, July 3rd due to July 4th weekend.

Herb Pemberton motioned to sign a construction agreement with Foote Construction to build box bridges in the County during 2004. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to require that all trash going to the Transfer Station be tarped. After discussion Commissioner Cannon withdrew his motion. The Commission will have the County Counselor draw up a resolution to require that loads be tarped.

Delbert Cannon motioned to sign the Annual Noxious Weed Management Plan. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to purchase a 60" magnet from McMaster Carr for \$543.00 plus shipping. Herb Pemberton seconded the motion. The motion passed 3-0. The magnet will be used to remove nails, etc. from County roads.

At 9:31 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal issue with the County Counselor for 10 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Danny Morris attended the executive session.

At 9:41 AM the executive session ended. No action taken.

Herb Pemberton motioned to sign extension of the CLAP agreement with Wildlife & Parks for entrance roads, etc. at Wholesale Water Dist. #13 Lake when it's built. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to sign permit to bury cable requested by Sprint United located at 12921 Faucett Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve cable burial requested by Sprint United located at 14197 Highway 52. Tom Foerschler seconded the motion. The motion passed 3-0.

At the request of County Appraiser Steve Thompson, Herb Pemberton motioned to purchase a Sony Digital Camera from Global Computer Co. for \$874.99. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat monthly report for May 2004.

The Commission reviewed the Sheriff's monthly fee report for May 2004.

The Commission reviewed the July Abstract 2004 valuation for Linn County.

Delbert Cannon motioned to sign an agreement with Double K Construction to replace and lower the ceiling in the 4-H Building. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to sign an agreement with Spencer Heating to put new air conditioners in the 4-H Building. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission reviewed a fence view request by Jim Bernard for a fence between Bernard & Mark Schuler. The Commission agreed to meet at 1:00 PM on July 12th to view the fence.

At 10:15 AM the Commission took a 15 minute break.

At 10:30 AM at the request of Robert Stocking & Bruce Smith, Hospital Board Members, Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Stocking & Smith attended the executive session.

At 10:40 AM the executive session ended.

As a result of the executive session, Herb Pemberton motioned to hire Bridgett Newman and Candace Morrell as part time Clinic Receptionists at \$6.50 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:45 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal issue with the County Counselor for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Dennis Arnold attended the executive session.

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

At the request of Nutrition Director Marilyn Augur, Tom Foerschler motioned to purchase a Systemax computer from Global Computers for \$1,069.96 for the Nutrition Department. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m. Monday, June 28th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

June 28, 2004

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

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

The Commission approved the following pays/special pays: Elderly, \$7,609.00.

Tom Foerschler motioned to approve permit to bury telephone cable requested by Peoples Mutual located on 2450 Road in Sec. 23, Township 19S, Range 23E. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed a resolution requiring the securing of loads hauled on the roads of Linn County. After discussion, the Commission reported they would like more time before making a decision.

At 9:30 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal issue with the County Counselor for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session. At 9:35 AM Dan Morris was called into the executive session.

At 9:45 AM the executive session ended. No action taken.

Charlie Blevins reported that someone once again has dumped thistle on the County right of way at his property. The Commission reported that if there was anything they could do they would but without proof there is not much that can be done.

Herb Pemberton motioned to purchase 8 road grader tires from Cross Midwest for \$580.00 each. Tom Foerschler seconded the motion. The motion passed 3-0. 4 will be for Dist. #2 and 4 for Dist. #3.

Karen Tuggle and Dave Epps presented the 2005 Conservation District Budget. Herb Pemberton motioned to tentatively approve \$25,000.00 for the Conservation District 2005 Budget. Delbert Cannon seconded the motion. The motion passed 3-0.

At the request of Sheriff Stites, Herb Pemberton motioned to hire Lee Kuchenbrod as Deputy at \$11.25 per hour. Delbert Cannon seconded the motion. The motion passed 3-0. Kuchenbrod will take a pre-employment physical & drug test and be on the normal 6 month probation.

Fire Coordinator Bernard Streeter reported the new rescue truck is here and has been used on a call. Streeter also reported all reports are in for new ISO ratings.

Richard Wilson reported on a newspaper article saying that Dr. Hunt has an outside job and is not working for the County 3 or 4 days per month. The Commission reported they will check into the report.

Delbert Cannon motioned to sign an agreement for underwater bridge inspections with KDOT and to sign an agreement with Harrington Cortelyou Inc. to inspect the new Biocourt bridge for a cost of \$850.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Bids were opened to repair the roof on Pleasanton Senior Center & Centerville Senior Center. Delbert Cannon motioned to accept the bid of BC Construction to replace roof at Pleasanton for \$3,541.00 plus necessary sheeting, & Centerville roof at \$10,897.00. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to have Don Stevens install mop sinks at Parker Senior Center & Blue Mound Senior Center at \$375.00 each. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to tentatively approve the Elderly Fund Budget for 2005 of \$384,725.00. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:55 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal issue with the County Counselor for 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

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

At 11:02 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal issue with the County Counselor for 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Dennis Arnold attended the executive session.

At 11:07 AM the executive session ended. As a result of the executive session, Delbert Cannon motioned to approve the purchase of 3.4 acres Lot #6 in the La Cygne Industrial Park from the Estate of M.R. Hudson for \$5,700.00. Herb Pemberton seconded the motion. The motion passed 3-0.

The County Counselor left the meeting.

Charlie Johnson presented the 2005 Fair Premium & Fair Building Fund Budgets. Delbert Cannon motioned to tentatively approve the 2005 Fair Preium Fund Budget for \$10,600.00 and Fair Building Fund Budget for \$3,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 4H Building Budget of \$9,000.00. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to tentatively approve the 2005 County Extension Council Budget of \$113,812.00. Herb Pemberton seconded the

motion. The motion passed 3-0.

Linda Weldon was present to hold public hearing for grant close out on Grant Agreement No. 01-ML-201. Herb Pemberton motioned to sign the documents to close out the grant agreement. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to tentatively approve the 2005 Appraiser Budget of \$280,000.00 and the 2005 Reappraisal Fund Budget of \$22,733.00. Tom Foerschler seconded the motion. The motion passed 3-0.

Executive Director Robert Chase & Joseph Wurtz presented the 2005 SEK Mental Health Center Budget. Herb Pemberton motioned to tentatively approve the 2005 SEK Mental Health Center Budget of \$76,000.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 Park Fund Budget of \$246,000.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to tentatively approve the 2005 Register of Deeds Budget for \$74,370.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the following 2005 Budgets: Juvenile Detention \$41,000.00; Commissioner \$58,575.00; Special Building \$112,000.00; Election \$43,000.00; Courthouse \$275,540.00; EMS \$11,200.00; Clerk \$125,200.00; Contingency \$450,000.00; Windfall \$517,013.00; Special Alcohol \$3,000.00; Special Park & Rec. \$4,189.00; and E-911 Tax \$75,000.00. Delbert Cannon seconded the motion. The motion passed 3-0.

After reviewing insurance renewal rates, Delbert Cannon motioned to accept the Employee Health Insurance renewal with the Epoch Group with fixed costs of \$186,336.92 and maximum liability of \$1,216,131.62. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to send Mutual of Omaha a letter notifying them that Linn County will not renew the Employee Health Insurance after 8/1/04. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to hire Brenda Conner as Substitute Compactor Operator at \$6.00 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to sign HHW Facility Certification. Delbert Cannon seconded the motion. The motion passed 3-0.

At the request of Melinda Bolling, Delbert Cannon motioned to purchase a Systemax Computer from Global Computers for \$839.94. Herb Pemberton seconded the motion. The motion passed 3-0.

Several Revitalization applications were reviewed but the Commission decided to wait on advice from the County Counselor.

With nothing further on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m. Tuesday, July 6th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

July 6, 2004

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

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

The Commission approved the following pays/special pays: General, \$71,548.45; Employee Benefit, \$56,686.51; Appraiser, \$8,338.52; Rural Fire District, \$7,679.81; Road & Bridge, \$42,611.32; 911 Telephone Tax, \$13.78; School Resource Officer, \$2,622.38; Hospital Board, \$30,819.38; Crime Victim Assist, \$709.26; Elderly, \$7,882.41.

The Commission reviewed the May 25th minutes & June 29th agenda for the SEK Multi-County Health Board meetings.

Delbert Cannon motioned to tentatively approve the 2005 Solid Waste Fund Budget of \$365,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to sign a disclosure statement for Solid Waste agreement. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve a \$220.00 increase in 4 grader tires ordered last week for Dist. #2 from Cross Midwest. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve permit to bury water line located at 10250 W 1150 Road requested by Eastwood. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to tentatively approve the 2005 Road & Bridge Fund Budget of \$2,226,240.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 Noxious Weed Fund Budget of \$87,519.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to tentatively approve the 2005 Rural Fire Fund Budget of \$447,900.00, & Emergency Preparedness Budget of \$26,200.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 Custodian Fund Budget of \$62,569.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 Historical Society Budget of \$24,000.00. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to sign work for hire agreement with BC Construction to repair roofs on Pleasanton & Centerville Senior Centers. Tom Foerschler seconded the motion. The motion passed 3-0.

At 10:05 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

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

Delbert Cannon motioned to tentatively approve the Treasurer's 2005 Budget for \$154,480.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Bob Stocking & Keith Couch presented the 2005 Hospital Board Budget. Delbert Cannon motioned to cut \$100,000.00 from the proposed \$200,000.00 Capital Outlay & tentatively approve 2005 Hospital Board Budget of \$1,038,823.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Richard Wilson asked again about Dr. Hunt being Chief of Staff at Miami County Medical Center. Stocking explained that Dr. Hunt is only taking his turn as Chief of Staff & that will end this year. After several unfounded accusations by Wilson, the Commission ended the discussion.

Herb Pemberton motioned to tentatively approve the 2005 Economic Development Budget of \$108,825.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 C.O.P. Fund Budget of \$160,000.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 Sheriff Fund Budget of \$977,706.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Sheriff Stites reported that 1 of the 15 people arrested over the July 4th weekend damaged a bed in the jail that will have to be repaired.

Herb Pemberton motioned to tentatively approve the 2005 Planning/Zoning Budget of \$54,500.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to tentatively approve the 2005 Employee Benefit Fund Budget for \$1,533,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 Jr. College Fund Budget of \$63,550.00. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to tentatively approve the 2005 Ambulance Fund Budget of \$381,737.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 County Counselor Fund Budget of \$46,372.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to tentatively approve the 2005 District Court Budget of \$207,400.00. Tom Foerschler seconded the motion. The motion passed 3-0.

With nothing further on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m. Monday, July 12th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

July 12, 2004

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

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

The Commission approved the following pays/special pays: General, \$158,794.64; Appraiser, \$3,734.68; Rural Fire, \$30,335.95; Road & Bridge, \$99,382.22; Noxious Weed Eradication Capital Outlay, \$2,969.15; CDBG Revolving Loan, \$900.00; Law Enforcement Trust, \$31.50; 911 Telephone Tax, \$1,957.59; Hospital Board, \$12,312.67; Crime Victim Assist, \$2.76; Elderly, \$11,268.54; Special Park & Recreation, \$1,200.00.

Delbert Cannon motioned to purchase 4 road grader tires for District #3 from Cross Midwest at \$640.00 each. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb motioned to sign HIPPA agreements with Epoch Insurance for employee health insurance programs. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission agreed to canvass the August 3rd Primary Election, Monday, August 9th at 11:00 a.m.

Herb Pemberton motioned to approve lot splits #04161 and 04162 and the accompanying road easements. Tom Foerschler seconded the motion. The motion passed 3-0.

County Appraiser Steve Thompson went over the official 2003 Real Estate Appraisal/Sales Ratio study.

At 9:40 a.m. Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor for 10 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor and Traffic Control Director, Larry Robinson attended the executive session.

At 9:50 a.m. the executive session ended. No action taken.

The Clerk presented the Treasurer's interest report for the quarter ending June 30, 2004. Total 2nd Quarter interest earned was \$27,481.67.

The Commission reviewed the 2004 year-to-date park report through June 2004.

At 10:27 Herb Pemberton motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to non-elected personnel. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:47 a.m. the executive session ended. No action taken.

Herb Pemberton motioned to recess until 1:00 p.m. to meet as fence viewers. Delbert Cannon seconded the motion. The motion passed 3-0.

At 1:00 p.m. the Commission met as fence viewers to view a fence between Jim Bernard and Mark Schuller. Those present were Tom Foerschler, Herb Pemberton, Delbert Cannon, Don Proffitt, Gary Thompson, Lucky Bernard, Deward Cox, Derrick Chapman and Lee Kuchenbrod.

The Commission walked the property line between Bernard and Schuller and viewed the fence on the west half. There is no fence on the east half of the property.

After the Commission and Counselor interviewed both parties, the Commission asked the Counselor to prepare a ruling for the Commission to review at next weeks meeting.

With nothing on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m., Monday, July 19th, Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

July 19, 2004

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

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

The Commission approved the following pays/special pays: General, \$68,735.02; Employee Benefit, \$22,620.39; Appraiser, \$8,312.03; Rural Fire, \$2,082.56; Road & Bridge, \$32,125.31; Hospital Board, \$21,608.79; Crime Victim Assist, \$709.27; Elderly, \$7,752.05.

Delbert Cannon motioned to allow Larry Robinson to go out for bids for 300 wood sign posts. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to purchase 10 type 2 barricades from DC Wholesale for a total of \$468.90. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve permit to bury water line at 2905 Thomas Road requested by R.W.D. #2. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission approved for Marilyn Augur to advertise for bids for dishwashers that are going to be taken out of Senior Centers, and also gave permission to go out for bids to sell the old transportation van.

Ralph Fitch, Mayor of Linn Valley met to discuss the city having jurisdiction on Ullery Road. After discussion the Commission agreed for Linn Valley to prepare annexation procedures & an interlocal agreement for maintenance of the road.

Steve Ellis presented a micro loan that has been approved by the Micro Loan Committee. Delbert Cannon motioned to sign micro loan agreement for \$5,000.00 for Precision Auto, Pleasanton and for additional \$10,000.00 as funds are available. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:54 AM Delbert Cannon motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor for 10 minutes (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:04 AM the executive session ended. As a result of the executive session the County Counselor read the findings of fence view between Jim Bernard & Mark Schuler. Herb Pemberton motioned to accept & record the findings of the fence view. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of the findings of fence viewers:

LINN COUNTY, KANSAS
P.O. Box 350, 316 Main
Mound City, KS 66066-0350
913-795-2608
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Delbert Cannon
Third District
Thomas Foerschler

FINDINGS OF FENCE VIEWERS

At the request of James Bernard, the County Commissioners of Linn County, Kansas, conducted a fence viewing on July 12, 2004, at 1:00 PM. The Commissioners viewed the fence on the South boundary of the following tract:

The North 1/2 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 8, Township 22, Range 21, Linn County, Kansas, less road right of way.

The owners of record of which parcel are James E. Bernard and James M. Bernard. The property adjoining on the South and which shares a partition line with the above property is owned by Mark K. and Karen M. Schuler. The findings of the fence viewers are as follows:

1. There is an existing partition fence beginning at the West line of the properties and running East a little less than 3/8 of a mile. According to the testimony of both parties, this fence was in place when Schuler purchased his tract. This fence is found to be a legally sufficient fence.
2. It is the finding of the Fence Viewers that Bernard shall be responsible for maintaining the West 1/2 of this existing fence and that Schuler shall be responsible for maintaining the East 1/2 of this existing fence.
3. The remainder of the partition line has no fence and has never been fenced. It is the finding of the fence viewers that Bernard shall be responsible for building and maintaining the West 1/2 of this previously subsist partition fence and that Schuler shall be responsible for building and maintaining the East 1/2 of this previously subsist partition fence.

IT IS SO FOUND AND ORDERED THIS 19TH DAY OF JULY, 2004.

Tom Foerschler
Tom Foerschler, Chairman

Delbert Cannon
Delbert Cannon, Member

Herb Pemberton
Herb Pemberton, Vice Chairman

Attest:
Donald L. Proffitt
Donald L. Proffitt, County Clerk



Sharon Barnes, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augur, Nutrition / Transportation

John Maloney, No. 1
Dennis Arnold, Economic Development
Bernard Streever, Rural Fire / Emerg. Mgt.
Arvid Mayhugh, Zoning & Sanitation

Donald L. Proffitt, County Clerk
Ellie Dawley, County Treasurer
John Sutherland, County Attorney
Marvin Stites, Sheriff

Delbert Cannon motioned to approve Resolution #04-13 limiting future tax rebates on neighborhood revitalization properties in Linn County. Tom Foerschler seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-13:

RESOLUTION NO. 04-13

A RESOLUTION LIMITING FUTURE TAX REBATES ON NEIGHBORHOOD REVITALIZATION PROPERTIES IN LINN COUNTY, KANSAS.

WHEREAS, Linn County, Kansas, has participated for a number of years in Neighborhood Revitalization Agreements with Cities within the County; and

WHEREAS, the County has now determined that it will no longer continue to participate in such Agreements; and

WHEREAS, certain applicants for rebates under said Agreements have timely filed their applications but have not yet completed the construction for which they may receive a rebate; and

WHEREAS, the maximum period a property owner may receive a rebate under the Agreements is five years; now therefore

IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF LINN COUNTY, KANSAS:

1. No property tax rebate under the Neighborhood Revitalization program will be granted for any tax year after 2009, regardless of when the building is completed to qualify the property for said rebate.
2. This Resolution shall be in effect upon its passage and publication in the official newspaper of the County.

RESOLVED THIS 19TH DAY OF JULY, 2004.

Tom Foerschler
CHAIRMAN

Herb Pemberton
COMMISSIONER

Delbert Cannon
COMMISSIONER

ATTEST:
Donald L. Proffitt
COUNTY CLERK



At 10:16 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:26 AM the executive session ended.

Delbert Cannon motioned to extend the above executive session for an additional 10 minutes. Tom Foerschler seconded the motion. The same people attended the executive session.

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

After hearing from County Auditor Terry Sercer, Delbert Cannon motioned to publish Budget Hearing date of August 16th for the 2005 County, Rural Fire District #1, Linn County Hospital Board, and Cemetery Districts #1,4, & 5. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the Sheriff's monthly fee report for June 2004.

With nothing on the agenda, Delbert Cannon motioned to adjourn until 9:00 a.m., Monday, July 26th. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

July 26, 2004

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

Delbert Cannon motioned 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 Emergystat monthly report; the June 29th minutes & the July 26th agenda for SEK Multi County Health Board; the March 15th & May 17th minutes of the SEK Mental Health Center Board meetings; and the June 25th KCAMP meeting minutes.

The Commission reviewed quotes for a tree clipper for the Road Dept. Commissioner Cannon reported he would like to get more information on a clipper he had seen at a farm show.

Delbert Cannon motioned to approve permit to bury telephone cable requested by Sprint United located at 5114 1800 Rd. Herb Pemberton seconded the motion. The motion passed 3-0. Their burial will be bored under the road.

At 9:13 AM at the request of Road Foreman John Black, Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a personnel issue related to non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, John Black, Danny Morris, and Harry Wisdom attended the executive session.

At 9:18 AM the executive session ended.

At 9:18 AM Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor for 20 minutes (possible litigation). Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, John Black, Danny Morris, and Harry Wisdom attended the executive session.

At 9:28 AM Black, Morris, and Wisdom left the executive session.

At 9:40 AM the executive session ended. No action taken.

At 9:41 AM the above executive session was extended for 10 minutes. The same people attended this portion of the executive session.

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

The Commission reviewed bids to sell surplus dishwashers. Herb Pemberton motioned to accept \$30.00 on Blue Mound 1996 Roper, \$100.00 on Parker Maytag, \$100.00 for La Cygne dishwasher, & \$125.00 on Prescott 2001 Baush. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to hire Dee Dee Mann and Gloria Eslick as substitutes in the Nutrition Dept. at \$6.60 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Lot Split #04-163 and to accept the accompanying road easement. Tom Foerschler seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve permit to bury water line located at 2147 Thomas Rd. requested by Dane Coleman. Herb Pemberton seconded the motion. The motion passed 3-0.

Bids were opened for proposals for Bridge Inspections. Bids received were B.G. Consultants \$44.20 per bridge @ 205 bridges, Schwab Eaton \$39.50 per bridge @ 205 bridges, and Cook, Flatt & Strobel \$41.00 per bridge @ 205 bridges. Delbert Cannon motioned to accept the low bid from Schwab Eaton at \$39.50 per bridge. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Bernard spoke to the Commission about the fence view decision between him and Mark Schuler. Mr. Bernard disagrees with the decision the fence viewers made. He feels Schuler should be responsible for building the east portion of the property line fence where there is no fence. After hearing Bernard the Commission did not change the decision.

Herb Pemberton motioned to sign agreement with Schwab Eaton to do the County Bridge Inspections. Delbert Cannon seconded the motion. The motion passed 3-0.

Les Morse met with the Commission to report that the County has not developed a fair & equitable tow plan. The Commission reported that the Sheriff is in court and asked Morse to come back next week at 10:00 AM & hopefully the Sheriff will also be there.

Mark Schuler, Extension Agent reported the Air Conditioners installed by Spencer Heating & Cooling are 3 phase and we do not have 3 phase at the 4-H Building. Commissioner Cannon will see if the units can be exchanged.

At 11:07 AM Delbert Cannon motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

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

Robert Stocking, Hospital Board reported that the Hospital Board at their last meeting voted to ask the Commission to put a question to the voters of Linn County whether or not to dissolve the Linn County Hospital District. The Commission asked the County Counselor to prepare a resolution to that effect.

The Commission gave approval for the Clerk to get prices to remove a dead elm tree and a mostly dead locust tree in the Courthouse lawn and to have them removed if the price is reasonable.

Herb Pemberton motioned to approve contract price of \$3,541.35 for BC Construction to repair roof at Pleasanton Senior Center. The contract had a typo stating the price of \$3,451.35. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to pass Resolution #04-12 to surplus property, dishwashers. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-12:

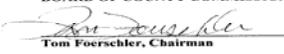
RESOLUTION 04-12 SURPLUS PROPERTY
BEFORE THE COARD OF COUNTY COMMISSION
OF LINN COUNTY, KANSAS

BE IT RESOLVED, that whereas the following property from the Linn County Nutrition Sites be declared as surplus property:

1 GE Dishwasher purchased in 1989, at Blue Mound
1 Roper Dishwasher purchased in 1996, at Blue Mound
1 Maytag Dishwasher purchased in 1995, at Centerville
1 Frigidaire Dishwasher purchased in 2004, at LaCygne
1 Maytag Dishwasher purchased in 2001, at Parker
1 Bosch Dishwasher purchased in 2002, at Prescott
1 Crosley Dishwasher purchased in 2000, at Mound City

APPROVED AND ADOPTED THIS 26TH DAY OF JULY, 2004

BOARD OF COUNTY COMMISSION


Tom Foerschler, Chairman


Herbert Pemberton, Vice-Chairman


Delbert Cannon, Member


Don Proffitt, Clerk

Delbert Cannon motioned to approve Resolution #04-15 to put question on November General Election Ballot, Shall the Linn County Hospital Board be dissolved? Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-15:

RESOLUTION NO. 04-15

A RESOLUTION CALLING FOR AND SETTING AN ELECTION ON THE QUESTION "SHALL THE LINN COUNTY HOSPITAL BOARD BE DISSOLVED?"

WHEREAS, the Governing body of Linn County, Kansas, created Resolution No. 99-03 the Linn County Medical Facilities Board, known as the Linn County Hospital District for the purpose of operating the Linn County Family Care Clinics; and

WHEREAS, the Governing Body of Linn County, Kansas, has included in its budget a mil levy to support said Hospital District; and

WHEREAS, the Governing Body of Linn County, Kansas, has been requested by the Board of Directors of the said Hospital District to submit the question of the continuing existence of said Board, of said Clinics and of said mil levy to the voters of the District, now, therefore

IT IS HERE BY RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS:

1. The question of terminating the Linn County Hospital Board shall be submitted to the voters of the District pursuant to KSA 19-4625 at the November, 2004 general election.
2. The County Election Officer shall be directed to prepare a ballot with the following question:
"Shall the Linn County Hospital Board be dissolved? Yes No"
3. If said question shall pass by a majority of the votes cast thereon, the Board of Directors of the Linn County Hospital Board shall be directed to terminate operations of the District on or before December 31, 2005.
4. This Resolution shall be published in the official newspaper of Linn County, Kansas.

RESOLVED THIS 26TH DAY OF JULY, 2004.


CHAIRMAN


COMMISSIONER


COMMISSIONER

ATTEST:


COUNTY CLERK

The Commission reviewed Kansas Public Notice KS-04-152, KS-04-153, and KS-04-154 for Waste Water Treatment Facilities for La Cygne, Continental Coal-Prescott Mine, & Continental Coal-Lost Creek Mine.

With nothing on the agenda, Herb Pemberton motioned to adjourn until 9:00 a.m., Monday, August 2nd. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

August 2, 2004

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

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

The Commission approved the following pays/special pays: General, \$72,068.45; Employee Benefit, \$91,165.59; Appraiser, \$8,339.02; Rural Fire, \$7,366.46; Road & Bridge, \$30,536.86; 911 Telephone Tax, \$824.00; Hospital Board, \$32,641.97; Crime Victim Assist, 709.27; Elderly, \$11,081.09.

Dan Morris, Dist. #1 Foreman discussed putting a new entrance at Parker Grade School. The Commission asked Morris to get prices and get back to the Commission next week.

The Commission went outside to look at new metal box culvert design that Road Foreman John Black brought to the meeting.

Herb Pemberton motioned to approve to hire 3 new firefighters: Mike Green, Prescott; Andrew Baker, Parker; and Randy Tinsley, La Cygne. Delbert Cannon seconded the motion. The motion passed 3-0.

Hal Aggers met with the Commission to discuss a Serecia Lespedeza problem on a neighbor that is now showing up on his property, also another neighbor, Barbara Petrie stated she is having the same problem. The Commission reported that Noxious Weed Director John Maloney has written the landowner notifying them of the problem and the County will take further steps to try to eradicate the problem.

Jim Bernard reported he has reviewed past decisions by the County Fence Viewers & didn't find any consistency. Also reported he did not feel Schuler owned 1/2 of the fence between him & Schuler. Bernard stated when he takes his cattle out this fall he is going to remove the present fence between him and Schuler.

At 9:44 AM at the request of Sheriff Stites, Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Sheriff attended the executive session.

At 9:54 AM the executive session ended.

At 9:54 AM Delbert Cannon motioned to extend the executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended the executive session.

At 10:04 AM the executive session ended. No action taken.

At 10:10 AM the Commission took a 15 minute break.

At 10:25 AM the Commission reconvened and Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor for 5 minutes (possible litigation). Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

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

The Commission heard a CUP Request #0504296 requested by Bernard Dumcum for a metal recycling/salvage yard. The Planning Commission has approved the request. After discussion by the Commission, Herb Pemberton motioned to accept the recommendation of the Planning Commission and pass Resolution #04-16 to approve CUP #0504296. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-16:



The Commission next heard Zoning Change Request #Z0604178 requested by Rod Rock Enterprises to change zoning from Ag. to Highway Retail. After discussion Delbert Cannon motioned to pass Resolution #04-17 and to accept the recommendation of the Planning Commission to approve the zoning change. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-17:

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. 12-757, the Linn County Planning Commission on 13th day of July, 2004, did hold a public hearing on Case 20604178 and after consideration of all the factors recommended approval to the Linn County Commissioners by a vote of 6 to 0.

WHEREAS, on the 2nd day of August, 2004, Case 20604178 was heard before the Board of County Commissioners, Linn County, Kansas, requesting a modification of zoning as more particularly described below, and

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

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

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

A tract of land in the Southeast ¼ of Section 31, Township 19, Range 25, all in Linn County, Kansas, more particularly described as - Beginning at a point on the South line of said Section 31 which is North 89 deg. 39' 05" West a distance of 560' from the Southeast corner of said Section 31; thence North 00 deg. 15' 47" East a distance of 775.93'; thence South 89 deg. 58' 46" West a distance of 907.08'; thence South 34 deg. 25' 39" East a distance of 706.69'; thence South 22 deg. 22' 24" East a distance of 208.82' to a point on the South line of Section 31; thence South 89 deg. 39' 05" East along the South line of Section 31 a distance of 423.62' to the Point of Beginning.

Shall be and is hereby changed to the classification of: **HR - Highway Retail**

This resolution was passed and approved by the Board of County Commissioners of Linn County, Kansas, by a majority vote of same on this 2nd day of August, 2004.



BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Tom Foerschler
Chairman
Delbert Cannon
Vice Chairman
Herb Pemberton
Member

ATTEST:

Donald L. Proffitt
Donald L. Proffitt, County Clerk

At 10:52 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a personnel issue related to non-elected employees. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:57 AM the executive session ended.

The County Counselor reported he had been told that K.D.H.E. has grant money available for a sewer district in Trading Post. The Commission reported they feel if there are funds available we should pursue the issue.

At 11:05 AM Delbert Cannon motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor for 10 minutes (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:15 AM the executive session ended.

At 11:15 AM Delbert Cannon motioned to extend the above executive session for an additional 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0.

At 11:20 AM the executive session ended. No action taken.

The Commission reviewed K.D.H.E. Public Notice KS-04-159 for Waste Water Treatment Facility for Continental Coal (Lucky Strike Mine).

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

County Clerk

Commission Chair

At 11:14 AM the executive session ended.

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

At 11:24 AM the executive session ended. No action taken.

At 11:25 AM Herb Pemberton motioned to recess from the Board of Commission meeting into executive session to discuss a legal issue with the County Counselor for 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Sheriff Stites, and Jana Richards attended the executive session.

At 11:30 AM the executive session ended. No action taken.

At 11:35 AM the Commission met as the Board of Canvassers to canvass the August 3rd Primary Election. All three Commissioners, County Clerk, Deputy Election Officer Dee George, and County Counselor were present.

Dee George read the results of scanner totals & write ins, & the Commission compared the results in the Election Abstract Book & Poll Books. There were 2 advance ballots to review. The Commission decided not to count 1 advance ballot received late on Aug. 6th. The Commission decided to count 1 advance ballot over nighted by postal error to Lane County, received by Lane County 8/3/04, also decided to count 9 partial ballots of voters who voted in the wrong precinct, to count 2 paper ballots by hand (Liberty Precinct ran out of ballots at 7:00 PM & made 2 paper copies), not to count 1 advance ballot given out for a person's husband without written request, to count 1 advance ballot of voter who voted at 12:02 PM on 8/2/04 but was in line, not to count 1 Libertarian that voted Republican, not to count 7 ballots of voters not registered, not to count 11 Democrats that voted Republican, to count 11 ballots that were provisional due to board worker error, to count 69 provisional ballots with address changes, and to count 43 provisional ballots due to party affiliation (these should not have been provisional ballots).

After decisions on ballots in question the Board of Canvassers watched as 3 member board Carol Wood, Janet Kleweno, and Ann Brown opened the provisional ballots & then counted the write ins and misc. ballots by hand while the rest of the ballots were counted by the scanner. There were no changes in the outcome of any races due to provisionals.

The totals of the ballots were added to the Abstract Book & the Board of Canvassers signed the Abstract Book.

Herb Pemberton motioned to adjourn as Board of Canvassers and to meet Monday August 16th at 9:00 AM for regular Commission Meeting. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

August 16, 2004

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

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

The Commission approved the following pays/special pays: General, \$114,911.80; Employee Benefit, \$38,246.55; Appraiser, \$8,084.96; Rural Fire, \$3,015.52; Road & Bridge, \$28,766.31; Hospital Board, \$23,257.73; Crime Victim Assist, \$709.26; Elderly, \$8,174.99.

Herb Pemberton motioned to approve permit to bury telephone cable requested by Sprint United located at County Road 1095, Sec. 18 & 19, T21, R24E. Delbert Cannon seconded the motion. The motion passed 3-0.

Road Foreman John Black reported a grader operator had bladed a large rock into the road and Jacqueline Smith hit it & blew two tires. Black is to fill out incident report for insurance company.

Herb Pemberton motioned to hire Howard New as part time Compactor Operator at Centerville at \$6.00 per hour. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to purchase 2 cardboard balers from Glen L. DeHart & Sons, the County portion to be \$3,950.00 each, balance of \$15,790.00 to be paid by KDHE grant. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the 2004 YTD Park report.

Delbert Cannon motioned to appoint Herb Pemberton as Voting Delegate, Don Proffitt as 1st Alternate, & Ellie Davey as 2nd Alternate to the KAC Conference. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve for the Methodist Church to use the Court House lawn for a croquet tournament on 8/28/04 and the Mound City Chamber of Commerce to use the lawn tentatively October 16th. Tom Foerschler 2nd the motion. The motion passed 3-0.

The Commission received a fence view request from Lawrence Karhoff between him & Jason Bloodgood. The Commission set Sept. 20th at 1:00 PM for the fence view.

John Maloney reported that Robert Anderson has agreed to have his property sprayed for Serecia Lespedeza before it goes to seed this fall.

At 9:55 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, & County Counselor attended the executive session.

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

At 10:00 AM the public hearing was held for the 2005 County Budget plus Rural Fire Dist. #1, Cemeteries #1, #4, & #5, and the Linn County Hospital Board. After discussion & hearing no response from the audience Herb Pemberton motioned to approve the 2005 Budgets as published. Delbert Cannon seconded the motion. The motion passed 3-0.

County Auditor Terry Sercer presented & explained the 2003 County audit. Herb Pemberton motioned to approve the 2003 County audit. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to accept the Auditor's letter of recommendation & stated that effective immediately all employees will fill out time sheets and that the individual employee's time sheets will accompany the payroll information to the payroll clerk each payroll period. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to pass Resolution #04-14 to allow for increased taxes for Rural Fire Dist. #1. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-14:

RESOLUTION NO. 04-14

A resolution expressing the property taxation policy of the Board of Linn County Commissioners with respect to financing the 2005 annual budget for Linn County 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 2005 Linn County Rural Fire District #1 budget exceed the amount levied to finance the 2004 Linn County 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 district services are the responsibility of the Board of Linn County Commissioners; and

Whereas, Linn County Rural Fire District #1 provides essential services to district resident; and

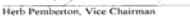
Whereas, the cost of provision of these services continues to increase

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 2005 Linn County Rural Fire District #1 Budget as defined above.

Adopted this 26th day of July, 2004 by the Board of Linn County Commissioners, Linn County, Kansas.

BOARD OF COUNTY COMMISSIONERS,
LINN COUNTY, KANSAS


Tom Foerschler, Chairman


Herb Pemberton, Vice Chairman


Delbert Cannon, Member


ATTEST:

Donald L. Proffitt, County Clerk

Commissioner Foerschler excused himself as the next agenda item came up. Dan Purinton, Purinton Pest Control met with the Commission asking that the County go out for bids for spraying County buildings. The Commission stated that we will check our present contracts to see if we are free to bid out the spraying at the present time.

County Attorney John Sutherland met with the Commission to get approval to purchase \$6,818.53 worth of office furniture for his office to be bought out of Bad Check Fund or Drug Fund. Herb Pemberton motioned to approve the purchase from Bottom Dollar, Topeka. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission agreed for Sutherland to have an electrician look at his office wiring to see why they are blowing breakers.

Virginia Nichols, Silver Haired Legislator met with the Commission to ask for donation. Herb Pemberton motioned to donate \$250.00 to the Silver Haired Legislature. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:55 AM the Commission took a 10 minute break.

Herb Pemberton motioned to purchase an equipment trailer from Neal Manufacturing Co. for Dist. #3 for \$3,395.00. Tom Foerschler seconded the motion. The motion passed 3-0.

At 11:09 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Robert Stocking, & Gina Snyder attended the executive session.

At 11:19 AM the executive session ended.

As a result of the executive session Delbert Cannon motioned to hire Lori Boone as PRN at medical clinics at \$14.05 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to purchase 2 awnings for medical clinics from Awnings by Chapman, \$969.50 for awning for Mound City clinic & \$2,100.00 for awning for La Cygne clinic for a total of \$3,069.50. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve for L & E Enterprises to prepare & repair fronts of Mound City Medical Clinic for \$450.00 & La Cygne Medical Clinic for \$635.00. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:32 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Dennis Arnold, and Doug Martin attended the executive session.

At 11:42 AM the executive session ended.

As a result of the executive session, Herb Pemberton motioned to sell the nursing home building to Doug Martin for his high bid from last week of \$62,500.00. Delbert Cannon seconded the motion. The motion passed 3-0. Closing to be on 8/30/04.

Herb Pemberton motioned to advertise for bids for the house north of the annex for sale to be moved. Delbert Cannon seconded the motion. The motion passed 3-0.

At 11:59 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, & County Counselor attended the executive session.

At 12:04 PM the executive session ended. The Commission extended the executive session for 5 minutes. The same people attended this executive session.

At 12:09 PM the executive session ended. No action taken.

With nothing further on the agenda Tom Foerschler motioned to adjourn until 9:00 AM Monday, August 23rd. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

August 23, 2004

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

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

The Commission approved the following add/abate/refund order numbers: 2003-237, 238, 239, 241, 242, & 244.

The Commission reviewed the Sheriff's monthly fee report for July 2004.

The Clerk announced that he has received a proper petition with the required number of signatures (309) to put a question on the November General Election Ballot. Shall the sale of alcoholic liquor by the individual drink in Linn County be allowed in public places where at least 30% of the gross receipts are from sales of food for consumption on the premises? The Commission agreed to submit the question to qualified Linn County residents at the November 3rd General Election.

Tom Foerschler motioned to sign Contract for Deed with United Wholesale for \$24,050.00 over 5 year period for Lot #3 in East Industrial Park at La Cygne. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to put termite inspections & pest control out for bids. Herb Pemberton seconded the motion. The motion passed 2-0. Commissioner Foerschler abstained from the voting. The County Counselor will write up bid specs.

At 9:32 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Andy Mayhugh, and Ed Fleming attended the executive session.

At 9:47 AM the executive session ended. No action taken.

Delbert Cannon motioned to allow Fire Coordinator Bernard Streeter to purchase 400' of 6" schedule 40 pipe for dry hydrants for \$1,084.00 from Olathe Windwater. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:56 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a personnel issue related to a non elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Robert Stocking, Bruce Smith, & Dr. Hunt attended the executive session.

At 10:11 AM the executive session ended.

At 10:12 AM Herb Pemberton motioned to extend the above executive session for 10 minutes with the same people attending the executive session. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:22 AM the executive session ended.

At 10:22 AM Tom Foerschler motioned to extend the above executive session for 10 minutes with the same people attending the executive session. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:32 AM the executive session ended.

At 10:35 AM Herb Pemberton motioned to extend the above executive session for 10 minutes with the same people attending the executive session. Tom Foerschler seconded the motion. The motion passed 3-0.

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

At 10:50 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Smith, Stocking, & Dr. Hunt attended the executive session.

At 11:05 AM the executive session ended.

As a result of the executive session and at the recommendation of the Hospital Board, Tom Foerschler motioned to approve to outsource the clinic billing with Comprehensive Professional Resources at \$5,639.17 per month to begin no later than October 1st. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to post the Clinic Manager position at \$13.49 per hour to County employees. Tom Foerschler seconded the motion. The motion passed 3-0.

Bids were opened for the County's propane use for the coming year. Bids received were from Untied CO-OP for \$1.03 per gallon, and Heartland Propane for \$1.10 per gallon. Delbert Cannon motioned to accept the United CO-OP bid of \$1.03 per gallon. Tom Foerschler seconded the motion. The motion passed 3-0.

At the request of Mary Asher representing the Mound City Chamber of Commerce Herb Pemberton motioned to approve for the Chamber to use the Courthouse & Annex building for tribute to Gordon Parks on October 9th. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to move the Sept. 6th Commission meeting to Tuesday, Sept. 7th due to the 6th being a County holiday & County offices being closed. Tom Foerschler seconded the motion. The motion passed 3-0.

At the request of Bob Stocking Herb Pemberton motioned to hire April Conn as part time receptionist at \$6.50 per hour. Tom Foerschler seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, August 30th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

August 30, 2004

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

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

The Commission approved the following pays/special pays: General, \$74,102.38; Employee Benefit, \$37,027.37; Appraiser, \$8,339.02; Rural Fire, \$4,062.56; Road & Bridge, \$28,400.71; 911 Telephone Tax, \$819.24; School Resource Officer, \$2,183.91; Hospital Board, \$32,620.44; Crime Victim Assist, \$709.26; Elderly, \$19,854.08.

Delbert Cannon motioned to approve permit to bury water line located at 1250 Botkin Road requested by Clint Eastwood. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission Chairman signed the following add/abate/refund order numbers: 2003-245 to 2003-249.

Delbert Cannon motioned to approve contract with Taylor Design Group for survey services at Linn County Solid Waste facility for \$7,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve a 90 day extension with Terracon for environmental services to Linn County. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve contract with Terracon Consulting Engineers to do preliminary Environmental Impact assessment at County C & D Landfill for \$4,100.00. Delbert Cannon seconded the motion. The motion passed 3-0. This study to be paid from Planning & Zoning budget.

Delbert Cannon motioned to accept the low bid from Conley Sales for a Kansas Clipper Tree Sheer for \$4,049.00. Herb Pemberton seconded the motion. The motion passed 3-0. The other bid was from R & R Equipment for \$5,275.00.

Delbert Cannon motioned to hire Jo Clark as part time employee in the County Attorney's office at \$9.00 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission agreed to change the closing date on the Nursing Home to Sept. 7th.

The Commission reviewed the monthly Emergystat report for July 2004.

Bill Braden, Holliday Lakes resident met with the Commission to discuss problems with Continental Coal & Holliday Lakes residents. The Commission reported the only way they could take any action is if Continental Coal violated the C.U.P.

At 9:50 AM Herb Pemberton motioned to take a 10 minute break. Tom Foerschler seconded the motion. The motion passed 3-0.

At 10:00 AM Economic Development Director Dennis Arnold presented the 2003 Housing Report. The trend is still showing that most of the building in the County is in the northern 1/3 of the County & most of that being in Linn Valley.

There were no bids received on the house the County advertised for sale to be moved.

At 10:19 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, & County Counselor attended the executive session.

At 10:29 AM the executive session ended. No action taken.

Herb Pemberton motioned to approve for the Commission Chairman to sign contract with Comprehensive Professional Resources for outsourcing Medical Clinic billing. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:34 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission & County Counselor attended the executive session.

At 10:44 AM the executive session ended. No action taken.

At 10:45 AM Herb Pemberton to adjourn until 9:00 AM Tuesday, September 7th. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

September 7, 2004

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

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

Harvey Taylor met with the Commission to ask for donations for the Linn County Night Out Against Crime on Sept. 25th. Tom Foerschler motioned to donate \$2,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission gave approval for the Methodist Church to use the Courthouse lawn Sept. 11th for the croquet tournament. They were rained out their previous date.

Delbert Cannon motioned to pay SEK Inc. dues of \$1,100.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to donate \$2,000.00 to the Mine Creek Reenactment on Oct. 23rd & 24th. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to sign deed for Nursing Home Building, ½ interest to Doug Suess & Brenda Martin as joint tenants and ½ interest to Doug Martin & Linda Martin as joint tenants. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to hire as part time firefighters: Paul Jones, Centerville; Renea Marshall, Pleasanton; & Phillip Gratton, Prescott. Delbert Cannon seconded the motion. The motion passed 3-0.

Zoning Administrator Andy Mayhugh presented Lot Split #04-164. Herb Pemberton motioned to approve Lot Split #04-164. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to hire Nancy Ekengren as substitute driver for medical van @ \$6.60 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

At the suggestion of Marilyn Augur, Herb Pemberton motioned to approve making medical trips to Topeka V.A. and using \$25.00 as suggested donation for the trip. Delbert Cannon seconded the motion. The motion passed 3-0.

After Augur reported that unauthorized people have been using the Bunker Hill basement, the Commission decided to start locking the basement and give a key to the Mound City Fire Dept.

At 10:00 AM Commissioner Foerschler drew a name for new lawnmower that the Linn County Firefighters Relief Assoc. had been selling chances on. Glenn Vaughn was the winner.

Herb Pemberton motioned to pass Resolution #04-19 authorizing the City of Linn Valley to annex portions of Ullery Road. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-19:



At 10:28 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a legal issue with County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission & County Counselor attended the executive session.

At 10:43 AM the executive session ended. No action taken.

At 10:44 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a legal issue with County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, & County Counselor attended the executive session.

At 10:59 AM the executive session ended. No action taken.

At 10:59 AM Delbert Cannon motioned to extend the executive session for 10 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The same people attended the executive session.

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

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Sept. 13th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

September 13, 2004

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

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

The Commission approved the following pays/special pays: General, \$197,292.13; Appraiser, \$3,281.69; Rural Fire, \$4,949.28; Road & Bridge, \$144,252.58; Law Enforcement Trust, \$29.80; 911 Telephone Tax, \$1,959.91; Hospital Board, \$16,281.20; Crime Victim Assist, \$666.86; Elderly, \$12,009.35.

The Commission reviewed the 2004 YTD Park Report through August.

Herb Pemberton motioned to approve permit to bury telephone cable located at 16601 Hadsall Road requested by Sprint United Telephone. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to appoint Melody Leavitt to the Economic Development Comp. Plan Focus Group. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to appoint Don George and Jennifer Johnson to the Economic Development Comp. Plan Focus Group. Delbert Cannon seconded the motion. The motion passed 3-0.

The Clerk reported October 21st will be the SEK County Officials Meeting in Bourbon County.

At 9:36 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non elected employee. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, & Marilyn Augur attended the executive session.

At 9:46 AM the executive session ended.

Herb Pemberton motioned to hire Robin Bartholomew as part time Meal Van Driver at \$7.21 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve a jail agreement to house prisoners in the Anderson County Jail at \$40.00 per day. Herb Pemberton seconded the motion. The motion passed 3-0.

Sheriff Stites discussed the need to increase the jailer pay. Sheriff Stites is having problems finding people at the starting rate. The Commission stated they could not raise the jailer starting pay at this time.

At the request of Hospital Board Chairman Robert Stocking, Herb Pemberton motioned to increase the pay for part time receptionists from \$6.50 per hour to \$7.50 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:14 AM at the request of Robert Stocking, Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a personnel issue related to a non elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, & Stocking attended the executive session.

At 10:29 AM the executive session ended.

As a result of the executive session, Herb Pemberton motioned to move Gina Snyder to the Medical Clinic Manager position at \$13.49 per hour effective September 27th. Delbert Cannon seconded the motion. The motion passed 3-0.

Also Herb Pemberton motioned to hire a 4th Clinic receptionist at \$7.98 per hour. Motion died for lack of a second.

At 10:46 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, & County Counselor attended the executive session.

At 10:51 AM the executive session ended.

Delbert Cannon motioned to list the County owned building in the La Cygne Industrial Park with Crown Realty for 90 days and for Chairman Foerschler to sign Realty Contract. Tom Foerschler seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Sept. 20th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

September 20, 2004

The Board of Linn County Commissioners met in a regular session. Those present were Tom Foerschler, chair; Herb Pemberton, vice chairman; Delbert Cannon, member; Don Proffitt, county clerk and Gary Thompson, county counselor.

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

The Commission approved the following pays/special pays: General, \$73,651.94; Employee Benefit, \$56,767.45; Appraiser, \$8,312.03; Rural Fire, \$3,205.01; Road & Bridge, \$28,151.93; School Resource Officer, \$1,149.76; Hospital Board, \$20,962.73; Crime Victim Assist., \$709.26; Elderly, \$7,753.19.

Tom Foerschler motioned to approve two Sprint Telephone cable burials, one located at 2400 Road and Earnest Road and one located at 1250 Road and Botkin Road. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission gave John Maloney permission to get estimates to put a restroom in the new noxious weed building.

Herb Pemberton motioned to extend for 1 year the .75 cent per line for E-911 rates as specified in Resolution #96-7. Tom Foerschler seconded the motion. The motion passed 3-0.

At 9:26 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a legal issue 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 9:36 a.m., the executive session ended. Delbert Cannon motioned to extend the above executive session for 5 minutes with the same people attending.

At 9:41 a.m., the executive session ended. No action taken.

Herb Pemberton motioned to hire Joseph Sands as part time meal delivery driver at \$7.21 per hour. Delbert Canon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to remove the abandoned advertising sign in the Pleasanton Industrial Park. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:59 a.m., Tom Foerschler motioned to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues with the county counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The commission, clerk, county counselor, and rural fire coordinator attended the executive session.

At 10:04 a.m., the executive session ended. No action taken.

Herb Pemberton motioned to approve lot split #04-165 requested by Bill and Vivian Bright and to accept the accompanying easements. Delbert Canon seconded the motion. The motion passed 3-0.

At 10:10 a.m., the commission took a 15 break.

The Commission reviewed a letter from P.V.D. stating that Linn County is in substantial compliance.

Delbert Cannon motioned to accept the lower bid from Carpetman to install carpet in the Linn County Attorney Office for \$2,526.48. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk reported that Bill Cox looked at the problem with the LaCygne Senior Center floor and it will take approximately \$1,500.00 to repair. After discussion, the Commission decided to wait and talk to Marilyn Augur next week.

The Commission reviewed the Sheriff's monthly fee report for August 2004.

At 10:45 a.m., Herb Pemberton motioned to recess until 1:00 p.m. to meet on 2200 Road east of Campbell Road for Karhoff/Bloodgood fence view. Delbert Cannon seconded the motion. The motion passed 3-0.

The recessed meeting was called to order by Tom Foerschler at 1:00 PM at the fence view site.

In attendance were Foerschler, Herb Pemberton, Delbert Cannon, Gary Thompson, Lawrence & Grace Karhoff, Jason Bloodgood, and a Sheriff's Deputy.

The Commissioners viewed the fence and took testimony from the parties.

The meeting was adjourned at 1:17 PM.

County Clerk

Commission Chair

September 27, 2004

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

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

The Commission approved the following pays/special pays: General, \$1,349.22.

John Byington reported that a car ran into the back of the County street sweeper on Thomas Road. There was damage to both vehicles but no injuries.

Herb Pemberton motioned to approve 3 permits to bury water lines requested by R.W.D. #1. One located on E 2050 Road and two located on 2400 Road. Delbert Cannon seconded the motion. The motion passed 3-0.

Ed Fleming asked the Commission if they would be in favor of joining the Adopt a Bike program. The County would only have to deliver the old bikes to Ottawa. They are repaired by State inmates and then given to needy children. The Commission agreed to join the program.

Traffic Control Director Larry Robinson reported he is working on ZIP+4 addresses for wireless E911.

Marilyn Augur & the Commission discussed work needed on La Cygne Senior Center. Delbert Cannon motioned to have BC Construction do the necessary work if it does not exceed \$1,500.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve amendment to increase the cost of drug testing in County's contract with the Consortium. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:50 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue 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 10:00 AM the executive session ended.

Herb Pemberton motioned to approve the findings of the fence viewers in the Karhoff/Bloodgood fence view. Delbert Cannon seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Zoning Case #Z0704179 from Ag. to Residential (the Planning Commission approved the rezoning) & also Lot Split 04-166. Delbert Cannon motioned to approve Resolution #04-20 and the above rezoning & lot split. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-20:

RESOLUTION NO. 04-20

**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 14th September, 2004, held a public hearing on Case Z0704179 (Calvert) and after consideration of all the factors recommended approval to the Linn County Commissioners by a vote of 7 to 0.

WHEREAS, on the 27th day of September, 2004, Case Z0704179 was heard before the Board of County Commissioners, Linn County, Kansas, as more particularly described below, and

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

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

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

A 3.62 acre tract in the North 1/2 of the Southwest 1/4 of Section 29, Township 19, Range 25 all in Linn County, Kansas described as follows:
Beginning at the Northwest Corner of the Southwest 1/4 of said Section 29, thence along the North line of said Southwest 1/4 on a Geodetic Bearing of South 89 deg. 51' 10" East 630', thence South 0 deg. 03' 00" East 250', thence North 89 deg. 51' 10" West 630' to the West line of said Southwest 1/4, thence North 0 deg. 03' 00" West to the Point of Beginning.

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

This resolution was passed and approved by the Board of County Commissioners of Linn County, Kansas, by a majority vote of same on this 27th day of September, 2004.



Donald L. Proffitt, County Clerk

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Tom Foerschler
Chairman
Herb Pemberton
Vice Chairman
Delbert A. Cannon
Member

At 10:12 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Clinic Manager Gina Snyder attended the executive session.

At 10:22 AM the executive session ended. Herb Pemberton motioned to extend the above executive session for 10 minutes with the same people attending. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:32 AM the executive session ended.

As a result of the executive session Herb Pemberton motioned to accept the Hospital Board reorganization to cut one nursing position & to use three full time receptionists and one part time receptionist. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission discussed the lease purchase for the new 2005 Sterling Trash Truck. Delbert Cannon motioned to take the money out of Contingency and pay for the truck & chassis. \$66,769.00 to Cox Motor Company & the bed for \$24,500.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to move the Oct. 11th meeting to Tuesday Oct. 12th due to the 11th being a County holiday. Tom Foerschler seconded the motion. The motion passed 3-0.

The Commission reviewed the 8/31/04 minutes & the 9/27/04 agenda of the S.E.K. Multi-County Health Board meeting. No action taken.

The Commission reviewed the 8/20/04 KCAMP Board minutes. No action taken.

The Commission reviewed Continental Coal Permit Application LN-SM-1208 to K.D.H.E. No action taken.

With nothing further on the agenda Delbert Cannon motioned to adjourn until 9:00 AM Monday, Oct. 4th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

October 4, 2004

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

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

The Commission approved the following pays/special pays: General, \$61,792.61; Employee Benefit, \$47,105.21; Appraiser, \$8,3339.02; Rural Fire, \$4,724.36; Road & Bridge, \$28,668.55; School Resource Officer, \$2,209.49; Hospital Board, \$32,340.72; Crime Victim Assist., \$709.26; Elderly, \$7,846.36.

The Commission approved the following add/abate/refund order numbers: 2003-252.

The Commission reviewed the August 2004 Emergystat monthly report.

Herb Pemberton motioned to approve for John Byington to purchase a new belt for pug mill from KC Rubber for \$611.00. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve permit to bury water line requested by R.W.D. #1 located at 1701 E. 2300 Lane. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve permit to bury water line requested by R.W.D. #2 located at 21336 1200 Rd. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve for John Black to remove & replace concrete slab at west end of Road Dist #2 shop. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to send Larry Robinson to 4 States MINK Road Meeting in St. Joseph, MO Oct. 26th & 27th. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to advertise for bids to put rest room in Noxious Weed building. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve \$13,336.84 to Snow Oil Co. for diesel for Dist. #2. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:40 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session for 20 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

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

At the request of Gina Snyder Clinic Manager, Herb Pemberton motioned to hire Janet Poole as part time receptionist at \$7.50 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

Chuck McGrew stated that he felt Linn County should not have let a skilled position go at the Clinic. The Commission explained it was a position we had too many of according to a paid consultant and that it was a recommendation from the Hospital Board.

At 10:12 AM the Commission took a break until 10:30 AM.

Dennis Arnold reported that Economic Development will be having meetings with small businesses in Mound City & La Cygne. Arnold also reported on Economic Development Strategic Planning Session last week that he felt was very productive.

At 10:35 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Dennis Arnold attended the executive session.

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

The Commission reviewed a notice from Kansas Dept. of Commerce that CDBG No. 01-ML-R01 for micro loans is completed.

Tom Foerschler motioned to approve for Sheriff Marvin Stites to hire John Waldmer as full time jailer at \$9.01 per hour. Waldmer will take pre-employment physical and will be on normal County 6 month probation. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Delbert Cannon motioned to adjourn until 9:00 AM Tuesday, Oct. 12th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

October 12, 2004

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

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

The Commission approved the following pays/special pays: General, \$220,400.86; Appraiser, \$978.40; Rural Fire, \$3,631.48; Road & Bridge, \$201,799.40; 911 Telephone Tax, \$2,776.60; Hospital Board, \$17,569.76; Crime Victim Assist., \$107.40; Elderly, \$10,966.26.

Tom Foerschler motioned to approve purchase of radio for new trash truck from Western Communications for \$510.50. Herb Pemberton seconded the motion. The motion passed 3-0.

John Byington stated that Jason Stainbrook reported he hit a chug hole and ruined a tire & rim. Stainbrook was instructed to contact KCAMP Ins.

At 9:12 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor (possible litigation). Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and John Black attended the executive session.

At 9:17 AM the executive session ended. No action taken.

Marilyn Augur & Jean Allen met with the Commission to get new lease for the Over 50 Club for the La Cygne Senior Center. After discussion the Commission asked the County Counselor to prepare an agreement for the Over 50 Club to use the building.

Delbert Cannon motioned to sign an assessment & data entry for Nutrition Dept. with the East Central Kansas Area on Aging. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to sign 2005 Contract for C-1 & C-2 meals between the Nutrition Dept. & East Central Kansas Area on Aging. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to pay Judy Houtman for temp. work on ZIP + 4 at \$8.00 per hour for 24 hours. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:45 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session until 10:00 AM to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk & County Counselor attended the executive session.

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

The Commission discussed Noxious Weed restroom bids and then tabled the issue until they can talk to John Maloney.

Chairman Foerschler left the room, Vice-Chairman Pemberton presided over pest control bids. Bids were opened for pest control spraying. Three bids were received. Bids were received from Purinton Pest Control, Bryan's Pest Control, and Coryell & Sons. After reviewing bids, Delbert Cannon motioned to reject Purinton bid due to Park cabins being done monthly. The motion died for lack of a second.

At 10:24 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor (possible litigation). Delbert Cannon seconded the motion. The motion passed 2-0. The Commission, Clerk, & County Counselor attended the executive session.

At 10:29 AM the executive session ended. As a result of the executive session Herb Pemberton motioned to accept the low bid from Coryell & Sons at \$480.00 per 60 days or \$2,880.00 per year. Delbert Cannon seconded the motion. The motion passed 2-0.

The Commission reviewed the Park report through Sept. 2004. No action taken.

Tom Foerschler motioned to appoint Herb Pemberton as Voting Delegate to KCAMP & KWORCC annual board meeting Nov. 21st and David Lamb as Alternate. Delbert Cannon seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Oct. 18th. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

October 18, 2004

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

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

The Commission approved the following pays/special pays: General, \$81,621.06; Employee Benefit, \$33,131.27; Appraiser, \$8,312.03; Rural Fire, \$3,092.27; Road & Bridge, \$29,424.03; CDBG Revolving Loan, \$5,000.00; SRO, \$1,182.85; Hospital Board, \$19,934.06; Crime Victim Assist., \$709.26; Elderly, \$8,750.65.

Tom Foerschler motioned to send Ed Fleming to Transfer Station Operator Training in Wichita Nov. 3rd. Delbert Cannon seconded the motion. The motion passed 3-0.

The Clerk notified the Road Foremen that all accident or incident reports must be initiated by the County.

John Black reported that the County Defensive Driving Training Class will be Nov. 10th at the 4-H Building.

Delbert Cannon motioned to deed .92 acres in Sec. 13, Twp. 21, Range 23E to Doug & Becky Brake. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve filing of Application for Discharge Elimination Permit for Centerville Sewer District. Herb Pemberton seconded the motion. The motion passed 3-0.

Harvey Taylor thanked the Commission for their donation & support of the County Night Out Against Crime. Taylor reported it was very successful.

Delbert Cannon motioned to approve purchase of bridge steel for Dist. #2 for \$3,573.78 from Carter Waters. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to canvass the Nov. 2nd General Election at the end of the regular Commission meeting, Monday Nov. 8th. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission agreed for Larry Robinson, Melinda Bolling, & Josh Marshall to attend Road & Bridge Software Meeting in Overland Park on Oct. 27th.

The Commission agreed to go out for bids for Thanksgiving dinner for County employees.

At 9:45 AM the Commission took a 15 minute break.

At 10:00 AM Ellie Davey presented the Year to Date Interest Report through Sept. 30th. Total year to date earnings are \$82,295.75.

Davey also presented the 2003 Reconciliation of Taxes.

The Commission reviewed an invitation to an Oct. 19th Lake Region Solid Waste Meeting.

With nothing further on the agenda Delbert Cannon motioned to adjourn until 9:00 AM Monday, Oct. 25th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

October 25, 2004

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

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

Clinic Manager, Gina Snyder presented estimates for repairing a processor. Herb Pemberton motioned to approve having a Konica SRX-101 processor repaired by Source One for \$1,068.29. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:17 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a personnel issue related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Gina Snyder attended the executive session.

At 9:27 the executive session ended. Herb Pemberton motioned to extend the above executive session for 10 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. At 9:37 AM the executive session ended.

As a result of the executive session, Delbert Cannon motioned to move Janet Poole from part time to full time receptionist at \$7.98 per hour. This will complete the reorganization of the clinic staff. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to sign agreement with the Over 50 Club in La Cygne to use the La Cygne Senior Center. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to hire Susan Mings as Substitute Site Manager at the Centerville Senior Center at \$6.60 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:45 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session until 10:00 AM to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, & County Counselor attended the executive session.

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

At 10:00 AM bids were opened for electrical work at the 4-H Building. Only 1 bid was received from Sandness Electric. The Commission tabled the decision on accepting the bid until next week.

Herb Pemberton motioned to sign agreement with the Consortium for Alcohol & Drug Testing. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to pay the US 69 Highway Association of Kansas \$5,000.00 dues for lobbying efforts. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Nov. 1st. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

November 1, 2004

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

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

The Commission approved the following pays/special pays: General, \$61,609.28; Employee Benefit, \$51,264.74; Appraiser, \$8,312.03; Rural Fire, \$4,722.56; Road & Bridge, \$29,235.98; SRO, \$2,308.73; Hospital Board, \$27,755.94; Crime Victim Assist., \$709.26; Elderly, \$7,146.43.

The Commission reviewed the Emergystat monthly report for Sept. 2004.

The Commission reviewed the Sept. 27th Minutes and the Oct. 26th Agenda for the SEK Multi-County Health Board meeting.

Herb Pemberton motioned to accept the low bid of \$6.80 per meal from North Side for meals for defensive driving class on Nov. 10th. Delbert Cannon seconded the motion. The motion passed 3-0.

Traffic Control Director Larry Robinson discussed a request to close a portion of Cassida Road. The Commission asked Robinson to publish the Notice of Road Closing.

Fire Coordinator Bernard Streeter reported the Rural Fire Dept. has received notice of a Kansas State Forestry Grant of \$4,914.00 to purchase fire nozzles & hose. The Commission agreed for Streeter to go out for bids to be opened Nov. 29th at 10:00 AM.

At 9:35 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal issue with the County Counselor (possible litigation) for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Ed Fleming attended the executive session.

At 9:45 AM the executive session ended. No action taken.

Herb Pemberton motioned to approve purchase of hood hinges for LTA 9000 Ford for Solid Waste from Midway Ford for \$502.71. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to cancel the regular County Commission meeting for Nov. 22nd & that there will not be a Commission meeting that week due to K.A.C. meeting. Tom Foerschler seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to sign Work for Hire agreement with Coryell & Sons for pest control. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:53 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal issue with the County Counselor (possible litigation) for 10 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:03 AM the executive session ended. No action taken.

Bids were opened for rest room at the new Noxious Weed building. 1 bid received from Foote Construction for \$5,505.00. Delbert Cannon motioned to accept the bid of \$5,505.00 from Foote Construction. Herb Pemberton seconded the motion. The motion passed 3-0.

Margaret Wilson from Concern, Inc. reported they are losing their building. After discussion the Commission asked Wilson to look at the Cowan house & see if that building is something they could use.

At 10:35 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor (possible litigation). Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Andy Mayhugh, and Jim Schmitz attended the executive session.

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

At 10:44 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss the trade secrets of an individual proprietorship for 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:49 AM the executive session ended. As a result of the executive session Delbert Cannon motioned to reject the bid from Sandness Electric to hook up 3 phase for air conditioner at the 4-H Building in the amount of \$5,995.00. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Delbert Cannon motioned to adjourn until 9:00 AM Monday, Nov. 8th. Herb Pemberton seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

November 8, 2004

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

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

The Commission approved the following pays/special pays: General, \$146,469.53; Employee Benefit, \$55,209.56; Appraiser, \$2,488.05; Rural Fire, \$5,338.60; Road & Bridge, \$80,689.31; Law Enforcement Trust, \$249.45; 911 Telephone Tax, \$1,957.02; Hospital Board, \$21,552.07; Crime Victim Assist., \$18.16; Elderly, \$7,984.80.

Delbert Cannon motioned to approve the following add/abate/refund order #'s: 2004-1 thru 3, 5 thru 26, 28 thru 30, 35 thru 38, and 41 thru 47. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve permit to bury water line requested by Charles Lanham located at 1100 Road & Farris Road. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission approved a request by Noxious Weed Director John Maloney to go out for chemical bids for next year to be paid for from next year's funds.

The Commission reviewed the 2004 YTD Park Report through October.

Bids were opened for new back hoe for Dist. #3. Bids received were: Martin Tractor, 2005 Cat. 420D, \$75,670.00 less \$15,000.00 trade in with net difference \$60,670.00; Murphy Tractor, 205 J.D. 510 SN, \$71,000.00 less trade of \$14,000.00 or net \$57,000.00; Victor L. Phillips Co., Case M Series 2 at \$68,625.00 less trade in of \$10,400.00 with net trade difference of \$58,225.00. Herb Pemberton motioned to accept the low bid from Murphy Tractor for J.D. 510 for \$57,000.00 with trade in. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:41 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to a non-elected employee for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Marilyn Augur and Commissioner Elect Jim Ferrante attended the executive session.

At 9:46 AM the executive session ended. As a result of the executive session Herb Pemberton motioned to hire Janet Gray as Temp. Site Manager at the La Cygne Senior Center at \$6.86 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Re-Zoning Case #Z0904180 requested by Bonnie Patton. Delbert Cannon motioned to approve Resolution #04-21 to approve Re-Zoning Case #Z0904180 as requested. Tom Foerschler seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-21:

RESOLUTION NO. 04-21

**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. 12-719, the Linn County Planning Commission on 20th October, 2004, held a public hearing on Case Z0904180 (Patton) and after consideration of all the factors recommended approval to the Linn County Commissioners by a vote of 6 to 0;

WHEREAS, on the 6th day of November, 2004, Case Z0904180 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:

As 11 acre more or less, located in the Southwest 1/4 of Section 18, Township 21, Range 24 all in Linn County, Kansas described as follows:

Beginning at a point 1120' North of the Southeast Corner of the Southwest 1/4 of said Section 18, Range 24, Township 21, Range 24, South 120° West 365' then South 120° West East 365' to the Point of Beginning as described by the deed of record.

Shall be and is hereby changed to the classification of "A1" - 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 8th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Tom Foerschler
Chairman

Herb Pemberton
Vice Chairman

Delbert Cannon
Member

ATTEST:


Donald L. Proffitt, County Clerk

After discussion with Mayhugh, Herb Pemberton motioned to pass Resolution #04-22 to amend the County's Zoning Regulation 13.04-9 relating to Set Backs and Bonding. Tom Foerschler seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-22:

To be published November 18th, 2004
RESOLUTION #04-22
A RESOLUTION AMENDING ARTICLE 13.04(9)
OF THE LINN COUNTY ZONING REGULATION
Case #Z410-04

WHEREAS, pursuant to State Statute, the Board of County Commissioners of Linn County are empowered to zone and regulate land use in Linn County outside the jurisdictional limits of an incorporated city; and

WHEREAS, the Board of County Commissioners of Linn County, Kansas is charged with promoting the public health, safety and general welfare and conserving property values in the areas so zoned; and

WHEREAS, pursuant to K.S.A. 12-717, the Board of County Commissioners may from time to time supplement, change or generally revise the Zoning Regulation by amendment; and

WHEREAS, the Linn County Planning Commission did hold a Public Hearing pursuant to State Statute to consider the below listed proposed amendments on October 20th, 2004 and did by a vote of 5 to 1 recommend approval of the proposed amendments to the Board of County Commissioners; and

WHEREAS, the Linn County Commissioners, upon receipt of said recommendation do hereby wish to incorporate said recommended amendments into the Linn County Zoning Regulation;

Therefore be it resolved, that Article 13.04(9) of the Linn County Zoning Regulation be hereby amended as follows:

9. Solid Waste Processing Facilities or Solid Waste Disposal Areas shall include, but not be limited to the following:

- a) Operations shall be located away or adjacent to principal or minor arterial roads capable of handling the expected highway loads of heavy truck traffic.
- b) No Solid Waste Disposal Area or Solid Waste Processing Area shall be so back less than 150 feet from any property line or more than 100 feet from a highway, school or hospital that was occupied on the date when application was first made for the Conditional Use Permit to operate a Solid Waste Disposal or Processing Area. No open ended equipment, equipment racks or other material shall be located within this setback area. However, this setback area may be used for visual screening purposes or for the construction of buildings to better equipment. Nothing in this section shall prohibit Linn County from increasing this setback distance if there is evidence that a greater setback is necessary to protect the health, safety and welfare of the community.
- c) The initial Conditional Use Permit may be granted for a period not to exceed five (5) years. Renewals or extensions of said permit shall not exceed a period of five (5) years.
- d) All waste disposal operations shall be buffered and screened by a method such as berms, dense landscape plantings, privacy fences, and the like, which the user would be unable to see any public road, any Restricted District or any area planned for residential development as designated by the Linn County Comprehensive Plan.
- e) The permit holder shall utilize that amount necessary for all approved inert waste and equipment and processing areas as required by the Conditional Use Permit.
- f) If the County finds any needs which would be used by the landfill operation to be inadequate for the required quantities of traffic, especially with respect to heavy truck traffic, then the applicant may be required to improve and maintain the roads to accommodate the anticipated traffic. An Improvement and Maintenance Agreement between the applicant and the County shall be required to assure that the roads used by the operation will be appropriately improved and maintained.

g) A plan for the reclamation of the site shall be prepared and submitted with the application. The plan shall include a schedule for the reclamation to the site and a general plan for the proposed future use(s). The reclamation plan submitted shall be binding to the extent required to assure that the plan of the site changes underway during the Conditional Use Permit term shall remain consistent with the reclamation plan which shows the overall intention of the applicant for the reclamation of the site. The initial reclamation plan may be amended or such time that the applicant is ready to begin such reclamation; however the reclamation plan must be approved by the Linn County Planning Commission and the Board of County Commissioners before reclamation work may begin. Said approval shall require a public hearing under the same procedures as required for the Conditional Use Permit.

h) The applicant's operation shall be available for inspection by County staff or any reasonable time following approval of the permit. Said inspection shall evaluate compliance with the above listed requirements and the conditions on the particular permit. If the operation is found to be in violation, the permit may be cancelled after a hearing has been granted by the Linn County Planning Commission and the Board of County Commissioners as provided in Article 14 of these regulations. If the non-compliance is not corrected immediately for the items involving potential safety hazards, or for items not involving potential safety hazards, within sixty (60) days of written notice from the County, said written notice shall include the violations and corrective measures necessary for compliance.

i) An environmental impact assessment shall be provided with the application for a Conditional Use Permit to operate a solid waste disposal area of a solid waste processing facility. Said assessment shall be conducted by a qualified engineer and shall include assessment of items as deemed by the Linn County Planning Commission as being necessary to protect the health, safety and welfare of the community.

j) All solid waste disposal area or processing facilities shall meet all the requirements established by the Kansas Department of Health and Environment. A copy of the current state permit and copies of all state inspections shall be kept on file with the Linn County Planning and Zoning Office and shall be kept on file for inspection by any interested party.

k) Any application for a proposed solid waste disposal area or processing facility shall include a plan for surface water control and management. Said plan shall provide for either the disposal of or the beneficial reuse of contact water in a manner to protect the waters of the state.

Be it further resolved, that this resolution shall become effective upon publication in the Official County Newspaper.

Passed and approved this 8th day of November, 2004.

Board of County Commissioners

Tom Foerschler
Chairman

Herb Pemberton
Vice Chairman

Delbert Cannon
Member

ATTEST:


County Clerk

Roger Carbon & Rod Bollinger asked the Commission about chipping & sealing the internal roads in the fair grounds. The time for repairing the roads will depend on when the State gets done with the new bridge & road. Tom Foerschler stated the issue will have to be addressed next year when the Kansas Highway 7 project is finished.

Bids were opened for Thanksgiving dinner for County Employees. Only one bid was received from Jayhawk Inn for \$8.00 per meal. Delbert Cannon motioned to accept the \$8.00 bid. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold reported he has had a request to purchase the restaurant equipment the County is holding against the loan to Family & Friends. The Commission approved working out an agreement to sell the items with the amount going to pay towards the loan.

Herb Pemberton motioned to sign work agreement with Foote Construction to build rest room at new Noxious Weed Building for \$5,505.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Commissioner Elect Jim Ferrante reported he had been in the attic of the Court House and found several dead birds & excrement. The Commission reported it is a constant problem and will have Maintenance check out the problem.

Herb Pemberton motioned to approve for Treasurer Ellie Davey to purchase a Toshiba Copier from Copy Products for \$760.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Concern, Inc. represented by Virginia Uptegrove & Margaret Wilson stated they do want to lease the Cowan property from the County. County Counselor will prepare an agreement for both parties to sign.

At 10:45 AM the Commission met as the Board of Canvassers to canvass the November 2, 2004 General Election. Deputy Election Officer Dee George read County machine print out results as Commission compared results to the Abstract Book.

The Commission then reviewed the 193 Provisional Ballots. Their decision was to count 129 complete ballots and 12 partial ballots of voters that voted at wrong location. The Commission decided against counting 52 ballots of non registered voters.

The Commission then supervised the counting of Provisionals on the Ballot Scanner, then reviewed the results of the write ins on the Provisional Ballots. The 12 partial ballots were hand counted, after which the Commission certified the total election results.

At the end of the Canvass Herb Pemberton motioned to adjourn until 9:00 AM Monday, November 15th for their regular Commission meeting. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

November 15, 2004

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

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

The Commission approved the following pays/special pays: General, \$90,125.50; Employee Benefit, \$25,201.11; Appraiser, \$16,463.66; Rural Fire, \$2,851.10; Road & Bridge, \$49,362.42; S.R.O., \$1,232.44; Hospital Board, \$21,275.15; Crime Victim Assist., \$709.26; Elderly, \$10,333.19.

The Commission approved the following add/abate/refund order #'s: 2004-48 thru 60.

After reviewing a letter from the S.E.K. Area Transit Council, Delbert Cannon motioned to sign a letter supporting their program. Herb Pemberton seconded the motion. The motion passed 3-0.

At the request of Noxious Weed Director John Maloney, Herb Pemberton motioned to purchase an AL800 Sharp Copier from Copy Tech, Iola for \$450.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve permit for Solid Waste Collection for Donna Doan, Pleasanton for a 2000 Dodge Ram 1500. Tom Foerschler seconded the motion. The motion passed 3-0.

Dist. #1 Road Foreman Danny Morris reported that Walt Grigsby gave his 2 week's notice. The Commission gave Morris approval to post the job to County employees and to advertise for employment for the position.

Herb Pemberton motioned to publish a notice of proposal to vacate the following road in Blue Mound Township. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of the publication:

NOTICE OF PROPOSAL TO VACATE ROAD

The Board of Commissioners of Linn County, Kansas, hereby gives notice, pursuant to K.S.A. 68-102 et. seq. of a proposal to vacate certain platted but heretofore unopened roads within Linn County, Kansas, said roads being determined to not be a public utility by reason of neglect, nonuse, or inconvenience and the necessity for use of such roads as a public utility not justifying the expenditure of the necessary funds to put the same in condition for public travel. Said roads are described as follows:

Beginning at the Northwest corner of Section 17, Twp. 22 South, Range 22 East of the 6th principal meridian, thence south on the section line to the Southwest corner of Section 20, Twp. 22 South, Range 22 East of the 6th principal meridian. This portion of road is currently identified as Cassida Road between 800 Road and 600 Road, and is part of a road known as the Daniel Bayne road established on September 6, 1870 on pages 128 & 129 of the Commissioners Journal, and...

Beginning at the Northwest corner of Section 17, Twp. 23 South, Range 22 East of the 6th principal meridian, thence south on the section line to the Southwest corner of Section 17, Twp. 23 South, Range 22 East of the 6th principal meridian. This portion of road is currently identified as Cassida Road between 200 Road and the Bourbon County Line, and is part of a road known as the Daniel Bayne road established on September 6, 1870 on pages 128 & 129 of the Commissioners Journal.

Action on the above proposal will be taken on or after December 6, 2004.

Don Proffitt
County Clerk
913-795-2668

County Counselor reported that the liquor by the drink question that was passed on the Nov. 2nd General Election does apply to the cities in the County.

The Commission discussed a business license for establishments who sell liquor by the drink. The Commission tabled the issue for further study.

The Commission reviewed and approved the Sheriff's Monthly Fee Report thru Sept. 2004.

Delbert Cannon motioned to designate Dec. 31st as New Year's Day Holiday. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve the listed State Holidays Administrative Order #187 for 2005 for Linn County. Herb Pemberton seconded the motion. The motion passed 3-0.

Zoning Administrator Andy Mayhugh presented the Commission with subdivision plat named Brownback Hollow. Tom Foerschler motioned to approve the Brownback Hollow Subdivision #04-19. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve for Sheriff Stites to go out for bids for 2 new patrol cars to be delivered after the 1st of the year and to be paid for from 2005 funds. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:34 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting for 20 minutes to discuss a legal issue with the County Counselor (possible litigation). Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, & Commissioner Elect Jim Ferrante attended the executive session.

At 10:54 AM the executive session ended. No action taken.

Herb Pemberton motioned to change employee status on Janet Gray from Temp. to Part Time Site Manager at same salary. Delbert Cannon seconded the motion. The motion passed 3-0.

At 11:04 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a legal/personnel issue for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Commissioner Elect Jim Ferrante, and Commissioner Elect Larry Hall attended the executive session.

At 11:09 AM the executive session ended. At 11:10 AM Tom Foerschler motioned to extend the executive session by 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:20 AM the executive session ended. No action taken.

Herb Pemberton motioned to allow the Family Care Clinics to use Senior Centers in Blue Mound, Centerville, Parker & Prescott for outreach clinics once each year. Tom Foerschler seconded the motion. The motion passed 3-0.

At 11:40 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session to discuss the trade secrets of an individual proprietorship for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Ferrante, and Hall attended the executive session.

At 11:45 AM the executive session ended. No action taken. However the County Counselor stated that after hearing the discussion in executive session the executive session should have been called for the preliminary discussion relating to the acquisition of real property.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Nov. 29th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

November 29, 2004

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

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

The Commission approved the following pays/special pays: General, \$79,995.94; Employee Benefit, \$72,527.01; Appraiser, \$8,312.03; Rural Fire, \$3,922.56; Road & Bridge, \$30,036.26; S.R.O., \$2,308.72; Hospital Board, \$46,947.62; Crime Victim Assist., \$709.26; Elderly, \$7,978.06.

The Commission approved the following add/abate/refund order #'s: 2004-61, 62, & 63.

Herb Pemberton motioned to approve permit to bury water line requested by Diversified Contractors located at 2300 Rd. & Keitel Rd. Tom Foerschler seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to approve the purchase of 2 recap grader tires at \$365.00 each from Cross Midwest for Road Dist. #2. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to reject a VanKeppal bid of \$6,380.00 to straighten the frame on the Broyce broom that was hit from behind. Tom Foerschler seconded the motion. The motion passed 3-0.

At 9:19 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to a non-elected employee for 5 minutes. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Commissioners Elect Jim Ferrante & Larry Hall, and Danny Morris 1st District Road Foreman attended the executive session.

At 9:24 AM the executive session ended. The Commission extended the above executive session for 5 minutes.

At 9:29 AM the executive session ended. As a result of the executive session Herb Pemberton motioned to transfer Ed Fleming from Solid Waste Coordinator to Equipment Operator in Road District #1 at \$11.31 per hour effective Jan. 1, 2005. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:40 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Tom Foerschler seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Traffic Control Director Larry Robinson, Jim Ferrante, and Larry Hall attended the executive session.

At 9:45 AM the executive session ended. No action taken.

At 9:50 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue 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 10:00 AM the executive session ended. No action taken.

Bids were opened for fire nozzles & hose for Rural Fire District #1. Bids received were from Weis Fire @ \$4,642.00, and Hays Fire Equipment for \$5,303.20. Delbert Cannon motioned to accept the low bid from Weis Fire for 7 nozzles & 1700' of hose. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission also agreed to spend remainder of grant on additional fire nozzles.

At 10:11 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, Ed Fleming, Jim Ferrante, and Larry Hall attended the executive session. At 10:14 AM Sheriff Stites was asked into the executive session.

At 10:16 AM the executive session ended. No action taken.

The Commission took a 10 minute break.

After discussion the Commission approved for Sheriff Stites to go out for bids for a phone & radio recorder for the Sheriff's Dept.

Robert Stocking, Hospital Board Chairman & Gina Snyder, Clinic Manager presented a proposal to purchase 8 computer terminals for the clinics, 4 for each clinic. This would hook up directly to Miami County Medical Center. Herb Pemberton motioned to purchase 8 computers from Larry Crawford for the clinics for \$12,037.00. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission also discussed moving Gina Snyder from Non-Exempt to Exempt status. The Hospital Board asked the Commission to make the change. The County Counselor feels Snyder's position meets the exempt status, however it was agreed by all that a new job description must be prepared.

Andy Mayhugh presented Lot Split #04-167 requested by Sheldon Stoughton. Herb Pemberton motioned to approve Lot Split #04-167 and to accept the accompanying road easements. Delbert Cannon seconded the motion. The motion passed 3-0.

Dean Schoenhals, owner of North Side, Back Door Saloon asked the Commission about County possible wanting to regulate the hours that liquor by the drink could be sold in the County. The Commission reported they see no need for regulation now, but that may change in the future.

Bids were opened to repair flat portion of roof on the Courthouse. Marty Bradley bid \$4,957.75, Double K Construction bid \$9,200.00. Delbert Cannon motioned to accept the low bid from Marty Bradley providing he has proof of liability & work. comp. insurance. Tom Foerschler seconded the motion. The motion passed 3-0. The County Counselor will prepare a contract.

The Commission reviewed the Oct. 2004 Emergstat Monthly Report.

The Commission reviewed the Oct. 2004 Sheriff's Monthly Fee Report.

Delbert Cannon motioned to approve Resolution #04-23 to establish 2005 County Holidays. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Resolution #04-24 to establish voucher due dates & pay dates for 2005. Delbert Cannon seconded the motion. The motion passed 3-0. Following are copies of Resolutions #04-23 and #04-24:

RESOLUTION NO.: 04-23

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 2005:

December 31, Friday	New Year's Day
January 17, Monday	Martin Luther King, Jr. Day
February 21, Monday	President's Day
May 30, Monday	Memorial Day
July 4, Monday	Independence Day
September 5, Monday	Labor Day
October 10, Monday	Columbus Day
November 11, Friday	Veteran's Day
November 24 & 25, Thurs. & Fri.	Thanksgiving Day
December 26, Monday	Christmas

APPROVED AND ADOPTED this 29th day of November, 2004 for the year 2005.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS



ATTEST:

Donald L. Proffit, County Clerk

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

RESOLUTION NO.: 04-24

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 2005:

PAYROLL	VOUCHERS (Due before Noon)	MONTH	VOUCHERS (DUE before Noon)	COUNTY CLAIMS
January 14 January 31	January 7 January 24	January	February 3	February 14
February 15 February 28	February 8 February 18	February	March 3	March 14
March 15 March 31	March 8 March 24	March	March 31	April 11
April 15 April 29	April 8 April 22	April	April 28	May 9
May 13 May 31	May 6 May 23	May	June 2	June 13
June 15 June 30	June 8 June 23	June	June 29	July 11
July 15 July 29	July 8 July 22	July	July 28	August 8
August 15 August 31	August 8 August 24	August	August 31	September 12
September 15 September 30	September 8 September 23	September	September 29	October 11
October 14 October 31	October 6 October 24	October	November 2	November 14
November 15 November 30	November 7 November 21	November	November 23	December 5
December 15 December 30	December 8 December 22	December	December 15	December 27

APPROVED AND ADOPTED this 29th day of November, 2004.



ATTEST:

Donald L. Proffit, County Clerk

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS
Tom Foerschler
Tom Foerschler, Chairman
Herb Pemberton
Herb Pemberton, Vice Chairman
Delbert Cannon
Delbert Cannon, Member

At 11:25 AM Herb Pemberton motioned to adjourn until 9:00 AM Monday, December 6th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

December 6, 2004

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

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

The Commission approved the following pays/special pays: General, \$158,144.76; Appraiser, \$3,503.86; Rural Fire, \$17,768.22; Road & Bridge, \$32,539.18; Law Enforcement Trust, \$44.35; 911 Telephone Tax, \$2,777.39; Hospital Board, \$18,905.70; Crime Victim Assist., \$2.60; Elderly, \$8,716.68.

The Commission approved the following add/abate/refund order #'s: 2004-64,65,67-83,85,86,87, & 89.

Delbert Cannon motioned to approve and sign an agreement requested by RC&D updating the C&D Landfill in Miami County. Herb Pemberton seconded the motion. The motion passed 3-0.

Commissioner Cannon left the meeting. At 9:10 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to a non-elected employee for 5 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Deputy Clerk, County Counselor, and Commissioners Elect Jim Ferrante & Larry Hall attended the executive session.

At 9:15 AM the executive session ended. No action taken. Commissioner Cannon returned to the meeting.

Herb Pemberton motioned to donate \$50.00 to Project STAR at Jayhawk Linn High School. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission reviewed the November 30th Agenda and October 26th Minutes of the SEK Multi-County Health Board.

At 9:25 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to a non-elected employee for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Commissioners Elect Jim Ferrante & Larry Hall, and Nutrition Director Marilyn Augur attended the executive session.

At 9:30 AM the executive session ended. As a result of the executive session Herb Pemberton motioned to increase Joe Sands rate of pay to \$8.00 per hour. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:31 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session until 9:45 AM to discuss a legal issue with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Larry Robinson, Jim Ferrante, and Larry Hall attended the executive session.

At 9:45 AM the executive session ended. Herb Pemberton motioned to extend the above executive session until 10:00 AM. Delbert Cannon seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

At 10:00 AM the Commission Chairman opened the Public Hearing for Road Closings. After discussion, Herb Pemberton motioned to close Cassida Road between 600 Road & 700 Road, and Cassida Road between 100 Road & 200 Road. Tom Foerschler seconded the motion. The motion passed 2-1.

At 10:12 AM bids were opened for Noxious Weed Chemicals for 2005. Bids received were: Ag Choice, Blue Mound - \$22.10/oz. for Escort XP, \$12.35/oz. for Outrider, \$15.10/gal. for 24D LV4 Amine, & \$14.95/gal. for Surfactant, (no bid for Pasture Guard); and Matthes Farm & Field Supply, Centerville - \$18.65/oz. for Escort XP, \$45.10/gal. for Pasture Guard, \$11.10/oz. for Outrider, \$11.60/gal. for 24D LV4 Amine, & \$11.50/gal. for Activator 90 Surfactant. Delbert Cannon motioned to accept the low bid from Matthes Farm & Field Supply for a total of \$7,115.00 to be paid for with 2005 funds. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:17 AM bids were opened for 2 patrol cars. The only bid received was \$24,301.00 per car from Cox Motor Company, Pleasanton. Herb Pemberton motioned to accept the bid from Cox Motor Company for \$48,602.00 for 2-2005 Ford Crown Victoria Police Interceptor's to be delivered in 2005 and paid for with 2005 funds. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:26 AM the Commission took a 10 minute break.

At 10:38 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 10 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, and Larry Hall attended the executive session.

At 10:48 AM the executive session ended. As a result of the executive session, the Commission Chairman announced that the winning bidder for the Courthouse roof repair could not comply with the terms of the bid. The Clerk will ask the bidder to give the County notice in writing before the Commission takes action.

Gina Snyder & Robert Stocking presented the Commission with a new job description for the Clinic Manager Position. The Commission will review the job description and make a decision next week.

Herb Pemberton motioned to reappoint Eddie Andersen to the Hospital Board. Delbert Cannon seconded the motion. The motion passed 3-0.

Don George, Wildlife & Parks presented a new Community Fisheries Assistance Program agreement that would pay the County \$1,000.00 per year for fishing at the County strip pit near Prescott. It would require that \$750.00 be spent on the strip pit. Herb Pemberton motioned to sign the CFAP agreement with Kansas Wildlife & Parks for 1 year. Delbert Cannon seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Lot Split #04-169 requested by Fred & Marylin Augur. Tom Foerschler motioned to approve Lot Split #04-169 and accept the accompanying road easements. Delbert Cannon seconded the motion. The motion passed 3-0.

Larry Robinson asked the Commission to approve \$2,800.00 for a Sign Database program from CarteGraph to be purchased with 2004 funds. After discussion the Commission did not take any action on the request.

County Counselor Gary Thompson presented a proposed agreement between Linn County and the City of Pleasanton concerning zoning changes & building permits within the Dam Breach Area of the Pleasanton City Lakes Dams. No action was taken at this time.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Dec. 13th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

December 13, 2004

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

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

The Commission approved the following pays/special pays: General, \$72,107.71; Employee Benefit, \$55,646.71; Appraiser, \$8,312.03; Rural Fire, \$3,384.99; Road & Bridge, \$42,963.17; SRO, \$1,209.30; Hospital Board, \$37,259.81; Crime Victim Assist., \$709.26; Elderly, \$9,156.39.

The Commission approved the following add/abate/refund order #'s: 2004-90, 91, & 94.

Asphalt Foreman John Byington presented quotes for rock (cover material) for 2005. Delbert Cannon motioned to purchase 4000 tons of cover material from Wade Quarry, La Cygne @ \$6.85/ton for Dist. #1 and 10000 tons of cover material from Nation Quarry, Mound City @ \$6.75/ton for Dist. #2 & #3 subject to contract approval. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission received written notice from Marty Bradley withdrawing his bid to fix the Courthouse roof. As a result of the withdrawal, Delbert Cannon motioned to accept the bid from Double K Construction in the amount of \$9,200.00 for the Courthouse roof repairs. Herb Pemberton seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to reappoint Bob Stocking to the TRI-KO Board. Delbert Cannon seconded the motion. The motion passed 3-0.

The Commission reviewed the 2004 YTD Park Report through November.

At 9:22 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 15 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, and Larry Hall attended the executive session.

At 9:37 AM the executive session ended. No action taken.

At 9:41 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to a non-elected employee for 15 minutes. Tom Foerschler seconded the motion. The motion passed 2-0. Tom Foerschler, Herb Pemberton, the Clerk, Deputy Clerk, County Counselor, Commissioners Elect Jim Ferrante & Larry Hall, Solid Waste Coordinator Ed Fleming, and Dale Deer attended the executive session. Commissioner Cannon left the meeting.

At 9:56 AM the executive session ended. At 9:56 AM Herb Pemberton motioned to extend the above executive session for 5 minutes. Tom Foerschler seconded the motion. The motion passed 2-0. Ed Fleming & Dale Deer left the executive session.

At 10:01 AM the executive session ended. At 10:01 AM Herb Pemberton motioned to extend the above executive session for 10 minutes. Tom Foerschler seconded the motion. The motion passed 2-0. Dale Deer returned to the executive session.

At 10:11 AM the executive session ended. As a result of the executive session Herb Pemberton motioned to hire Dale Deer as Solid Waste Coordinator subject to six months probation @ \$12.50/hr during the probation period. Tom Foerschler seconded the motion. The motion passed 2-0.

Zoning Administrator Andy Mayhugh presented Lot Splits #04-168 & 04-170. Tom Foerschler motioned to approve Lot Split #04-168 and accompanying easements as requested by Larry & Lori Simmons. Herb Pemberton seconded the motion. The motion passed 2-0.

Commissioner Cannon returned to the meeting.

Delbert Cannon motioned to approve Lot Split #04-170 and accompanying grant of easement as requested by Janice Stahl. Herb Pemberton seconded the motion. The motion passed 3-0.

Sheriff Marvin Stites informed the Commission of problems with surface water in the dispatch room.

Sheriff Stites also informed the Commission of problems with his radio system.

Gina Snyder & Bob Stocking met with the Commission concerning the Clinic Manager job description and "Exempt Employee" status. Delbert Cannon motioned to approve the job description as amended and to accept the agreement making the Clinic Manager a salaried position @ \$2,338.22/month. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to reappoint Keith Couch to the Hospital Board. Delbert Cannon seconded the motion. The motion passed 3-0.

Bill Hein, Fagan Company discussed condensate return line problems with the boiler in the Courthouse. Delbert Cannon motioned to approve The Fagan Company installing a new pump for condensate return lines on the boiler at a price not to exceed \$3,800.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Emergystat Manager David Sweat presented the Commission with Christmas cards from Emergystat and invited the Commissioners to their Christmas party.

At 11:00 AM the Commission took a 5 minute break.

Herb Pemberton motioned to approve Resolution #04-25 vacating Cassida Road between 100 & 200 Roads and between 600 & 700 Roads. Tom Foerschler seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-25:

A RESOLUTION VACATING CERTAIN PORTIONS OF CASSIDA ROAD IN LINN COUNTY, KANSAS.

WHEREAS, the Governing Body of Linn County, Kansas is authorized by K.S.A. §68-102 *et seq.* to vacate any road within the county that the board determines is not a public utility by reason of neglect, nonuse, or inconvenience; and

WHEREAS, the Board of Commissioners has determined that the below described portions of Cassida Road in Linn County no longer have public utility by reason of said neglect, nonuse and inconvenience, and that said portions of said road are practically impassable, and further that the necessity for said portions of said road as a public utility does not justify the expenditure of the necessary funds to put the same in condition for public travel; and

WHEREAS, notice was given to adjoining property owners and to the general public, pursuant to K.S.A. §68-102a, of the intent of the Board of Commissioners to vacate said portions of Cassida Road; therefore,

IT IS HEREBY RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS:

1. That portion of Cassida Road, previously known as the Daniel Bayne road, established on September 6, 1870, which lies on the section line between Section 19 and Section 20 of Township 22 South, Range 22 East in Linn County, also described as Cassida Road between 600 Road and 700 Road, is hereby vacated.
2. That portion of Cassida Road, previously known as the Daniel Bayne road, established on September 6, 1870, which lies on the section line between Section 17 and Section 18 of Township 23 South, Range 22 East in Linn County, also described as Cassida Road between 200 Road and the Bourbon/Linn County Line, is hereby vacated.
3. This Resolution shall be effective upon its passage and publication in the official newspaper of Linn County, Kansas.

RESOLVED THIS 13th DAY OF DECEMBER, 2004.


 CHAIRMAN

 COMMISSIONER

 COMMISSIONER

ATTEST:

 COUNTY CLERK



At the request of Traffic Control Coordinator Larry Robinson, Herb Pemberton motioned to authorize the Chairman to sign a Federal Aid Agreement. Delbert Cannon seconded the motion. The issue was tabled until next week to allow the County Counselor to review the agreement.

Delbert Cannon motioned to approve the bid from KCP&L in the amount of \$12,261.00 to install 3-Phase service to the 4-H Building. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:28 AM Tom Foerschler motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, Larry Hall, and Andy Mayhugh attended the executive session.

At 11:33 AM the executive session ended. No action taken.

Andy Mayhugh informed the Commission that he is having computer problems. He would like to purchase a new PC and have his old PC repaired to be used in the spare office. Herb Pemberton motioned to approve purchasing a Systemax PC from Global Computers for \$944.97. Tom Foerschler seconded the motion. The motion passed 3-0.

Nutrition Director Marilyn Augur informed the Commission of a sewer line problem at the Senior Center in Pleasanton. The Commission will need to take bids on the project.

Herb Pemberton motioned to send a letter of support for TRI-KO for purchasing 2-20 passenger vans and 1-sedan. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to sign the letter of support & endorsement for TRI-KO. Delbert Cannon seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Dec. 20th. Tom Foerschler seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

December 20, 2004

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

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

The Commission approved the following add/abate/refund order #'s: 2004-95 thru 99.

Delbert Cannon motioned to purchase a hydraulic pump for a grader in Dist. #2 for \$1,875.00 from Martin Caterpillar. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the Nov. 2004 Sheriff's Monthly Fee Report.

Delbert Cannon motioned to approve Resolution #04-26 canceling outstanding warrants over 2 years old. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #04-26:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY, KANSAS
RESOLUTION NO. 04-26

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 16-215 that all the county warrants listed below are hereby cancelled and set aside upon the records of the county. Such records shall show the date of cancellation and shall recite that such warrant is unpaid but cancelled by reason of this resolution.

The County Warrants to be cancelled are:

GENERAL FUND			
3110902	#27947	TRANSICOR OF AMERICA	\$1,074.10
3110902	#28562	WORTH	\$26.37
5130902	#28419	KELLY HUBBARD	\$77.00
5130902	#28663	TERRY LONG	\$15.30
6150902	#46293	PLAZA HOTEL & CONV CTR	\$ 472.10
1112002	#42645	TASTE OF HOME	\$ 5.20
1230902	#42645	GARRICK & CHAPMAN	\$ 10.00
APPRAISERS			
3110902	#37961	CELLULAR ONE	\$ 26.26
6150902	#40292	PLAZA HOTEL & CONV CTR	\$ 237.05
RURAL FIRE			
4820902	#28078	MARVIN STITES & STA 930	\$ 50.00
4102002	#28026	MARVIN STITES & STA 930	\$ 50.00
5130902	#28025	MARVIN STITES & STA 930	\$ 50.00
1112002	#27702	MICHAEL D GILLESPIE	\$ 17.86
1112002	#27703	MICHAEL D GILLESPIE & STA.	\$ 50.00
11150902	#42963	KANSAS GAS SERVICE	\$ 37.23
HOSPITAL BOARD			
4102002	#28281	POSTMASTER (LACYONE)	\$ 50.00
5130902	#28748	TORY NELSON	\$ 5.00
13302002	#41747	RIGAN EPPERSON	\$ 28.32
12302002	#41746	CAROL KLOPFENSTEIN	\$ 4.83
12302002	#41788	ED THEEL	\$ 10.00
CRIME VICTIM ASSIST.			
1112002	#42960	TASTE OF HOME	\$ 20.78
PAYROLL			
3202002	#28278	DELEAS HORTON	\$36.04
6202002	#24676	CLERK OF DIST CT (UPHAM)	\$88.83
7152002	#24710	CLERK OF DIST CT (UPHAM)	\$88.83
8212002	#24186	KEVIN FRIED	\$5.47
1212002	#26775	CENTRAL LIFE INS	\$ 13.12

APPROVED AND PASSED THIS 20TH DAY OF DECEMBER 2004

Tom Foerschler
Tom Foerschler
Chairman

Herb Pemberton
Herb Pemberton
Vice Chairman

Delbert Cannon
Delbert Cannon
Member

ATTEST:
Donald L. Proffitt
Donald L. Proffitt
Linn County Clerk

Herb Pemberton motioned to approve purchasing 2 IBM terminals for the AS/400 @ \$598.00 each from Infinitic, Inc., one to be purchase from the Treasurer's budget and one to be purchase from the Courthouse budget. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve purchasing a PC for Road Dist. #2 from Global Computers for \$864.97. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve adding the following exception to section 3 of the Nepotism portion (page 26) of the Employee Handbook: 4) part-time employees of the County Landfill Department. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve the Chairman signing a Work for Hire Agreement with Double K Construction for repairing the Courthouse roof. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve the following purchase orders: #2004-01 – Richard M. Fisher, Jr., Attorney, \$18,000.00; #2004-02 – Gilbert E. Gregory, Attorney, \$18,000.00; #2004-03 – Jesse T. Randall, Attorney, \$18,000.00; and #2004-04 – Glen E. Sharp II, Attorney, \$18,000.00. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve purchasing the material for hooking up the heater at the 4-H Building from Russell Beldin, Nevada for up to \$2,000.00. Tom Foerschler seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve having the Chairman sign the contracts with Nation Rock & Wade Quarries for cover material for 2005 if the contracts are approved by Nation Rock & Wade Quarries. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to change the date for delivery of cover material from March 1 to May 1. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Purchase Order #2004-05 in the amount of \$8,500.00 to Vance Brothers for oil for chip & seal for the park. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve the Federal Aid Agreement with the State for funding for building roads & bridges and to authorize signing the agreements. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve transferring \$11,500.00 from the Rural Fire Fund to the Rural Fire Special Equipment Fund. Delbert Cannon seconded the motion. The motion passed 3-0.

Bids were opened for lawn care & snow removal for Bunker Hill. Bids received were: Jeff Harlow - \$40.00 for snow removal and \$25.00 for lawn care, Jeff Schneider - \$30.00 for snow removal and \$30.00 for lawn care. Delbert Cannon motioned to accept the bid from Jeff Schneider. Herb Pemberton seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Lot Split #04-171 requested by Charles & Vicky Singer located at 1800 & Gireau Rd. Delbert Cannon motioned to approve Lot Split #04-171 and accompanying grant of easement. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:22 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, Larry Hall, and Andy Mayhugh attended the executive session.

At 10:27 AM the executive session ended. As a result of the executive session Herb Pemberton motioned to approve Lot Split #04-172 and accompanying grant of easement as requested by Tom & Lynn Patterson, contingent on grant of easement being filed before lot split becomes effective. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve installing a new furnace in the Mound City Clinic. Herb Pemberton seconded the motion. The motion passed 3-0.

David Lamb asked the Commission about posting for a System Administrator/Payroll Clerk in the County Clerk's Office. The Commission had no objections.

Delbert Cannon motioned to give a 2 ½ % Cost of Living Allowance to all employees except Contract Employees and to give the applicable steps on the Salary Schedule. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Dec. 27th. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair

December 27, 2004

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

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

The Commission approved the following pays/special pays: General, \$146,449.04; Appraiser, \$1,058.70; Rural Fire, \$15,475.49; Road & Bridge, \$105,096.68; Law Enforcement Trust, \$14.90; 911 Telephone Tax, \$819.24; Spl. Fire Equip. Replacement, \$5,402.00; SRO, \$15.00; Hospital Board, \$25,118.03; Special Alcohol, \$2,782.00; Elderly, \$7,460.00.

The Commission approved the following add/abate/refund order #'s: 2004-100 thru 104.

Herb Pemberton motioned to approve Purchase Order #2004-09 in the amount of \$8,097.50 to Schwab-Eaton for bridge inspections. Delbert Cannon seconded the motion. The motion passed 3-0.

Tom Foerschler motioned to transfer \$170,000.00 from Road & Bridge-All District to Road & Bridge Special Equipment Fund. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the November Emergystat monthly report.

The Commission reviewed the Oct. 15th KCAMP minutes.

Herb Pemberton motioned to amend the previously approved permit to bury water line requested by RWD #1 to allow them to cut the road instead of boring under the road. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve the 2004 Noxious Weed Annual Report. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve purchasing a recording system for the Sheriff's office for \$9,873.00 from Voice Products to be paid for with 2004 funds. Delbert Cannon seconded the motion. The motion passed 3-0.

At 9:34 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session for 5 minutes to discuss a legal issue with the County Counselor. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, Larry Hall, Ed Fleming, and Dale Deer attended the executive session.

At 9:37 AM Ed Fleming and Dale Deer left the executive session.

At 9:39 AM the executive session ended. At 9:39 AM Herb Pemberton motioned to extend the above executive session for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Jim Ferrante, and Larry Hall attended this portion of the executive session.

At 9:44 AM the executive session ended. No action taken.

Larry Hall addressed the Commission concerning the 2005 Budgets. Hall asked the Commission to postpone making decisions that affect the 2005 Budget.

At 9:56 AM Tom Foerschler motioned to recess for 10 minutes. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:06 AM the Board of Commission meeting reconvened.

At 10:11 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to a non-elected employee for 15 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Commissioners Elect Jim Ferrante & Larry Hall, and Brenda Brennan attended the executive session.

At 10:26 AM the executive session ended. No action taken.

At 10:30 AM Herb Pemberton motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to a non-elected employee for 5 minutes. Delbert Cannon seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Commissioners Elect Jim Ferrante & Larry Hall, and Dr. Hunt attended the executive session.

At 10:35 AM the executive session ended. No action taken.

Chris Paus presented the Lake Region Solid Waste Management Plan. Herb Pemberton motioned to approve Resolution #04-30 to adopt the Solid Waste Management Plan. Delbert Cannon seconded the motion. The motion passed 3-0. Following is a copy of Resolution 04-30:

DRAFT RESOLUTION

NO. 04-30

A RESOLUTION ADOPTING THE LAKE REGION SOLID WASTE MANAGEMENT PLAN

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. 17-2901, et seq., to enter into agreements with other governmental 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 public on Nov. 16, 2004 and to the Board of County Commissioners on Dec. 27, 2004;

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 27th day of December 2004



BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS

ATTEST: County Clerk

Delbert Cannon motioned to adopt the addendum to revise the Work for Hire Agreement with Terracon. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Purchase Order #2004-10 in the amount of \$944.97 to Global Computers for a PC for the Nutrition Dept. Delbert Cannon seconded the motion. The motion passed 3-0.

At 10:50 AM Delbert Cannon motioned to recess from the Board of Commissioners meeting into executive session to discuss a personnel issue related to a non-elected employee for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Deputy Clerk, County Counselor, Commissioners Elect Jim Ferrante & Larry Hall, and Dennis Arnold attended the executive session.

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

Herb Pemberton motioned to approve Resolution #04-27 designating the official depositories for County funds for 2005. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve Resolution #04-28 waiving the requirements of KSA 75-1120a(a) concerning financial statements for 2005. Herb Pemberton seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve Resolution #04-29 designating the "Linn County News" as the official newspaper for the County for 2005. Delbert Cannon seconded the motion. The motion passed 3-0. Following are copies of Resolution #'s 04-27, 04-28, & 04-29:

RESOLUTION NO. 2004-27

BEFORE THE BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS

BE IT RESOLVED: That effective January 1, 2005 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 rescinded.

- FARMERS & MERCHANTS BANK
FARMERS STATE BANK
LABETTE BANK
CENTERVILLE STATE 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.

SIGNED this 27th day of December, 2004 for the year 2005.

BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS

Notitia Forrester, Chairman
Herb Pemberton, Vice Chairman
Delbert Cannon, Member

ATTEST: Donald L. Proffitt, County Clerk

RESOLUTION NO. 2004-28

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, 2005 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 other 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 27th day of December, 2004 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, 2005.

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 27th day of December, 2004 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, 2005.

BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS

Theresa Forrester, Chairman
Herb Pemberton, Vice Chairman
Delbert Cannon, Member

ATTEST: Donald L. Proffitt, County Clerk

RESOLUTION NO. 2004-29

BEFORE THE BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS

BE IT RESOLVED: That effective January 1, 2005 the "Linn County News" is designated as the official county newspaper for year 2005.

APPROVED AND ADOPTED this 27th day of December, 2004 for year 2005.

BOARD OF COUNTY COMMISSIONERS LINN COUNTY, KANSAS

Theresa Forrester, Chairman
Herb Pemberton, Vice Chairman
Delbert Cannon, Member

ATTEST: Donald L. Proffitt, County Clerk

Delbert Cannon motioned to cancel outstanding Purchase Orders # 2003-10 in the amount of \$2,934.34 to Harry Warren, #2003-11 in the amount of \$90.00 to Mid-Continent Micrographics, #2002-14 in the amount of \$185.00 to Nastech Services, Inc., and #2003-03 in the amount of \$55.68 to Koch Materials. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Purchase Order #2004-06 in the amount of \$9,200.00 to Double K Construction for repairing the Courthouse roof. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Purchase Order #2004-07 in the amount of \$350,000.00 to Linn County Treasurer's Benefit Trust for health insurance claims. Delbert Cannon seconded the motion. The motion passed 3-0.

Herb Pemberton motioned to approve Purchase Order #2004-08 in the amount of \$5,000.00 to United States Postal Service for Treasurer's office postage. Delbert Cannon seconded the motion. The motion passed 3-0.

Delbert Cannon motioned to approve the Cereal Malt Beverage License renewal for PDQ, Inc. Herb Pemberton seconded the motion. The motion passed 2-1.

Herb Pemberton motioned to approve & sign the KCP&L 3-phase overhead line extension agreement and to prepay \$12,261.00 to KCP&L for the service. Delbert Cannon seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton motioned to adjourn until 9:00 AM Monday, Jan. 3rd, 2005. Delbert Cannon seconded the motion. The motion passed 3-0.

County Clerk

Commission Chair