

January 2, 2007

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

The Chairman asked the audience to observe a moment of silence in honor of Former President Gerald Ford and then led the flag salute to start the new year.

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

The Chairman introduced the new Fire Chief/Emergency Management Coordinator, David Yates. Yates discussed grants for 2007. There was a hazardous materials grant that had an application deadline of December 30, 2006. Yates will check to see if an extension for that application is available. Yates also discussed emergency management training that is available. Yates will also coordinate with the Station Chiefs regarding truck and equipment inspections. The Sheriff's office needs a list of information needed from the PC that was used by the former Fire Chief. The Commission also asked Yates to check on NIMS requirements.

Jim Ferrante moved to approve the following pays/special pays: General, \$202,578.69; Employee Benefit, \$25,023.57; Appraiser, \$9,818.19; Rural Fire, \$2,970.06; Road & Bridge, \$162,381.33; 911 Telephone Tax, \$50,667.80; Hospital Board, \$434,505.68; Special Alcohol, \$5,500.00; Crime Victim Assistance, \$814.22; Elderly, \$13,507.89; and Zoning LEPP Grant, \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0. Included in the pay were transfers of \$130,000.00 from Road & Bridge to Special Machinery and \$434,435.68 from Hospital Board to General. The County Equipment Reserve Fund could not be established at this time because it must be created by resolution.

Herb Pemberton moved to approve the following add/abate/refund orders: 2006-140. Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk presented four Resolutions for 2007: Resolution #07-01, Pay Dates; #07-03, Official Depositories; #07-04, GAAP Waiver; and #07-05, Salaries. Jim Ferrante moved to adopt Resolution #07-01. Herb Pemberton seconded the motion. The motion passed 3-0. Herb Pemberton moved to adopt Resolution #07-03. Jim Ferrante seconded the motion. The motion passed 3-0. Jim Ferrante moved to adopt Resolution #07-04. Herb Pemberton seconded the motion. The motion passed 3-0. Jim Ferrante moved to adopt Resolution #07-05. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #07-01, #07-03, #07-04, and #07-05:

RESOLUTION #07-01 BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

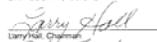
BE IT RESOLVED: That the following schedule be adopted as the schedule of pay dates for the year 2007:

PAYROLL	VOUCHERS (Due before Noon)	MONTH	VOUCHERS (Due before Noon)	COUNTY CLERK
January 12 January 31	January 5 January 24	January	February 1	February 12
February 15 February 28	February 8 February 21	February	March 1	March 12
March 15 March 30	March 8 March 23	March	March 29	April 9
April 13 April 30	April 6 April 23	April	May 3	May 14
May 15 May 31	May 8 May 23	May	May 31	June 11
June 15 June 29	June 8 June 22	June	June 27	July 9
July 13 July 31	July 6 July 24	July	August 2	August 13
August 15 August 31	August 8 August 24	August	August 29	September 10
September 14 September 28	September 7 September 21	September	September 27	October 8
October 15 October 31	October 5 October 24	October	November 1	November 13
November 15 November 30	November 7 November 21	November	November 21	December 3
December 14 December 31	December 7 December 21	December	December 19	December 31

APPROVED AND ADOPTED this 2nd day of January, 2007 for the year 2007.


ATTEST:

David L. Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Larry Hall, Chairman

Jim Ferrante, Vice Chairman

Herb Pemberton, Member

RESOLUTION #07-03

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

BE IT RESOLVED: That effective January 1, 2007 the following banks are designated as the Official Depositories for the County funds and that these and no other banks be utilized by the County Treasurer for such County deposits until this Resolution be succeeded: FARMERS & MERCHANTS BANK, FARMERS STATE BANK, LARRETTE 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.

APPROVED AND ADOPTED this 2nd day of January, 2007 for year 2007.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS


Larry Hall, Chairman

Jim Ferrante, Vice Chairman

Herb Pemberton, Member

ATTEST:

David L. Lamb, County Clerk

RESOLUTION #07-04

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, 2007 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 2nd day of January, 2007 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, 2007.

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 2nd day of January, 2007 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, 2007.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS


Larry Hall, Chairman

Jim Ferrante, Vice Chairman

Herb Pemberton, Member

ATTEST:

David L. Lamb, County Clerk

RESOLUTION NO. 2007-05
 RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
 LINN COUNTY, KANSAS

Made this 2nd day of January, 2007.
 BE IT RESOLVED that the following wages be allowed for the year 2007:

FULL TIME EMPLOYEES	MONTHLY SALARY
COUNTY COMMISSIONER	\$1,639.00
COUNTY ATTORNEY	\$3,866.30
COUNTY CLERK	\$3,403.52
COUNTY REGISTER OF DEEDS	\$2,807.20
COUNTY SHERIFF	\$3,256.78
COUNTY TREASURER	\$3,307.20
COUNTY APPRAISER	\$3,934.00
COUNTY COUNSELOR	\$2,024.86
ECONOMIC DEVELOPMENT DIRECTOR	\$3,325.58
FIRE/EMERGENCY PREPAREDNESS DIRECTOR	\$2,750.00
PUBLIC HEALTH NURSE/ADMINISTRATOR	\$3,750.00
NUTRITION DIRECTOR	\$2,718.78
NOXIOUS WEED DIRECTOR	\$2,668.08
PARK MANAGER	\$2,701.86
ZONING ADMINISTRATOR	\$2,919.32
DEPUTY APPRAISER	\$2,424.56
CAMA SPECIALIST	\$1,816.38
COMMERCIAL CHIEF APPRAISER	\$1,816.38
COMPUTER MAPPING TECHNICIAN	\$2,008.82
SALES COORDINATOR SUPERVISOR	\$1,816.38
PERSONAL/REAL DATA COLLECTOR	\$1,816.38
ADMIN. ASSISTANT/CO. ATTORNEY	\$1,914.38
OFFICE SECRETARY	\$1,720.16
VICTIM WITNESS COORDINATOR	\$1,816.38
DEPUTY COUNTY CLERK	\$1,816.38
DEPUTY ELECTION OFFICER	\$1,816.38
SYSTEM ADMINISTRATOR/PAYROLL CLERK	\$1,914.38
CLERK III/ACCTS. PAYABLE	\$1,816.38
BAILIFF	\$1,914.38
FIRE SECRETARY	\$1,816.38
CUSTODIAN/MAINTENANCE	\$1,720.16
NIGHT JANITOR (30 hrs. per week)	\$1,179.20
MOTOR VEHICLE CLERK	\$1,816.38
DEPUTY CLERK NUTRITION	\$1,720.16
FOOD SERVICE MANAGER	\$9.36
FULL TIME COOK	\$9.07
MEDICAL VAN DRIVER	\$9.07
PARK EMPLOYEE	\$9.07
MARINA CLERK	\$9.07
DEPUTY REG. OF DEEDS	\$1,816.38
ROAD FOREMAN	\$2,203.04
ADMINISTRATIVE ASSISTANT	\$1,914.38
SHOP SUPERVISOR	\$1,914.38
ASSIST. FOREMAN-ASPHALT	\$1,914.38
ASSIST. ROAD FOREMAN	\$1,816.38
EQUIPMENT MAINTAINER OPERATOR	\$1,766.48
TRUCK DRIVER	\$1,766.48

HEALTH DEPT. SEC. ADMIN. ASSISTANT	\$1,816.38	\$2,358.06
UNDERSHERIFF	\$2,455.26	\$3,247.18
SHERIFF'S DEPUTY	\$1,914.38	\$2,481.00
HEAD JAILER	\$1,816.38	\$2,358.06
JAILER	\$1,766.48	\$2,293.90
DISPATCHER	\$1,816.38	\$2,358.06
CLERK II-SHERIFF'S OFFICE	\$1,572.26	\$2,076.52
RECEPTIONIST/CLERK/DISPATCHER	\$1,816.38	\$2,358.06
PRISONER'S COOK	\$1,572.26	\$2,058.70
TRAFFIC CONTROL COORDINATOR	\$2,203.04	\$2,717.98
TRAFFIC CONTROL ASSISTANT	\$1,766.48	\$2,293.90
SOLID WASTE FOREMAN	\$2,203.04	\$2,717.98
SOLID WASTE EQUIP. OPER./MECHANIC	\$1,914.38	\$2,481.00
SOL. ID WASTE EQUIP. OPERATOR	\$1,766.48	\$2,293.90
DEPUTY TREASURER	\$1,816.38	\$2,358.06
DEPUTY TAX CLERK	\$1,816.38	\$2,358.06
CLERK III-TREASURER'S OFFICE	\$1,766.48	\$2,293.90
PART TIME EMPLOYEES		
HEALTH DEPT. SEC. ASSISTANT	\$6.25	\$9.00
REG. OF DEEDS	\$6.25	\$7.99
CO. ATTORNEY	\$6.25	\$7.99
SHERIFF'S DEPUTY	\$8.50	\$9.74
DISPATCHER	\$8.00	\$9.17
DISTRICT COURT-MICROFILMER	\$7.00	\$8.60
ZONING/ECON. DEV.	\$6.25	\$7.18
PARK	\$6.25	\$7.18
SOLID WASTE	\$6.50	\$9.25
COMPACTOR OPERATOR	\$6.25	\$7.18
SUBSTITUTE COMP. OPER.	\$6.00	\$6.52
COOK	\$6.50	\$7.83
SITE MANAGER	\$6.50	\$7.44
SUBSTITUTE SITE MANAGER	\$6.25	\$7.18
ELECTION WORKERS	\$6.85	
FIREFIGHTERS	\$20.00	per call + \$0.50 per hour after 3 hours

ATTEST:



David L. Lamb
 David L. Lamb, County Clerk

Larry Hall
 Larry Hall, Chairman
Jim Ferrante
 Jim Ferrante, Vice-Chairman
Herb Pemberton
 Herb Pemberton, Member

*County Clerk salary includes 5% Election Officer salary.

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

The Clerk then presented information (legal rates, circulation) on the newspapers. The Linn County News' legal rate is \$0.75 per line and their circulation in Linn County is 815. The Osawatimie Graphic's legal rate is \$1.1472 per line and their circulation in Linn County is 601. The Chairman presented a list of questions, asking for a "Paper of Record Presentation" from both papers. Treasurer Carmen Self stated that if we switch to the Graphic and their rates are higher, it will greatly affect her budget. Larry Hall moved to use the questions he presented to choose the paper of record and make a decision in two weeks. Jim Ferrante seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

Jim Ferrante moved to reschedule the Jan. 15th regular meeting to Tuesday, Jan. 16th due to the holiday. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to schedule the German/Clayton fence view for Feb. 5th at 1:30 PM. Herb Pemberton seconded the motion. The motion passed 3-0.

J. R. Kerr addressed the Commission concerning repairs to the compactors/roll offs. Joe Maloney stated that we need 4 new containers. Kerr stated that some of the containers could be repaired, others would not be worth repairing. The Commission instructed Maloney to determine how many containers are needed, how many can be fixed, and how many new containers we need? The Commission stated that we would need specifications for the containers and would need to take bids for the containers. Leon Hester stated that he is a dealer for trash containers and would like to opportunity to bid on new containers. J.R. Kerr also asked what the specifications are on the McClain containers? Larry Hall moved to allow Kerr to work with Maloney on developing the specifications for each container at his regular welding rate (\$45.00 per hour) not to exceed \$750.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Maloney also informed the Commission that he has 2 bids for building a retaining wall for the oil storage area. The Commission instructed Maloney to advertise for bids before opening the 2 bids that have been received.

At 10:11 AM Larry Hall moved to take a break until 10:30 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

Dan Harden addressed the Commission concerning KDOT Maintenance Agreements. The maintenance agreements would cover the State right-of-way on County roads where they approach State highways. Harden suggested discussing the issue with the County Counselor before any decisions are made. KDOT would like to have agreements in place with all Counties by the end of 2007. The Commission will schedule this topic for a meeting in the future (around March 1st) after the County Counselor has had a chance to review the proposed agreements.

Jim Ferrante announced that the pre-closing for the Centerville Sewer District will be Jan. 16th at 10:00 AM.

Jim Ferrante also announced that he talked to Terry Sercer about auditing the Rural Fire/Emergency Preparedness Grants. Sercer could do the audit as part of the regular audit in May, costing \$100.00 to \$200.00. The other option is for Sercer to do the audit this Thursday and Friday costing approximately \$500.00. Jim Ferrante moved to have Sercer audit the 2005 & 2006 Rural Fire/Emergency Preparedness Grant funds this week. Herb Pemberton seconded the motion. The motion passed 3-0.

David Sweat asked the Commission about having an executive session with his District Manager to discuss the allegations that have been made about Emergystat.

At 10:56 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss for legal issues (attorney/client privilege) with the County Counselor by phone. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and the County Counselor (by phone) attended the executive session.

At 11:01 AM the executive session ended. As a result of the executive session, the Commission gave David Sweat a copy of the letter the Commission received listing allegations about Emergystat. Sweat announced that Richard Taylor and Clanton DuBose will be here next week to discuss the allegations.

Jim Ferrante asked why the 5th wheel trailer could not be used for housing Emergystat at the Centerville station? Sweat stated that the State Board of EMS would not endorse the use of the trailer. The Commission asked why the crew for the west side ambulance couldn't stay in Centerville (or somewhere on the west side of the County) during the day? The Commission discussed using the Senior Center for housing. The Commission asked Sweat to take an active role in finding housing in the Centerville area.

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Monday, January 8th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

January 8, 2007

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

Herb Pemberton was sworn in for his new term as District #1 Commissioner by the County Clerk.

Jim Ferrante moved to appoint Herb Pemberton as 2007 Vice Chairman. Larry Hall seconded the motion. The motion passed 3-0.

Larry Hall thanked the Commissioners for their work through the past year. Hall mentioned several challenges/accomplishments that occurred last year including remodeling the Sheriff's office, Fire Board of Trustees, Budget compromises, 1700 Road construction, West Side Ambulance, and personnel policies & procedures. Commissioner Ferrante then took over as 2007 Chairman as approved at the December 18, 2006 Commission meeting. Jim Ferrante stated that it has been a learning process through the ups and downs of the last two years. Ferrante stated that he will continue to work with Hall and Pemberton. Ferrante also stated that the Commission's job is to provide quality service in the County.

The Clerk informed the Commission that he had removed Gary Thompson's name from the list of those in attendance at last week's meeting. The change was made after the minutes were sent to the Commissioners. Larry Hall asked to add the amount of the transfer to Special Machinery, \$130,000.00, to last week's minutes. Hall also added that the County Equipment Reserve Fund could not be established without a Resolution. Larry Hall moved to approve the minutes of the last regular meeting as amended. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold briefed the Commission on his upcoming travel plans including SEK, Inc. Jan. 10th, Heritage Grant Workshop Jan. 11th, SEK Tourism Jan. 18th, and a meeting with the Dept. of Commerce and a prospect within the next two weeks. Arnold also stated that there should be an announcement by month end on the CDBG for Fire Tankers.

Andy Mayhugh presented the final bill from Shafer, Kline, and Warren on the Centerville Sewer Project in the amount of \$6,878.14. Herb Pemberton moved to approve the payment to Shafer, Kline, and Warren. Larry Hall seconded the motion. The motion passed 3-0. The Commission and Mayhugh also discussed that we still need to appoint a Sewer District Board and set fees. We will also need to establish bylaws for the Sewer Board.

Mayhugh also stated that we have set aside moneys for the new lake that will be reimbursed by the Kansas Dept. of Wildlife & Parks. Mayhugh would like to get started using some of these funds for a boat ramp. Jim Ferrante will talk to Harry Wisdom today about getting started.

John Maloney stated that he went over budget by \$1,400.00 because of cost shares on chemicals. Maloney stated that this year the cost shares will be on a first come, first served basis until the budget runs out. Maloney also needs to attend a meeting at Yates Center. Commission agreed to let Maloney attend the meeting. Larry Hall also stated that he wants Maloney to develop a plan for how he covers the County for weed spraying.

SEK Mental Health Center is reducing their board to 2 members from each County. Jim Ferrante moved to nominate Joe Wurtz as a Board Member, term ending Dec. 31, 2009. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante also stated that he is working on finding a location for housing the ambulance service in Centerville. Donna Spencer informed the Commission that there is a single wide trailer for sale in Mound City. Jim Ferrante also stated that there is a house for sale in Centerville that might work for housing. Jim Ferrante will discuss the zoning requirements with Andy Mayhugh.

Jim Ferrante asked Gary Thompson about contacting Yoho Tires. Thompson stated that he has not been able to contact Yoho yet.

Larry Hall moved to approve the following add/abate/refund orders: 2006-141 through 2006-148. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for December 2006.

The Clerk presented a bill for the 2007 KAC dues in the amount of \$2,868.74. Larry Hall moved to approve paying the KAC dues. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission signed the Public Officials Bond for 2007.

The Clerk informed the Commission and Counselor that he had been contacted by the Kansas Dept. of Transportation about additional right of way needed from the County for the Marais des Cygne bridge at La Cygne. The Counselor will review the request from KDOT.

At 9:48 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:08 AM the executive session ended.

At 10:09 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:14 AM the executive session ended. No action taken.

At 10:15 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton, and the Counselor attended the executive session.

At 10:30 AM the executive session ended.

At 10:30 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

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

The Commission discussed the building rental policy with Marilyn Augur. KCAMP does not cover other parties using the building. KCAMP also sent a sample Hold Harmless Agreement for renting County buildings. The Counselor will review the agreement.

Marilyn Augur stated that she would like to get the floor repaired at Bunker Hill. Herb Pemberton asked Marilyn Augur for a report on what we have spent on repairing the floor at Bunker Hill.

Larry Hall mentioned that he had talked to Mike Page about work that would need to be done to the Senior Center in Centerville for use as the ambulance station. Larry Hall will talk to Page about the costs of remodeling the Fire Station and/or the Senior Center.

Larry Hall asked about the travel policy/expense reporting form? The Clerk will bring a copy of the form to the Commission.

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

Clanton DuBose, Emergystat Chief Operating Officer asked the Commission for an executive session to discuss the issues/allegations about Emergystat.

At 11:02 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel with Emergystat. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Clanton DuBose attended the executive session.

At 11:17 AM the executive session ended.

At 11:17 AM Larry Hall moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:21 AM David Sweat and Richard Taylor joined the executive session.

At 11:32 AM the executive session ended.

At 11:33 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Larry Hall seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:48 AM the executive session ended. As a result of the executive session, Jim Ferrante announced that appropriate action is being taken by Emergystat concerning the allegations in the complaint letter, and that some of the allegations are not true.

Clanton DuBose stated that Emergystat has a checkoff that is completed at the beginning of every shift and that Emergystat's requirements exceed State requirements. DuBose stated that some of the complaints were legitimate, some were not. DuBose then asked if there were any questions? Fred Kautt asked if it was within the scope of the citizens in this County to see what the requirements/duties to the County are? The Commission stated that the Clerk has a copy of the contract. DuBose also stated that they have recently supplied a new vehicle to the County. Rubie Scott asked if the Commission is satisfied with the response from Emergystat? Commission stated that they are satisfied with response, and that some items were just misunderstandings. Esther Shields stated that she appreciates people bringing information to the attention of the Commission so it can be taken care of.

The Commission thanked Mr. DuBose for coming to the meeting.

LeRoy Lamb asked if it was the Commission's policy to accept anonymous letters? Jim Ferrante stated that he would like to see letters signed. Larry Hall stated that we would always like to have signed letters, but if there are legitimate concerns, they want to know about them. Paul Filla asked if the Commission if the local manager was given the opportunity to respond? Mr. DuBose stated that he wanted to come and meet the Commission, but the local manager is the one that resolved the issues.

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

Commission Chair

Attest:

County Clerk

January 16, 2007

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

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

County Fire Chief/Emergency Preparedness Coordinator David Yates reported on the storm this weekend. There were some accidents but no major problems. Yates also informed the Commission that the State Fire Marshall requires an annual inspection of all fire apparatus and those inspections are now being done. Some needed repairs have been discovered by doing the inspections. The TeleSquirt needs some repairs. Yates stated that some of the equipment that was acquired by grants has not been delivered to the appropriate departments, and he is working on delivering the equipment and doing an inventory of all significant equipment. Herb Pemberton stated that he would like to talk to Yates and the La Cygne Station Chief about the new station, and possible uses for the station.

John Byington discussed the roads that the State is turning over to us. Byington stated that we need a procedure for who signs off on accepting the roads, who inspects the roads, etc. Larry Hall stated that he met with the KDOT Area Engineer Hugh Bogle last summer and discussed this topic. Hall suggested that Byington should contact Bogle and set up a meeting.

John Black stated that he needs another load of salt. Larry Hall moved to approve purchasing a load of salt for District #2 for approximately \$1,300.00. Jim Ferrante seconded the motion. The motion passed 3-0.

John Black presented a permit to bury telephone cable requested by Craw-Kan located on 1100 Road. Larry Hall moved to approve the permit to bury cable as presented and to allow the Chairman to sign the agreement. Herb Pemberton seconded the motion. The motion passed 3-0.

Black also stated that he needs to get electricity in the new building at District #2. He will discuss hooking on to the Fire Dept. electrical service with David Yates.

Dan Morris informed the Commission that he ordered salt yesterday for all 3 districts. Larry Hall moved to rescind the motion for John Black's salt and approve approximately \$6,000.00 for salt for all three districts. Herb Pemberton seconded the motion. The motion passed 3-0. Larry Hall stated (at the 1/22/07 Commission meeting) that he wanted the minutes amended to say that this purchase is identical to the rock rake purchased last year.

Harry Wisdom presented a permit to bury telephone cable requested by Sprint located at 7331 Farris Rd. Jim Ferrante moved to approve the permit to bury telephone cable as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

Rubie Scott asked if the \$20,000.00 purchase order for rock was for the 1st district or the whole County? The rock was for District #1 and part of District #3, near Parker. Scott also asked how many miles would that cover? The Commission stated around 20 miles, depending on condition of roads.

John Maloney asked for permission to attend the Annual Noxious Weed Recertification and Training in Topeka on March 6th, 7th, and 8th. The Commission agreed to allow Maloney to attend the meeting.

Maloney also asked for an executive session for legal council (attorney/client privilege). Larry Hall asked why there were 2 cell phones for Noxious Weed? Maloney stated that he only uses 1 cell phone, the other should be shut off.

Dennis Arnold reported that he attended the Heritage Trust Fund Grant workshop in Topeka last week, looking for grants for the Courthouse. There is an 80/20 grant of up to \$90,000.00 reimbursement available. The proposed repairs to the Courthouse would cost \$49,880.00, mainly for painting and some shingle replacement. The grant is designed mainly for major repairs, Arnold suggested looking at major repairs that need to be done before applying for the grant. There is also an accompanying grant that can be written for tax credits. The County could sell the tax credits to others. Arnold stated that it would cost around \$2,500.00 to hire a consultant to inspect the Courthouse and propose repairs that need to be done. The Commission asked Arnold to get a quote from a consultant for the project.

Arnold also reported that he talked to Mike Page about using the gymnasium at Centerville for an ambulance station. Page thought it could be done for \$30,000.00 or under.

Herb Pemberton asked Arnold about businesses that we have lost recently (Ready Mix, Rockin' K, and PDQ). Arnold stated that he would need to investigate before he comments on the closings. Herb Pemberton stated that he thinks it is because of property taxes. Businesses are taxed at 25%. Pemberton also stated that it is because of overhead. Arnold will work on a statement for the Commission to send to the legislature concerning property taxes.

Larry Hall moved to approve the following pays/special pays: General, \$150,266.01; Employee Benefit, \$128,451.05; Appraiser, \$9,856.77; Rural Fire, \$24,945.88; Road & Bridge, \$36,192.82; 911 Telephone Tax, \$1,887.27; Crime Victim Assistance, \$856.98; Elderly, \$9,413.76; and Zoning LEPP Grant, \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:10 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Noxious Weed Director John Maloney attended the executive session.

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

At 10:26 AM Jim Ferrante moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Chiott, Publisher of Osawatomie Graphic gave his presentation on being the official paper for Linn County. Chiott's presentation included the Graphic's Mission Statement, Corporate Policy, Letters to the Editor Policy, and Error Corrections Policy. Chiott stated that his paper is printed in St. Joseph, MO and that they currently sell 646 copies of the Graphic in Linn County. Chiott also discussed KSA 64-101. Kansas Press Association Attorney Mike Merriam states that being published in the County merely requires that the publisher physically enter the County and distribute the paper for sale. Chiott also stated that there is an Attorney General Opinion that doesn't agree and states that the paper must actually be assembled in the County to be published there. Larry Hall asked about limits on number of letters to editor. Chiott stated that letters can be limited by space available. Larry Hall asked where corrections are made. Chiott stated they are made where most appropriate, in a prominent location. Larry Hall asked how many employees live in Linn County. Chiott stated at least 3. Larry Hall asked if there are any plans for increasing sales in Linn County. Chiott stated no specific plans yet, but he is working on increasing sales in all areas. Larry Hall asked if they had considered just selling the Linn County section. Chiott stated that was not practical. Larry Hall asked what the rates are. The legal rate \$1.1472 per line. Larry Hall asked about special rates for large publications like delinquent taxes. Chiott stated that there would be discounts for the 2nd & 3rd publication of a notice. Jim Ferrante asked if they printed editorials in the Linn County section. Chiott stated usually not. Donna Spencer asked if they state opinions. Chiott stated yes, the editor does do editorials, has not done that in the Linn County section yet, but could in the future. Larry Hall asked if Liz is the only reporter for Linn County. Chiott said yes. Mary Gilkinson asked if they were awarded paper of record status, would they expand the Linn County section. Chiott said yes, it would require more space and would probably need more space for coverage. Rubie Scott stated that usually there is 2 or 3 pages for news of Linn County. Would that increase to cover school and other activities? Chiott said yes, they would enhance coverage. Rubie Scott asked how long it would take to incorporate these changes. Chiott stated that is hard to say, he would need to talk with the editor. Herb Pemberton commented that Chiott said he was not interested in starting business in Linn County at this time. Chiott stated that they had no plans for opening an office in Linn County at this time. Jim Ferrante stated that he likes to make his own decision from facts. What is the policy on letters to the editor? Chiott stated that when they cover meetings, they report facts only, letters are people's opinions and editorials are opinions. Chiott stated that they will allow opinions on either side, including criticizing the paper. Richard Wilson asked about comments made in open meetings, would they be printed? Chiott stated that if the comment was important to the story, it would be included. Jean Vaughn asked if the Graphic would print rebuttals to letters immediately. Chiott stated probably not at that time, and they would not rebut every time. Donna Spencer stated that the Graphic has commented on letters at times in Miami Co. Chiott stated that was done at times to clear up an issue. Rubie Scott stated that there have been times when there was not a reporter present from the Graphic. Will there always be a reporter here? Chiott stated that they will make every attempt to cover all meetings. Larry Hall asked if the Graphic would be willing to contact the Chairman after every meeting. Chiott stated he had no objection to comments from Chairman, but it would need to be noted that it was the Chairman's opinion, not part of meeting. Gary Thompson asked where the copy of the Graphic he receives is mailed from. Chiott stated he would have to check to make sure, some copies are mailed from St. Joseph, some are delivered to a post office in the County. Ed

Self asked what the subscription rates are. Chiott stated \$39.00 or \$41.00 per year, he would have to check to make sure.

Jackie Taylor, Publisher of the Linn County News gave her presentation on being the official paper for Linn County. Taylor's presentation included the Linn County News' Mission Statement, Corporate Policy, Letters to the Editor Policy, Error Corrections Policy, Subscription Rates, Legal Rates, and Circulation. Carmen Self stated that the main issue should be cost. It would greatly increase Treasurer's cost if we change papers. Pat Smith asked how much we spend annually. Taylor stated around \$24,000.00, but that is not all legal publications. Jim Schmitz asked why would we want to hurt a Linn County business, and stated that the Linn County News rates are cheaper. Schmitz also stated he quit taking the Graphic because of slanted reporting. Steve Riley mentioned the best practices and common sense practices letter from a Commissioner. Richard Wilson stated that accuracy should be the primary concern and that he has had letters that were not printed. Wilson stated that the Commission should look at both sides of issues. Ruth McGrew stated that County tax money should not be used to create competition for local business, that's what Hospital Board did. McGrew also said that the Linn County News policy on Letters to the Editor is 500 words or less, and asked why was it changed. Taylor stated that she opened letters up to 900 words to try to be fair to everyone. Jim Ferrante stated that we need to talk about today's issue, not get personal. Taylor stated that the opinion page is editorial, the news is not an opinion. Paul Filla stated that the questions are irrelevant, the paper must be published in the County, and that the Commission shouldn't care about letters to editor, editorials, etc. Ruth McGrew stated that the paper should not just have phone conversations about minutes. About 4 years ago there was no reporter at a Commission meeting from the Linn County News, they just called County Clerk for the minutes. Ed Saymn stated that considering the circulation, prices, that the Linn County News has an office in Linn County, there should be no question. Ellie Davey stated that if you start trying to control the opinion page, it goes against Freedom of Speech. Richard Wilson asked if the Linn County News threatened to sue the County. Taylor stated that her attorney sent a letter to County, but did not threaten to sue. Taylor also stated that the letter never came up in open session. Mary Gilkinson asked if people feel that coverage is biased, would you talk to them, and consider changing who covers meeting. Taylor said yes, she would consider it, but she gets comments from people on both sides of issues. Carmen Self asked when did letters to editor become County business. Taylor stated she does not edit letters to editor. Larry Hall said that question #10, who will be primary contact, meant who will Jackie Taylor contact with questions. Hall stated that he wants questions to come to Chairman, not just Clerk. Taylor stated that she has no issue with speaking to Commissioners. She generally calls the person she has a question with.

Ed Saymn asked about the ice on the sidewalks to the Courthouse? Commission said it should be cleaned off, and the custodians are working on it.

Rubie Scott asked if Official Paper has been decided. Gary Thompson stated that it stays with the previous paper unless changed by the Commission by resolution.

At Noon Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues relating to non-elected employees. Larry Hall seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 12:08 PM the executive session ended. As a result of the executive session, Larry Hall moved to reassign the Custodian to report to the County Clerk, and make an exception to the County nepotism rule. Herb Pemberton seconded the motion. The motion passed 3-0. Mary Grosshart asked if the Custodian can hire additional help in emergencies? Gary Thompson stated that the Custodian does not have the authority to hire help.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-149 through 2006-151. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk reported that Elizabeth Maxwell, East Central Kansas Area Agency on Aging, contacted him about an appointment to Policy Board. Maxwell stated that Herb Pemberton would be in line for the appointment. Pemberton stated that he would like to hear from Maxwell before making a decision.

The Clerk informed the Commission that we have been having problems with our email accounts. Some employees have not been able to access their accounts when they need to. Also our web site is growing and we may need more space at some point. Our current provider charges us \$50.00 per month for web and email hosting. A possible solution would be to go to a dedicated server. A dedicated server would allow us more space and would allow us to manage our email accounts. Our current provider can provide that service for \$150.00 per month. No decision was made at this time.

The Clerk also informed the Commission of problems at Emergystat Station #2 in La Cygne. The building needs some repairs to doors and there is a sink hole in the yard. Herb Pemberton will check into the problems.

The Clerk gave the Commission a copy of the new expense reporting form and a copy of the computer games & internet connections report.

The Clerk also gave the Commission and Counselor a draft resolution requested by the Lake Region Solid Waste Authority. The Counselor will review the resolution.

Gary Thompson reported that he received a complaint from Jim Long that he wants black cinders on his road today. Dan Morris told Gary Thompson that they work paved roads first, then gravel roads, and that Mr. Long's road is a dead end gravel road.

Andy Mayhugh presented Lot Split #07-202 requested by Darrel & Alveta Wilson located at 2400 & Farlin Rd. Mayhugh stated that the Lot Split meets our requirements and he recommends approving the Lot Split. Herb Pemberton moved to approve Lot Split #07-202 and accept the accompanying grant of easement. Larry Hall seconded the motion. The motion passed 3-0.

At 12:29 PM Larry Hall moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:34 PM the executive session ended. No action taken.

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

Commission Chair

Attest:

County Clerk

January 22, 2007

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

Larry Hall stated that the way last week's salt purchase was handled was identical to the rock rake purchase last year. Larry Hall moved to approve the minutes of the last regular meeting as amended. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney presented the Annual Noxious Weed Eradication Progress Report. Larry Hall moved to approve and sign the Annual Noxious Weed Eradication Progress Report as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

Maloney also presented the Noxious Weed Annual Management Plan for 2008. Herb Pemberton moved to approve and sign the 2008 Noxious Weed Annual Management Plan as presented. Larry Hall seconded the motion. The motion passed 3-0.

John Byington addressed the Commission concerning right of ways on County roads. People are parking on the right of ways in the Centerville area and causing problems for bus drivers and problems with grading, snow removal, etc. The Commission instructed Byington to talk to the people and give them a copy of the statute that governs road right of ways.

John Black presented a permit to bury water line requested by RWD #2 located on White Road near 700 Road. Larry Hall moved to approve the permit to bury water line as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney presented bids for the waste oil storage containment. Bids received were: BC Construction Co., \$2,352.33; Foote Construction Co., \$1,546.00; Diversified Contracting, \$1,975.00; and Nation Contracting, \$1,975.00. Herb Pemberton moved to accept the low bid from Foote Construction Co. in the amount of \$1,546.00. Larry Hall seconded the motion. The motion passed 3-0.

Maloney reported that he is still working with J.R. Kerr on the Solid Waste container project.

Andy Mayhugh presented Lot Split #07-203 requested by Ed & Mary O'Conner located at Iliff Road & 2200 Road. Larry Hall moved to approve Lot Split #07-203 as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur informed the Commission that she is applying for a 5311 Grant for funding for Operating Assistance for Public Transportation. The grant would be a 50/50 cost share. Herb Pemberton moved to sign a letter of support for the grant. Larry Hall seconded the motion. The motion passed 3-0.

David Yates reported that there were no major problems due to the weather this weekend. Yates also reported that he is working on the NIMS training. Larry Hall read part of the preliminary report from the auditor concerning equipment received from grants. Yates is also doing an internal audit of the grant equipment.

At 9:35 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss a personnel issue related to a non-elected employee. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Sheriff attended the executive session.

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

Gary Thompson stated that at the Commission's request, he asked the Sheriff and his staff to review the PC that was Bernard Streeter used when he was the Fire Chief. The purpose was to ascertain if the PC contained any violations of County Policies and Procedures. The examination has taken some time but the examination did discover a large amount of pornography on computer.

Larry Hall stated that he has contacted Terry Sercer to investigate any internet charges associated with this pornography. Hall also asked Sheriff to further investigate if any pornography was sent to other County employees. Hall also stated that he is asking County employees to come forward with any information. Hall explained that this took a long time to surface

because the Sheriff had to purchase a program to retrieve information from computers and had to have two Deputies trained on the use of that program.

Herb Pemberton stated that Sheriff contacted the Commission concerning this investigation.

Sheriff Stites stated that this (the software and training) was a costly item. The software cost was around \$2,000.00. The training was \$5,000.00. Sheriff Stites also stated that this software can be used for other investigations and he hopes to recoup much of the cost by providing this service to other Counties. The amount of pornography found was not all downloaded by Sheriff's Office. They did download 4 hours and there was at least 8 more hours contained on the computer. Herb Pemberton stated that this is not a criminal case. The Sheriff agreed that there were no criminal charges associated with the pornography. Rubie Scott asked if anyone else had access to the computer after Streeter was terminated, was it secured in the Sheriff's Office? Sheriff Stites stated that it was secured in the Sheriff's Office and was picked up one day after Streeter's termination. Rubie Scott asked if Mr. Streeter has been approached about this? Sheriff Stites stated he has not notified Mr. Streeter. Larry Hall stated that we have no obligation to notify Mr. Streeter. Richard Wilson asked how we keep this from happening in the future? Sheriff Stites stated that the Commission is having Mr. Thompson write a computer policy. Larry Hall asked about the status of any criminal investigation. Sheriff Stites stated that a report has been turned over to County Attorney, and the County Attorney will make a decision on criminal charges.

Larry Hall stated that this shows a need for more management oversight and knowledge of the activities of department heads and their employees. Hall stated that he is proposing an addition to the County Handbook that covers the use of County computers.

Steve Riley asked "Can't you get a watchdog program?"

Herb Pemberton stated that we cannot tolerate these kinds of things with employees, but he who has not sinned, cast the first stone.

Donna Thomas informed the Commission that she has already attended 2 meetings. She also needs to go to Olathe for Bioterrorism Meeting on Jan. 24th, and Topeka for CRI on Jan. 30th. The Commission agreed to allow Thomas to attend the meetings.

Thomas also discussed the generator at the Health Dept. The generator needs to be serviced. Previously was serviced by Hoffmeyer Electric from Iola. Hoffmeyer Electric would charge \$2,100.00 per year for testing and adjusting the generator at 3 month intervals. Thomas asked if it could be done by someone from one of the County Shops? The Commission asked Thomas to check with Sheriff Stites about how his generator is serviced. Donna Spencer asked if Hoffmeyer stands behind a guarantee? Thomas stated that Hoffmeyer doesn't guarantee the generator, they just service it. Ellie Davey asked if the grant that purchased the generator requires service by certain companies? Thomas said it does not.

County Attorney John Sutherland asked for an executive session for personnel. At 10:21 AM Herb Pemberton moved 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. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Sutherland attended the executive session.

At 10:26 AM the executive session ended. As a result of the executive session, John Sutherland informed the Commission that he needs to hire a temporary employee to cover his office during a maternity leave of one of his employees. Sutherland is offering the position to Maribeth Kehl @ \$9.00 per hour. Herb Pemberton moved to approve hiring Kehl at \$9.00 per hour. Larry Hall seconded the motion. The motion passed 3-0.

Larry Chiott from Osawatomie Graphic addressed the Commission concerning the Graphic in Linn County. Chiott stated that the Graphic is delivered to Post Offices in Blue Mound, La Cygne, Mound City, and Pleasanton. Chiott also stated that the Graphic would offer a flat rate for all notices published in Linn County. That rate would be \$0.68 per line. Jackie Taylor asked if she would have an opportunity to make a counter offer? Taylor stated that she would counter with an offer of \$0.60 per line.

At 10:32 AM Herb Pemberton moved to take a break until 10:45 AM. Larry Hall seconded the motion. The motion passed 3-0.

Stacey Drennan & Amanda Murphy addressed the Commission concerning the efforts of the Regional Prevention Center to keep the youth of Linn County tobacco free. Alcoholic Beverage Control conducted three controlled buys in Linn County last year. None of the retailers targeted by ABC sold tobacco to youth. Drennan & Murphy asked the Commission to sign a proclamation in support of the Regional Prevention Center's Tobacco Free Youth Program. Herb Pemberton moved to sign the proclamation as presented. Larry Hall seconded the motion. The motion passed 3-0. Following is a copy of the proclamation:

Proclamation for Tobacco Free Youth
Linn County

Whereas under Kansas law it is illegal to sell tobacco products to persons under the age of 18 years; and

Whereas scientific research has demonstrated there is a connection between early tobacco use and later use of hard drugs, lower academic achievement and delinquent and risky adolescent behavior; and

Whereas the earlier a young person begins experimenting with tobacco, the more likely he or she will become addicted and the more difficult it will be for that person to quit using; and

Whereas, as a result, all of us have an interest in preventing young people from obtaining and using tobacco products; and

Whereas preventing the illegal sale of tobacco products to young people makes an important contribution to the goals of academic achievement, productivity, health and safety of our youth...

Therefore, we the signers of this proclamation want to be a part of ensuring a healthy future for our youth. Accordingly, we support and encourage merchants to refuse to sell tobacco to persons under the age of 18 years, and urge all Kansas residents to take all necessary steps to ensure that our young people cannot obtain or use cigarettes, smokeless tobacco or any other tobacco product.

Signature and Date

<u>Jim Furrante</u>	<u>1-22-07</u>
<u>Larry L. Hall</u>	<u>1-22-07</u>
<u>Herb Pemberton</u>	<u>1-22-07</u>



Sheriff Stites presented a bid from Cox Motor Co. for a new patrol vehicle. Stites decided to take bids for a 4WD Pickup this year instead of a patrol car. Stites stated that he sent bid specs to Cox Motor Co. and Beckman Motors, but Beckman Motors did not respond. The bid from Cox Motor Co. is \$26,934.00. Larry Hall moved to approve the bid from Cox Motor Co. Herb Pemberton seconded the motion. The motion passed 3-0. Jessie Secrest, Cox Motor Co. also reported that the truck for the Linn County Park has been built.

Sheriff Stites also reported that the dishwasher in the Sheriff's Office is actually a dish sanitizer, not a dishwasher. The Clerk will pull the invoice and look at the details.

At 11:03 AM Larry Hall moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues relating to non-elected employees. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Sheriff attended the executive session.

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

Leon Hester addressed the Commission concerning the 2 day notice to unload roll-off trucks. Joe Maloney stated that he does not enforce the policy. Maloney will send a letter to Hester stating that he will not require the 2 day notice.

Hester also asked about the requirement for an insurance certificate for the trash hauling permit. Gary Thompson asked Hester to get him a copy of the letter from his attorney concerning the insurance certificate.

Maloney asked if we really need a license for trash haulers. Gary Thompson explained that we require a license for commercial haulers to dump. The reason this was started was because of an out of County hauler that was dumping in our transfer station, and then charging us to haul it to the landfill. The licensing process is where we sort out if a hauler meets

our requirements. Gary Thompson would like to get copies of all Hester's information, and then meet with Hester and Maloney to work out an agreement.

Sheriff Stites stated that he has copies of vouchers showing that the computers at Fire Dept were purchased new for the Fire Dept. The vouchers show that Streeter's computer was purchased new and the serial number on the invoice matches Streeter's computer.

Jim Ferrante also asked about getting rid of the trailers. The Sheriff will work on getting the decks torn down so the trailers can be moved.

Fred Kautt asked the Commission about having Monday night meetings. Larry Hall moved to cancel having the Monday night meetings this year. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the following add/abate/refund orders: 2006-152 through 2006-164. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat reports for December 2006 and reports for September 2006 through November 2006 with totals shown for the east and west sides of the County.

The Clerk informed the Commission that he received a Notice of Public Hearing from the La Cygne Planning Commission concerning the conditional use permit for Tom Overbay dba Midwest Glycol. The hearing will be held at 7:00 PM, Thursday, February 8, 2007 at the La Cygne Community Building, 204 Commercial, La Cygne, KS 66040.

The Clerk stated that he is opposed to the change made last week, having the Custodian Dept. report to the Clerk. The Clerk does not feel that the County should ignore its own nepotism rule and that the Custodian Dept. is a stand alone department that does not need to report to another department head. Gary Thompson provided a proposed change to the nepotism policy. No action was taken.

At 11:47 AM Larry Hall moved 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, Clerk, and Counselor attended the executive session.

At 11:52 AM the executive session ended. No action taken.

The Clerk explained that Terry Smith has been given permanent restrictions by a doctor and Linn County has not been able to accommodate those restrictions. KWORCC has advised the County that if we can not accommodate the restrictions, we should terminate his employment, so that the case can be settled. Larry Hall moved to terminate Terry Smith's employment due to Linn County not being able to accommodate his permanent restrictions. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:54 Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 11:59 AM the executive session ended. No action taken.

Jim Ferrante announced that he has found a location that could temporarily house the ambulance service for the west side of the County. The Commission agreed to allow Ferrante to negotiate the contract.

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Monday, January 29th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

January 29, 2007

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

Larry Hall and Jim Ferrante asked for several amendments to last week's minutes. Larry Hall moved to approve the minutes of the last regular meeting as amended. Herb Pemberton seconded the motion. The motion passed 3-0.

David Yates reported that he received an application for Volunteer Fire Assistance. Included with application is a form showing vehicle inspections. Due to non-compliance around the State, failure to complete inspections this year may not exclude a department from grants this year. Board of Trustees Chairman Mike Gillespie announced that we did get approved for the grant for tankers for the Fire Dept. Herb Pemberton informed the Commission that we need to discuss some issues with the new Fire Station at La Cygne. Herb Pemberton stated that we have never built a Fire barn in La Cygne before, we only spent \$1.00 for a lease from the State, and we have outgrown that building. All other Fire Stations have been built or added onto by the County.

Station 940 Chief Mike Gillespie stated that Dan Conrad, ISO called and stated that Parker passed their ISO tests. Parker's ISO Rating will go from a 10 to a 7.

Larry Hall moved to approve the following add/abate/refund orders: 2006-165 and 2006-166. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that the Cereal Malt Beverage License issued to Michael Hazelbaker, dba PDQ, Inc. needs to be revoked. The business has closed and the check that was used to pay for the license was returned for insufficient funds. Herb Pemberton moved to revoke the Cereal Malt Beverage License for PDQ, Inc. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk presented Township and Cemetery reports for Cemetery District #1, Cemetery District #4, Cemetery District #5, Blue Mound Township, Potosi Township, Sheridan Township, Stanton Township, and Valley Township. Larry Hall moved to accept the Cemetery and Township reports as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed an anonymous letter complaining about storm cleanup. No action was taken.

The Clerk asked the Commission if they wanted to have the election canvass on Friday or Monday. Usually we have the canvass on Monday to give the Deputy Election Officer more time to get ready, but since there is only one question on this election and no write ins, everything could be ready by Friday. There is also a fence view scheduled for next Monday afternoon. The Commission agreed to have the canvass on Monday.

Larry Hall read a letter from Dan Anderson thanking the County for clearing the airport runway after the storm. Anderson also stated that some upkeep needs to be done to keep Gilmore as a usable airport.

Jim Ferrante asked Gary Thompson for an update on the weapons policy. Gary Thompson used the policy in the League of Municipalities magazine and customized it for the County. Gary Thompson made copies of the proposed resolution for the Commission.

Eddie Andersen addressed the Commission concerning the heating, cooling, and electrical services at the new Fire Station. Andersen suggested getting a Heating & Cooling Engineer and an Electrical Engineer to write the specs for the building. Herb Pemberton will work on the needs for the station. (meeting rooms, ambulance, voting, etc.)

At 9:48 AM Herb Pemberton moved to take a break until 10:00 AM. Larry Hall seconded the motion. The motion passed 3-0.

Gary Thompson presented a proposed lease on a house in Parker to use to house the ambulance crew for the west side of the County. The lease will begin on February 1, 2007 and end on April 30, 2007. The lease may be continued on a month to month basis after April. The County will pay Sherry Blackman \$350.00 per month plus utilities. Herb Pemberton moved to

approve the lease as presented and to allow the Chairman to sign the lease. Larry Hall seconded the motion. The motion passed 3-0.

Gary Thompson also presented a Work for Hire Agreement with Foote Construction Company for the used oil containment area at the transfer station in the amount of \$1,546.00. Larry Hall moved to approve the Work for Hire Agreement and to authorize the Chairman to sign the agreement as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson then presented a proposed policy on the use of County Communication Systems, Computers, and Vehicles & Equipment. The Commission will review the policy again next week. Herb Pemberton stated that he spent an hour and ½ discussing computer usage and policies with Nick Stradavari recently. Herb Pemberton suggested having Stradavari come in and teach a class for employees. Herb Pemberton will set up a meeting with Stradavari.

Steve Riley suggested changing the policy on no smoking to no tobacco use.

Chris Paus, Lake Region Solid Waste Authority, presented a draft resolution adopting the Lake Region Solid Waste Management Plan for the year. Gary Thompson will prepare the final resolution for approval at next week's meeting. Paus informed the Commission that she applied for a grant for storage of e-waste.

J.R. Kerr reported that he talked to Joe Maloney Friday, but still needs to look at 2 containers. Joe Maloney reported that one was picked up today and the other is in Centerville and should be picked up soon. The Commission asked Maloney pick up the container from Centerville so Kerr can complete his proposal. Maloney reported that he can have the containers ready for Kerr to look at Thursday afternoon.

Sheriff Stites reported that he currently has 26 prisoners in custody. The Sheriff then asked for an executive session for personnel.

At 10:42 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues relating to non-elected employees. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Sheriff Stites attended the executive session.

At 10:57 AM the executive session ended.

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

At 11:03 AM the Clerk left the executive session.

At 11:08 AM the executive session ended.

At 11:08 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and Sheriff attended this portion of the executive session.

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

With nothing further on the agenda Larry Hall moved to adjourn until 9:00 AM Monday, February 5th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

February 5, 2007

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

Larry Hall stated that he had talked to Nick Stradavari and Stradavari stated that he didn't say that all computers in the country had pornography on them. Hall asked that last week's statement to that effect in the minutes be removed. Larry Hall moved to approve the minutes of the last regular meeting as amended. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission asked the Clerk to contact Stradavari about setting up a meeting with department heads to discuss computer usage.

Larry Hall moved to approve the following add/abate/refund orders: 2006-167 thru 2006-169. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Reports for November 2006, December 2006, and January 2007. Larry Hall seconded the motion. The motion passed 3-0.

The Clerk presented Township Annual Reports for Paris Township and Scott Township. Herb Pemberton moved to accept the Township Annual Reports as presented. Jim Ferrante seconded the motion. The motion passed 3-0.

David Yates informed the Commission that the amount of the CDBG for Fire Tankers will be \$126,850.00. Yates also reported on the utility costs at Station 950. The 2006 gas bills totaled \$2,718.00 and the electric bills totaled \$501.34. These amounts are not out of line with other stations. Yates has a meeting with the grant administrators this week.

Dist. #1 Foreman Dan Morris informed the Commission that he needs 6 grader tires. The best bid he received was from Cross Midwest in the amount of \$683.97 each. Herb Pemberton moved to approve purchasing 6 grader tires from Cross Midwest for a total of \$4,103.82. Larry Hall seconded the motion. The motion passed 3-0.

Dist. #2 Foreman John Black presented a permit to bury gas line requested by Greeley Gas Co. located at 600 Road & 69 Highway. Larry Hall moved to approve the permit to bury gas line as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

Asphalt Foreman John Byington reported on plans for resurfacing the streets in Centerville. There is \$43,500.00 in this year's budget to start the project. Byington suggested using cold mix for some of the streets in Centerville, saving approximately \$30,000.00. Byington also reported that the inventory of all road equipment has been completed.

Dist. #3 Foreman Harry Wisdom informed the Commission that he needs to purchase 4 tires for graders. He would like to get 4 radial tires from Cross Midwest for \$818.18 each. Jim Ferrante moved to approve purchasing 4 grader tires from Cross Midwest for a total of \$3,272.72. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Embarq located at 8739 W. 1525 Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall moved to approve the following pays/special pays: General, \$100,227.88; Employee Benefit, \$67,923.22; Appraiser, \$9,867.09; Rural Fire, \$10,747.10; Road & Bridge, \$43,863.18; Crime Victim Assistance, \$856.98; Elderly, \$8,993.10; and Zoning LEPP Grant, \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:24 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor by conference call. Larry Hall seconded the motion. The motion passed 3-0. The Commission, Clerk, Dennis Arnold, & Counselor (by telephone) attended the executive session.

At 9:39 AM the executive session ended.

At 9:40 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The Commission and Counselor (by telephone) attended this portion of the executive session.

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

John Byington asked how he got on the agenda? Byington asked that in the future he would be given more notice. Byington reported that he only has one problem remaining on the right of ways in Centerville, and he has not been able to contact that person. Byington reported that there are many other violations around the County that relate to County right of ways. Larry Hall suggested reporting violations to Andy Mayhugh. Donna Spencer stated that sometimes roads are widened and that takes more of a person's property.

Park Manager Bruce Holt discussed the memo that was received concerning camping at the park. Holt stated that he thought this was the first complaint letter he has received. Larry Hall suggested making a policy statement concerning all needs of users of the park, and there is no way we can accommodate the needs of every person. The Commission asked Holt to answer the questions in the memo.

Bruce Holt also talked about maintenance at the Park. Holt asked about the memo from the Commission stating that he needs to inform the Custodian of maintenance issues, is the Custodian going to fix the problems? The Commission stated that they just want a record of the maintenance. Herb Pemberton stated that Holt does the maintenance himself. Larry Hall stated that the Commission wanted to set up a central location to document the repairs. Jim Ferrante stated that the Commission wants a maintenance schedule. The Commission also suggested reviewing emergency procedures (tornado, fire, etc.) with the County Counselor.

J.R. Kerr and Joe Maloney discussed the Transfer Station containers with the Commission. Kerr stated that 4 of the round bottom containers are in very bad shape and need to be repaired. There is also 1 other round bottom container that needs some repair. Kerr recommends repairing 5 round bottom containers (#3, 6, 10, 14, and 7). Kerr also recommends using the 4 retired containers for cardboard containers. Maloney stated that he really wanted to convert the round bottom containers to cardboard containers and purchase new containers to replace them. The Commission will review the recommendations and make a decision later.

Marilyn Augur informed the Commission that she needs to replace a freezer at the Pleasanton Senior Center. Augur has contacted Cass Douglass to see if the freezer could be repaired. Herb Pemberton moved to allow Augur to have Douglass check the freezer, and if it is not

worth repairing, to allow Augur to replace the freezer for \$3,090.00. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:28 AM Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Andy Mayhugh presented CUP #1106319 (Jordan) for a used car lot and retail sales. The Planning Commission heard this on Dec. 12th and Jan. 9th and recommended approval by a 5-0 vote with the following findings: 1) The use conformed to the character of the neighborhood, 2) The property is suitable for the proposed use, and 3) The proposed use will not detrimentally effect the nearby properties; and the following conditions: 1) There shall be no more than 5 vehicles for sale and all vehicles shall be operable, 2) All retail sale items shall be stored inside of the existing building, 3) Lighting shall not be excessive or interfere with traffic, and 4) Permit shall be valid for a period of three (3) years from issuance. After reviewing the findings and conditions, Jim Ferrante moved to accept the recommendation, findings, and conditions of the Planning Commission and approve CUP #1106319 and adopt Resolution #07-08. Herb Pemberton seconded the motion. The motion passed 2-0. Larry Hall abstained. Following is a copy of Resolution #07-08:



Mayhugh also informed the Commission that he has negotiated the right of way for access to the new lake. Jim Ferrante moved to authorize Mayhugh to have the surveyor start working on the right of way. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Hall then addressed the audience. Hall thanked the voters of the 2nd district for their confidence in electing him two years ago and stated that he has tried to do the job he was elected to do. Hall stated that he has confidence in the judgment of the people to make decisions if they are given the truth to work with. Hall went through a list of accomplishments and issues that he and the Commission have dealt with over the past two years and finished by stating that he appreciates the opportunity to serve for the last 2 years.

Tom Robinson asked about County Policy on snow removal? Herb Pemberton stated that in his district, blacktop roads are done first, then bus routes, and other roads. The Commission will check into problems with clearing snow and ice. Jim Ferrante asked people to call the Road Foreman 1st, then contact the Commission if necessary.

Lavonne Burns addressed the Commission concerning some lots she purchased at a Sheriff's sale in 2002. There is a lien against these lots that she was not aware of when she purchased the lots. Gary Thompson has not responded to letters and phone calls from Mrs. Burns and her attorney. Burns stated that the District Court Clerk told her that no one researched the property before it was sold. The Commission will discuss this issue with Gary Thompson.

Jim Ferrante moved to postpone the fence view that was scheduled for this afternoon to a date to be announced when the County Counselor can be present. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:25 AM Herb Pemberton moved to adjourn the Board of Commission meeting and reconvene as the Board of Canvassers. Jim Ferrante seconded the motion. The motion passed 3-0. Larry Hall then left the meeting.

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

Deputy Election Officer Dee George read the County machine print out results as the Board of Canvassers compared the results to the Abstract Book.

The Board of Canvassers then reviewed the 28 Provisional Ballots. Jim Ferrante moved to accept the recommendation of the Election Officer to not count 6 provisional ballots, and to count the remaining 22 provisional ballots. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:32 AM the Board of Canvassers went to the Courthouse to run the provisional ballots through the ballot scanner, after which the Board of Canvassers certified the total election results.

At the end of the canvass, with nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, February 12th. Andy Mayhugh seconded the motion. The motion passed 3-0.

Attest:

Commission Chair

County Clerk

February 12, 2007

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

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

Herb Pemberton moved to approve the following pays/special pays: General, \$227,702.50; Employee Benefit, \$302.00; Appraiser, \$2,753.86; Rural Fire, \$29,208.35; Road & Bridge, \$141,379.31; Law Enforcement Trust, \$390.45; 911 Telephone Tax, \$3,358.68; Crime Victim Assistance, \$4.56; and Elderly, \$15,972.33. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-170 thru 2006-178. Herb Pemberton seconded the motion. The motion passed 2-0.

District #2 Foreman John Black presented a permit to bury water lines requested by RWD #2 along 69 Highway. Jim Ferrante moved to approve the permit to bury water lines as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

Black also informed the Commission that he needs to buy 4 truck tires (\$404.00 each) and 2 grader tires (\$683.97 each) from Cross Midwest. Herb Pemberton moved to approve the purchase in the amount of \$2,983.94. Jim Ferrante seconded the motion. The motion passed 2-0.

The Clerk presented Township Annual Reports for Liberty Township and Lincoln Township. Herb Pemberton moved to accept the Township Annual Reports as presented. Jim Ferrante seconded the motion. The motion passed 2-0.

Herb Pemberton moved to reschedule the February 19th regular meeting to Tuesday, February 20th due to the President's Day Holiday. Jim Ferrante seconded the motion. The motion passed 2-0.

Andy Mayhugh presented Lot Splits #07-204 & 07-205 requested by Esther Rees. Jim Ferrante moved to approve the Lot Splits and accept the grants of right of way on Vernon Road & 1000 Road. Herb Pemberton seconded the motion. The motion passed 2-0.

Larry Robinson informed the Commission about a pre-construction conference concerning 69 Highway in Chanute on Friday. The Commission agreed to allow Robinson to attend the conference.

Robinson also reported that he has been working with Craw-Kan concerning 911 address problems since 2003. Most of the problems have been corrected since an article came out in the Osawatimie Graphic.

At 9:23 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and David Yates attended the executive session.

At 9:33 AM the executive session ended.

At 9:33 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

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

Gary Thompson presented Resolution #07-07 adopting the Lake Region Solid Waste Management Plan. Jim Ferrante moved to adopt Resolution #07-07 as presented. Herb Pemberton seconded the motion. The motion passed 2-0.

Gary Thompson also presented Resolution #07-06 concerning weapons on County Property. Jim Ferrante moved to adopt Resolution #07-06 as presented. Herb Pemberton seconded the motion. The motion passed 2-0. Following are copies of Resolutions #07-07 and #07-06:

RESOLUTION NO. 07-07

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. 12-2901, 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 2006 to review, revise and submit to the counties a Lake Region Solid Waste Management Plan and said plan was presented to the Lake Region Solid Waste Authority on Oct. 24, 2006 and to the Board of County Commissioners of Linn County on January 29, 2007; now therefore

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

RESOLVED this 12 day of February, 2007.

Board of County Commissioners

Jim Ferrante
Chairman

Herb Pemberton
Vice Chairman

Member

ATTEST:

David Lamb
County Clerk

RESOLUTION NO. 07-06

AN RESOLUTION ESTABLISHING PROHIBITIONS AGAINST THE POSSESSION OR CARRYING OF CERTAIN FIREARMS WHILE UPON DESIGNATED PROPERTY OWNED AND/OR OPERATED BY LINN COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS:

SECTION 1. As used in this ordinance, the term "firearm" shall mean any handgun, pistol, or revolver.

SECTION 2. Pursuant to the Personal and Family Protection Act, Chapter 32 of the 2006 Session Laws of Kansas, as amended by Chapter 210 of the 2006 Session Laws of Kansas, it shall be unlawful to carry a concealed firearm into:

- (1) any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police, sheriff or highway patrol station;
- (3) any detention facility, prison or jail;
- (4) any courthouse;
- (5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon in the judge's courtroom;
- (6) any polling place on the day an election is held;
- (7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- (8) on the county fairgrounds;
- (9) any county office building;
- (10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- (11) any professional athletic event not related to or involving firearms;
- (12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
- (13) any elementary or secondary school building or structure used for student instruction or attendance, attendance center, administrative office, services center or other facility;
- (14) any community college, college or university facility;
- (15) any place where the carrying of firearms is prohibited by federal or state law;
- (16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;
- (17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments

- (18) any city hall;
- (19) any public library operated by the state or by a political subdivision of the state;
- (20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420, or
- (21) any church or temple;
- (22) any vehicle used by any county department or program, whether said vehicle is owned, leased or borrowed by the county; or
- (23) any place in violation of K.S.A. 21-4218, and amendments thereto.

SECTION 3. Pursuant to the authority granted to property owners and to the owners or operators of businesses under the Personal and Family Protection Act, Chapter 32 of the 2006 Session Laws of Kansas, as amended by Chapter 210 of the 2006 Session Laws of Kansas, the governing body of Linn County, Kansas, hereby prohibits the carrying of any concealed firearm by any person other than those identified in Section 6 below while in or upon the premises of any of property which is owned by Linn County, Kansas, and/or on which the County is operating as a public employer.

SECTION 4. The prohibitions set forth in Sections 2 and 3 above shall apply both to the interiors of the structures on all such properties and to the exterior areas; provided, however, that the prohibitions shall not apply to persons who are otherwise lawfully in possession of any such firearm while in a motor vehicle which is located in an area designated for public vehicular traffic or for public vehicular parking.

SECTION 5. Violation of this resolution shall, upon conviction, result in fine of up to \$1000 and up to 6 months imprisonment per violation.

SECTION 6. The prohibitions set forth in Sections 2 and 3 above shall not apply to any person identified under the exclusions set forth in subsections (b) or (c) of K.S.A. 21-4201 regarding the criminal use of weapons, as said provisions now apply or may hereafter be amended.

SECTION 7. This resolution shall take effect and be in force from and after its publication in the official newspaper of said County.

PASSED AND ADOPTED this 12th day of February, 2007.

Jim Ferrante
Chairman

Herb Pemberton
Vice Chairman

Larry Robinson
Linn County Member

Attest:

David Lamb
County Clerk



Gary Thompson then presented a proposed policy concerning communications systems and computers and a proposed policy on County vehicle and equipment usage. Larry Robinson suggested allowing the Communication Council to review the policies. David Yates commented on law enforcement opening internet sites, sometimes they might need to open sites for an investigation. The Clerk will give a copy of the proposed policies to the Communication Council for their review.

J. R. Kerr asked the Commission if they had a chance to review his report on the Solid Waste containers. Jim Ferrante stated that Joe Maloney said he was originally hired to repair containers. Kerr stated that the Solid Waste crew could probably handle repairing container #7. Harry Wisdom stated that when Maloney was hired, the Solid Waste Dept. did not haul the trash out of the County, now they do. Herb Pemberton suggested taking bids on repairing and replacing containers. Gary Thompson suggested having Kerr make some technical corrections to the information and then Gary Thompson will write the specifications for bidding.

Treasurer Carmen Self presented the 2006 4th Quarter and YTD Interest Reports. The interest for the 4th Quarter of 2006 was \$84,977.39. Interest for the year was \$337,567.01, up \$142,207.34 from 2005. Self also gave the Delinquent Tax Report. Delinquent Real Estate Taxes as of 12-31-06 were \$400,474.73. Delinquent Personal Property Taxes as of 12-31-06 were \$42,429.27.

Self also informed the Commission that the Treasurer's Association is still trying to get the State to let Treasurers continue to issue Driver's Licenses. Self presented a Resolution supporting local issuance of Driver's Licenses for the Commission to consider.

At 10:15 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues relating to non-elected employees. Jim Ferrante seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and Sheriff Stites attended the executive session.

At 10:30 AM the executive session ended.

At 10:30 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

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

At 10:41 AM Herb Pemberton moved to take a 10 minute break. Jim Ferrante seconded the motion. The motion passed 2-0.

District #3 Foreman Harry Wisdom informed the Commission that he needs to purchase 250 used guardrail posts from Welborn Sales for \$6,250.00. Jim Ferrante moved to allow the purchase. Herb Pemberton seconded the motion. The motion passed 2-0.

Wisdom also presented a permit to bury telephone cable requested by Sprint/Embarq located at 850 Road and KS Highway 7. Herb Pemberton moved to approve the permit to bury telephone cable as presented. Jim Ferrante seconded the motion. The motion passed 2-0.

Herb Pemberton moved to adopt Resolution #07-08, a Resolution urging the Federal and State governments to retain Driver's License renewals at the local level. Jim Ferrante seconded the motion. The motion passed 2-0. The Resolution was incorrectly numbered as #07-08, it should have been #07-09. Following is a copy of Resolution #07-09:



Jim Schmitz and Larry Robinson informed the Commission that the County needs to accept a grant of road right of way from Bill Miller on 1350 Road. The Commission agreed to have Schmitz draw up the right of way agreement.

Rick Daulton asked the Commission for permission to hold a car show at the Courthouse on April 28th from 9:00 AM to 3:00 PM. Jim Ferrante moved to allow the car show to be held on April 28th at the Courthouse. Herb Pemberton seconded the motion. The motion passed 2-0.

Marilyn Augur informed the Commission that Cass Douglass recommended replacing the freezer that was discussed last week for \$3,052.00. Augur will have Douglass order the freezer. Augur also informed the Commission of upcoming meetings. Augur has meetings in Pittsburg on Feb. 14th, Salina on Feb. 20th – 22nd, and Topeka on Feb. 27th.

Dennis Arnold addressed the Commission concerning the CDBG for the Fire Tankers. Arnold and David Yates attended a meeting last week and have a grant agreement that the Commission needs to sign. Herb Pemberton moved to allow the Chairman to sign Grant Agreement #07-PF-611 in the amount of \$126,850.00. Jim Ferrante seconded the motion. The motion passed 2-0.

Arnold also discussed the Heritage Trust Grant for the Courthouse. Arnold stated that Dan Harden has worked on this type of grant before. Arnold will work with Harden to get an engineering proposal ready for the Commission within the next week or two. We will also need to work with the Historical Society on the project. The grant would be an 80/20 grant.

Herb Pemberton discussed the cleaning at the Courthouse, Annex, and Attorney building. Charlene Smith does all the cleaning for those buildings, Pemberton stated that he doesn't see how she gets all the work done. Jim Ferrante stated that he believes that she has ample time for cleaning.

Dennis Arnold informed the Commission that he has a meeting in Topeka on Feb. 20th.

At 11:20 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, Dennis Arnold, and Richard Jenkins attended the executive session.

At 11:40 AM the executive session ended.

At 11:41 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 11:46 AM the executive session ended. No action taken.

Jim Ferrante moved to sign a letter supporting Rural Opportunity Zones to help stop the loss of rural businesses. Herb Pemberton seconded the motion. The motion passed 2-0.

The Commission discussed the Solid Waste containers with Joe Maloney. The Commission wants to take bids for repairing the old containers and compare that to buying new containers. Maloney stated that he wanted to buy new containers or have new containers built, he didn't want to repair the old containers. The Commission agreed to take bids to repair the old containers, build new containers, and buy new containers.

John Maloney addressed the Commission concerning a plan to cover the whole County for spraying noxious weeds. Maloney stated that the County does not cost share spraying brush, just noxious weeds. Maloney plans on spraying Blue Mound, Centerville, and Liberty Townships, then Stanton, Mound City, Paris, & Scott Twp., then Lincoln, Valley, Potosi, & Sheridan.

Maloney then presented a Notice of Violation concerning a property in Trading Post. The property owners have not responded to the notice. Maloney will report to the Commission after discussing cleanup with the Road Foreman.

Maloney also gave the Commission a copy of a letter that Gary Thompson sent to a property owner concerning violation of the Sanitary Code.

The Commission announced that they will have a special meeting on Wednesday, Feb. 14th at Noon with the Economic Development Committee. No action will be taken at the meeting.

With nothing further on the agenda Herb Pemberton moved to adjourn until Noon Wednesday, February 14th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

February 14, 2007

The Board of Linn County Commission met in special session at Noon in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas with the Linn County Economic Development Committee. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; and David Lamb, County Clerk.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2668
Fax: 913-795-2689



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

**NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS**

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at Noon on Wednesday, February 14, 2007 in the Linn County Courthouse Annex, Mound City, KS 66056. This will be a joint meeting with the Linn County Economic Development Committee. No action will be taken at this meeting.

DATED this 12th day of February, 2007.

David L. Lamb
Linn County Clerk



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

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augur, Rusticon / Transportation

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

At 12:17 PM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss trade secrets of a corporation. Jim Ferrante seconded the motion. The motion passed 2-0. The Commission, Clerk, Dennis Arnold, Mel Bolling and Economic Development Committee members Charles Conley, Mike Page, Steve Ellis, Don Poole, Casey Jones, and Jamie Chambers attended the executive session.

At 12:47 PM the executive session ended.

At 12:48 PM Herb Pemberton moved to extend the above executive session for 30 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 1:18 PM the executive session ended. No action taken.

Dennis Arnold updated the Commission and the Committee on the Junior Achievement Entrepreneur Program.

Arnold also gave an update on the Heritage Trust Grant for Courthouse repairs.

Arnold then distributed information on the Kansas Rural Development Initiative.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Tuesday, February 20th. Herb Pemberton seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

February 20, 2007

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

Herb Pemberton moved to approve the minutes of the last regular meeting as printed and the February 14th special meeting as printed. Jim Ferrante seconded the motion. The motion passed 2-0.

David Yates informed the Commission that we have received an Emergency Management Performance Grant in the amount of \$3,470.00 to be used to supplement salaries in the Emergency Management Dept.

Yates also informed the Commission that he has been contacted by the Tanglewood Property Owners Association concerning establishing a fire station at Tanglewood Lakes.

The Road Foremen reported on their spending so far this year.

John Maloney informed the Commission that he needs to go out for bids for chemicals for right of way spraying. Maloney also reported that he is still working on several nuisance abatements.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-179 thru 2006-184. Herb Pemberton seconded the motion. The motion passed 2-0.

The Clerk presented Cemetery Annual Report for Cemetery Dist. #3. Herb Pemberton moved to accept the Cemetery Annual Report as presented. Jim Ferrante seconded the motion. The motion passed 2-0.

The Commission reviewed the YTD Park Report for January 2007 and the Emergystat report for January 2007.

The Clerk informed the Commission that the next SEK County Officials Meeting will be March 22nd in Elk County.

Larry Robinson reported that he attended the pre-construction meeting for US 69 Highway, Pleasanton bypass area. There are some problems with how to route the coals trucks from Tiger Road.

Elizabeth Maxwell, East Central Kansas Area Agency on Aging gave her annual report.

John Black informed the Commission that we need to go out for bids for bridges for the year. Herb Pemberton moved to allow the Road Dept. to go out for bids for bridges. Jim Ferrante seconded the motion. The motion passed 2-0.

Herb Pemberton gave Gary Thompson a proposed change to the smoking in vehicles policy. Pemberton would like to change the policy to allow smoking in vehicles if the employee is assigned to a specific vehicle, unless someone else riding in the vehicle objects.

Herb Pemberton moved to approve the following pays/special pays: General, \$72,421.60; Employee Benefit, \$47,108.79; Appraiser, \$9,626.42; Rural Fire, \$2,062.93; Road & Bridge, \$32,869.81; Crime Victim Assistance, \$856.98; Elderly, \$7,830.64; and Zoning LEPP Grant, \$216.67. Jim Ferrante seconded the motion. The motion passed 2-0.

The Clerk also informed the Commission that the resolution passed last week concerning Driver's License renewals was incorrectly numbered as Resolution #07-08. It should have been Resolution #07-09. Jim Ferrante moved to correct the clerical error and change the resolution number from 07-08 to 07-09. Herb Pemberton seconded the motion. The motion passed 2-0.

The Clerk presented a petition to establish a Library District in the City of Pleasanton and Potosi Township. The petition does have the required signatures and is in the proper form. Herb Pemberton moved to approve the petition and schedule the question, "Shall a library district consisting of North Potosi Township, South Potosi Township and the City of Pleasanton, all in Linn County, be established and maintained pursuant to K.S.A. 12-1236?", for the April 3rd election. Jim Ferrante seconded the motion. The motion passed 2-0.

The Clerk then presented a proposed resolution for background checks with the KBI on Cereal Malt Beverage license applications. Jim Ferrante moved to adopt Resolution #07-10. Herb Pemberton seconded the motion. The motion passed 2-0. Following is a copy of Resolution #07-10:

RESOLUTION #07 - 10

A Resolution Requiring Records Checks by the Kansas Bureau of Investigation to be Performed for those Persons Making Application for a Cereal Malt Beverage License in Linn County

WHEREAS K.S.A. 41-2703 (5) requires that a person not be eligible for the issuance of a cereal malt beverage license if they have been convicted of a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States, and

WHEREAS in order to ascertain whether or not such conviction exists before issuing a cereal malt beverage license,

NOW BE IT THEREFORE RESOLVED that the Linn County Board of Commissioners shall require a records check performed by the Kansas Bureau of Investigation before a cereal malt beverage license may be issued.

Effective upon signing this 20th day of February, 2007.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY

 
Jim Ferrante, Chairman


Herb Pemberton, Vice Chairman


David L. Lamb, County Clerk

Sheriff Stites informed the Commission that we are receiving another E911 Grant for approximately \$59,000.00.

At 10:02 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected employees. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and Sheriff Stites attended the executive session.

At 10:17 AM the executive session ended.

At 10:17 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 10:27 AM the executive session ended.

At 10:28 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 10:33 AM the executive session ended. No action taken.

At 10:35 AM Herb Pemberton moved to take a 10 minute break. Jim Ferrante seconded the motion. The motion passed 2-0.

Rick Porter, Lake Region RC&D presented his 2006 Annual Report.

Donna Thomas presented a contract for the Bioterrorism Funds. Herb Pemberton moved to approve and allow the Chairman to sign the contract with the Kansas Dept. of Health & Environment for Bioterrorism Funds in the amount of \$21,535.69. Jim Ferrante seconded the motion. The motion passed 2-0.

Herb Pemberton discussed the trailers at the Sheriff's Office. Gary Thompson suggested setting a date to get the decks torn down, and the trailers moved. The Commission agreed that the decks will be torn down between March 15th and the end of March. The Counselor will prepare an advertisement for bids for the demolition and removal of the decks.

Jim Ferrante moved to sign an agreement authorizing the deposit of CDBG grant funds for the Fire Tankers. Herb Pemberton seconded the motion. The motion passed 2-0.

The Clerk asked the Commission if they want to canvass the Feb. 27th election on Friday, March 2nd or Monday, March 5th. The Commission agreed to canvass on Monday, March 5th.

The Clerk asked the Commission to schedule the German/Clayton fence view for March 19th. The Counselor informed the Commission that he is not available on March 19th. The Clerk will contact the parties and reschedule the fence view.

The Clerk informed the Commission that County Government Day will be March 12th.

At 11:26 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 2-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:31 AM the executive session ended. No action taken.

Jim Ferrante discussed the proposed Linn County Maintenance Plan. Commissioner Ferrante would like to make a decision on the plan next week.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, February 26th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

February 26, 2007

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

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

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-185 and 2006-186. Herb Pemberton seconded the motion. The motion passed 2-0.

Rose Smith addressed the Commission about trash that is allegedly being dumped by Lake Chaparral. Smith would like to have the dumpster moved back to its old location. Smith also reported that trash and tires are being dumped in a ditch beside the road, a location that had been cleaned up by the County a couple of years ago. Smith also reported that there is an old culvert that the blade man tore out 5 years ago that needs to be removed. John Maloney reported that he had not been notified about the problem until this morning. The Commission and Gary Thompson discussed recommending that Lake Chaparral move the dumpster. The Commission discussed setting up cameras to photograph unlawful dumping. Larry Robinson stated that Crimestoppers has cameras. The Commission asked Maloney to talk to Crimestoppers. Doug Barlet suggested putting an ad in the paper asking people to contact John Maloney if they see unlawful dump sites. Fred Kautt asked about getting a map to show the district lines on the wall in the Commission room.

John Byington informed the Commission that he is ready to start the preparation work on the Centerville streets. Byington also needs to purchase 7 tubes (5-15" and 2-12" tubes) from J & J Metals in the approximate amount of \$1,500.00 to be paid from All District Road & Bridge Misc. Commodities. Herb Pemberton moved to purchase the tubes as requested. Jim Ferrante seconded the motion. The motion passed 2-0.

Joe Maloney informed the Commission that he has a meeting in Miami County tomorrow. Maloney also needs to send 2 employees to a 24 class on Household Hazardous Waste, and he needs to take an 8 hour class on Household Hazardous Waste.

Joe Maloney also discussed refrigerators and freezers. The person that picks up our appliances now does not take Freon, so it must be removed before the appliance is picked up. John Maloney stated that he is licensed to collect Freon, but the County would need to buy a re-claimer.

At 9:31 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss a personnel issue related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, Joe Maloney, and Doug Barlet attended the executive session.

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

Jim Ferrante introduced Doug Barlet. Barlet was elected by the Republican Central Committee Saturday to fill the vacancy in Commission District #2.

David Yates discussed burning resolutions. Yates would like to publish guidelines concerning burning.

Yates also needs to attend a seminar Wednesday in Ottawa on pipeline safety. Yates also reported that many firefighters are completing their NIMS training online. Yates was contacted by the Highway Patrol concerning the Homeland Security Grant. Herb Pemberton wants to know how we are going to spend the money. Yates suggested using the money for equipment. Jean Vaughn suggested that people should call the Sheriff's administrative number for controlled burns, not 911. Fred Kautt suggested posting notices about burning in local stores. Jim Ferrante suggested contacting Mark Schuler about having a burn training seminar.

Marilyn Augur presented a draft policy for building use and fees. Augur would like the Commission to review the draft and discuss it next week.

John Maloney presented the General Notice to Control Noxious Weeds. Jim Ferrante moved to publish the notice in the newspaper for 3 weeks. Mary Grosshart asked if it was possible to get an extension on the 5 day time limit to control the noxious weeds? Maloney stated that it could be extended. Herb Pemberton seconded the motion. The motion passed 2-0. Maloney also has a meeting that he needs to attend on April 27th in Overland Park. The Commission agreed to let Maloney attend the meeting.

Larry Robinson presented a contract from R & S Digital Services for digital E911 mapping, to be paid by grant money. Jim Ferrante moved to enter into the contract with R & S Digital Services, Inc., not to exceed the amount of the grant. Herb Pemberton seconded the motion. The motion passed 2-0.

Sheriff Stites informed the Commission that he has told the company to come and pick up the dish sanitizer. The Sheriff also informed the Commission that the rules on the E911 wireless mapping have changed and it can now be used for other purposes that benefit the County.

At 10:13 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session to discuss personnel issues related to non-elected employees until 10:30 AM. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, Sheriff, and Doug Barlet attended the executive session.

At 10:30 AM the executive session ended.

At 10:31 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 10:41 AM the executive session ended.

At 10:42 AM Herb Pemberton moved to extend for the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

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

At 10:47 AM Jim Ferrante moved to take a break until 11:00 AM. Herb Pemberton seconded the motion. The motion passed 2-0.

Janet Kerr, representing the Communications Council, requested that the Commission hold off on making a decision on the new policies until after a special Communication Council meeting that is scheduled for later this week.

Mark Schuler presented a proposal for replacing the windows and doing some concrete work around the big door in the 4-H Building. The Commission agreed to take bids for the project. Jim Ferrante suggested only replacing some of the windows and closing the rest in with metal that would match the building.

Schuler also stated that he will work with Mr. Yates to schedule a Controlled Burn School.

John Copple presented a technology update to the Commission. Copple informed the Commission that we need to upgrade our web and email hosting to a dedicated server, due to numerous problems with emails not getting through. Copple also informed the Commission that our current AS400 will not be supported by IBM or Infinitec after Dec. 31, 2007. We will need to upgrade to an IBM I-Series at that time. Copple discussed other long-term needs such as replacing the hard-wired network, installation of a Windows-Server based file sharing network, increased external bandwidth, and remote access from other County offices. Copple recommended a professional analysis of our technology needs for the future. The Commission agreed that we need to get a professional analysis of our system. Jim Ferrante moved to upgrade our web/email hosting service with Box of Chalk to the \$150.00 per month level. Herb Pemberton seconded the motion. The motion passed 2-0.

John Black requested permission to go out for bids for a lease-purchase for a new road grader. Herb Pemberton moved to allow Black to go out for bids on a lease-purchase. Jim Ferrante seconded the motion. The motion passed 2-0.

John Black presented a permit to bury telephone cable requested by Craw-Kan located at Read Rd., 500 Rd., E. 1000 Rd., 950 Rd., and Yankee Rd. Jim Ferrante moved to approve the permit to bury telephone cable as requested. Herb Pemberton seconded the motion. The motion passed 2-0.

Gary Thompson presented a letter of recommendation for Larry Walrod for an appointment to the Marais des Cygne Basin Advisory Committee. Herb Pemberton moved to sign the letter of recommendation. Jim Ferrante seconded the motion. The motion passed 2-0.

Gary Thompson also presented an advertisement for demolition of the decks and ramps at the Sheriff's trailers.

At 11:51 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and Doug Barlet attended the executive session.

At 11:56 AM the executive session ended.

At 11:57 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

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

Jim Ferrante moved to reschedule the German/Clayton fence view for March 26th at 1:30 PM. Herb Pemberton seconded the motion. The motion passed 2-0.

Herb Pemberton moved to approve the Cereal Malt Beverage license for PDQ, Inc. Jim Ferrante seconded the motion. The motion passed 2-0.

The Clerk presented a bill from his attorney for legal services for January on the recall case in the amount of \$43,438.49. The Clerk asked the Commission to pay the bill out of the Contingency line item in the General Fund and stated that if the bill was paid from the Clerk and Election budgets, there will be no possibility of staying under budget for the year. After discussion, the Commission agreed to pay the bill out of the Clerk/Election budget.

Jim Ferrante informed the audience that the West Side Ambulance is currently housed in Parker, at the Rural Fire Bldg. The County is still looking at options in Centerville, including the old gymnasium at the Senior Citizens Bldg. If the Senior Citizens Bldg. is used, we could also store County files at that location.

Herb Pemberton stated that he would like to propose a resolution to change to 5 Commissioners. Herb Pemberton asked Gary Thompson to explain the process in detail next week.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, March 5th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

March 5, 2007

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

Doug Barlet submitted his resignation from the Rural Fire Board of Trustees, due to his being selected as Dist. #2 Commissioner. Herb Pemberton moved to accept Doug Barlet's resignation from the Rural Fire Board of Trustees. Jim Ferrante seconded the motion. The motion passed 2-0.

After reviewing the letter of appointment from the Governor, the Clerk administered the Oath of Office for Doug Barlet as District #2 Commissioner.

Jim Ferrante made one addition to last week's minutes. Herb Pemberton moved to approve the minutes of the last regular meeting as amended. Jim Ferrante seconded the motion. The motion passed 2-0. Doug Barlet abstained.

David Yates reported on the storm damage from last week. The tanker from Station 930 was damaged by the tornado. Also, Station 940's tanker is out of service due to mechanical failure. Yates stated that the 940 tanker should be back in service before long. Yates also thanked other departments for help during the storm, including the Road Dept. Yates would like to have a meeting to critique the response with Department Heads. Yates announced that there will be a Controlled Burn Seminar on March 22nd at 7:00 PM in the Annex. Jim Ferrante stated that he received a letter and completed grant application Friday concerning CDBG for Fire Dept. tankers.

At 9:15 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues relating to non-elected employees. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and David Yates attended the executive session.

At 9:25 AM the executive session ended. No action taken.

At 9:30 AM the Commission opened bids for bridges. Bids received were:

	Phillips Brothers Constr.	Thoele Foundations	Foote Constr. Co.
Class A Concrete (per Cu. Yd.)	\$275.00	\$240.00	\$235.00
County Furnished Reinforcing Steel (per Lb.)	\$0.25	\$0.30	\$0.34
Class I Excavation (above water) (per Cu. Yd.)	\$31.00	\$20.00	\$23.00
Class III Excavation (below water) (per Cu. Yd.)	\$39.00	\$24.00	\$28.00

The Commission asked the Road Foremen to review the bids and give a recommendation to the Commission.

Jim Ferrante stated that he would like Harry Wisdom to take a dump truck to 1077 Road to remove debris near the Matthes house.

John Black presented a bid for a new maintainer. Herb Pemberton moved to approve lease-purchasing a new maintainer from Martin Tractor Company for \$164,280.00, in 10 semi-annual payments of \$18,765.58. Doug Barlet seconded the motion. The motion passed 3-0.

Black also informed the Commission that he has an employee that has given his 2 weeks notice. The Commission agreed to allow Black to post the opening to County employees.

Black also informed the Commission that Tiger Road is closed due to highway construction. Black will work with landowners to try to get easements for a shoe-fly detour. Larry Robinson has also been working with KDOT to try to get a shoe-fly detour.

Dan Morris reported that he is having trouble with a maintainer. The replacement computer will cost \$1,600.00 plus labor. Doug Barlet moved to approve repairing the maintainer, including computer, labor, and trip charge. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:58 AM the Commission opened bids for Noxious Weed chemicals to spray road right of ways. Bids received were:

	Van Diest Supply Co.	Vegetation Management Supply, Inc.
Milestone quart	\$73.67 quart	\$76.00
Plateau gallon	\$277.00 gallon	\$277.00
Escort or ounce	\$11.41 ounce	\$12.30
MSM 80 DF	\$9.91 ounce	
Remedy gallon	\$84.93 gallon	\$90.00
Premier 90 or Achieve 90 or gallon	\$15.19 gallon	\$12.30
Spray Activator 85	\$11.17 gallon	

Doug Barlet moved to accept the bid from Van Diest Supply Co. Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur discussed the proposed Building Use Policy with the Commission. The Commission also reviewed the release of Liability form provided by KCAMP. The Commission agreed that there should be a \$65.00 deposit for use of the buildings. Augur will make the suggested changes and bring the policy back next week for approval.

Augur also asked to hire Susan Purdy as a substitute cook @ \$8.25 per hour. Jim Ferrante moved to hire Purdy as part-time substitute cook @ \$8.25 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:19 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Maloney attended the executive session.

At 10:24 AM the executive session ended.

At 10:25 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

Donna Thomas presented grant agreements for the Health Dept. for the Commission to sign. Jim Ferrante moved to approve and sign the State Formula Grant, \$7,282.00; Maternal & Child Care Grant, \$14,584.00; and the Immunization Action Plan Grant, \$9,235.00; for a total of \$31,101.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Ruth McGrew asked about the attorney bills for the Clerk. The Clerk stated that he will work up a copy of the hours and dollar amounts. Gary Thompson explained why the County has to pay the legal fees.

The Clerk then presented the Lincoln/Scott Township petition for a Hospital District. The petition does contain a sufficient number of signatures. The Chairman read the petition language. The petition includes the boundaries of the district, request to form a Hospital District, and the statement that names can be removed within 3 days. Gary Thompson stated that in his opinion, the petition is sufficient, regular, and in due form. The Commission answered several questions from the audience. Doug Barlet moved that having received a petition pursuant to K.S.A. 80-2503 containing verified signatures of more than 51% of the qualified electors of North Lincoln Township, South Lincoln Township, and Scott Township in Linn County and having reviewed said petition and determined that the petition is sufficient, regular and in due form as provided by statute, it is hereby ordered by the Board of Commissioners of Linn County, Kansas, pursuant to K.S.A. 80-2501, *et seq.*, that the Lincoln-Scott Township Hospital District, Linn County, Kansas, is established. Herb Pemberton seconded the motion. The motion passed 3-0.

Anita Rowe addressed the Commission concerning Library Dist. #4. There are some old County records stored at the library that the Library would like to move back to the County. The Clerk will check on renting storage space to keep the records

and the records will be removed as soon as possible.

Doug Barlet moved to approve the following pays/special pays: General, \$137,509.04; Employee Benefit, \$39,248.25; Appraiser, \$9,696.72; Rural Fire, \$4,017.22; Road & Bridge, \$36,341.57; 911 Telephone Tax, \$2.41; Crime Victim Assistance, \$1,075.59; Elderly, \$12,069.86; Economic Development Grant, \$3,333.33; and Zoning LEPP Grant, \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-187 thru 2006-197 and 2006-199 thru 2006-204. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:41 AM Jim Ferrante moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold reported on the Historic Preservation Grant for repairing the Courthouse. Arnold stated that we need to develop a Historic Preservation Plan. BG Consultants can develop the plan for us. Arnold recommended signing a contract with BG Consultants to develop the plan. Herb Pemberton moved to approve the contract with BG Consultants, for up to \$4,000.00. Jim Ferrante seconded the motion. The motion passed 3-0. The amount will be paid from the Courthouse budget.

Arnold also informed the Commission that Midwest Glycol needs certification by the Board of County Commissioners that this is consistent with our Solid Waste Management Plan. Herb Pemberton moved to allow the Chairman to sign the certification for Midwest Glycol. Doug Barlet seconded the motion. The motion passed 3-0.

Don George, KDWP addressed the Commission concerning grants. George asked the Commission to approve up to \$7,000.00 out of the Contingency Budget to pay for building a boat ramp. KDWP has grants available to repay the County for the expenses. The Commission agreed that the County will provide the necessary funds when the bills come in.

The Clerk presented Cemetery Annual Report for Mound City Cemetery Dist. and the Township Annual Report for Mound City Township. Herb Pemberton moved to accept the Cemetery Annual Report and the Township Annual Report as presented. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to accept the proposal from Douglass & Sons Heating & Air Conditioning for maintenance on the heat and A/C units on the Sheriff's Office. Doug Barlet seconded the motion. The motion passed 3-0. The Clerk will contact Cass Douglass about a written proposal for the units in the Judicial Building.

The Clerk stated that he had received a request for gravel for the entrance to Mt. Carmel Cemetery. The Clerk will check with John Black to see how this has been handled in the past.

The Clerk received a request from someone wanting to metal detect on the Courthouse grounds. The Counselor stated that the County has no policy that prohibits metal detecting. The Clerk will inform the individual that the individual would be responsible for any damages to County property and the County is not liable for any damage to the individual.

The Clerk also asked the Commission about a request from Roger Medlin to build a pond that could back up water onto the County right of way and into a culvert under a County road. The Commission asked the Clerk to inform Medlin that the County is not in favor of water backing up onto our right of way.

The Counselor presented a letter for John Maloney to send to Lake Chaparral concerning trash around their dump site. The Commission agreed to let Maloney send the letter.

The Counselor then presented bid specification for replacing the windows and some concrete work at the 4-H Building. Herb Pemberton moved to go out for bids for the work on the 4-H Building. Doug Barlet seconded the motion. The motion passed 3-0.

Gary Thompson reported on the process to change to 5 Commissioners. The Commission can pass a resolution to allow the voters of Linn County to vote on the change at a fall General Election. The Commission would have to divide the County, by population, into 5 districts. If the voters approve the change, the new Commissioners would be appointed by the Governor to serve until the next election. The Commissioners would then be elected by the voters.

Herb Pemberton informed the Commission that Bruce Holt needs a light bar for the Park Truck. Holt is deputized by the Sheriff. The light bar would cost approximately \$2,000.00. Herb Pemberton moved to authorize Holt to order a light bar for up to \$2,000.00. Doug Barlet seconded the motion. The motion passed 3-0.

Doug Barlet submitted his resignation from the Fire Department, due to his being selected as Dist. #2 Commissioner. Jim Ferrante moved to accept Doug Barlet's resignation from the Fire Dept. Herb Pemberton seconded the motion. The motion passed 2-0.

Jim Ferrante read a statement thanking everyone for their help with the tornado. Ferrante thanked the Sheriff's Office, Fire Dept., and the FFA members that helped cleanup Sunday. Ferrante also thanked neighbors, friends, farmers, etc. that helped with cleanup.

At 12:48 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:59 PM the Clerk left the executive session.

At 1:03 PM the executive session ended. No action taken.

At 1:05 AM Herb Pemberton moved to adjourn the Board of Commission meeting and reconvene as the Board of Canvassers. Jim Ferrante seconded the motion. The motion passed 3-0.

Deputy Election Officer Dee George read the County machine print out results as the Board of Canvassers compared the results to the Abstract Book.

The Board of Canvassers then reviewed the 9 Provisional Ballots. Herb Pemberton moved to accept the recommendation of the Election Officer to not count 2 provisional ballots, and to count the remaining 7 provisional ballots. Jim Ferrante seconded the motion. The motion passed 3-0.

At 1:16 PM the Board of Canvassers went to the Courthouse to run the provisional ballots through the ballot scanner, after which the Board of Canvassers certified the total election results.

With nothing further on the agenda Doug Barlet moved to adjourn until 9:00 AM Monday, March 12th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

March 12, 2007

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

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

Herb Pemberton moved to approve the Sheriff's Monthly Fee Reports for February 2007. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for February 2007.

David Yates presented a report to the Commission concerning the City of La Cygne using part of the new fire building in La Cygne and a report on general use of the building and a possible floor plan. The La Cygne City Fire Dept. does not seem to be interested in using part of the building. Yates also reported that he has been in contact with the insurance adjuster concerning the Station 930 tanker that was damaged by the tornado.

At 9:15 AM the Commission went to the old courtroom to greet the students for County Government Day. At 9:30 AM the Commission returned to the Commission room.

Jim Ferrante discussed the electronic monitoring. The Clerk will contact Judge Smith and ask him to attend next week's meeting to discuss electronic monitoring.

Herb Pemberton moved to approve the following pays/special pays: General, \$262,520.31; Appraiser, \$4,495.56; Rural Fire, \$6,863.12; Road & Bridge, \$63,937.25; 911 Telephone Tax, \$3,358.50; Spec. Fire Equip. Replacement, \$1,805.00; and Elderly, \$9,279.32. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante asked for public comments. Fred Kautt discussed Embarq phone plans that allow unlimited long distance for a specified charge. The Clerk stated that we are contacting Embarq to discuss possible business plans.

The Clerk presented Resolution #07-11, A Resolution Authorizing and Approving the Extension of Maturity of \$116,300.00 Principal Amount of Temporary Notes, Series 2006, of the Linn County, Kansas; Making Certain Covenants and Agreements in Connection Therewith. These temporary notes are for the construction of the Linn County Sewer District #1 (Centerville Sewer District). Herb Pemberton moved to adopt Resolution #07-11. Doug Barlet seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-11:

RESOLUTION NO. 07-11

A RESOLUTION AUTHORIZING AND APPROVING THE EXTENSION OF MATURITY OF \$16,300 PRINCIPAL AMOUNT OF TEMPORARY NOTES, SERIES 2006, OF THE LINN COUNTY, KANSAS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, Linn County, Kansas (the "Issuer") is a political subdivision, duly created, organized and existing under the Constitution and laws of the State of Kansas; and

WHEREAS, the Issuer is authorized under K.S.A. 19-2701 et seq, as amended, to incur indebtedness and to issue and sell general obligation bonds of the Issuer to evidence such indebtedness for the purpose of constructing improvements in the Linn County Sewer District #1, Centerville Sewer Improvements (the "Improvements") heretofore authorized pursuant to Resolution No. 2006-04 of the Issuer; and

WHEREAS, pursuant to Resolution No. 2006-06, the Issuer has heretofore issued \$267,400 principal amount of Temporary Notes, Series 2006, dated March 15, 2006; and

WHEREAS, all aspects of the Improvements will not be completed prior to the maturity date of the above-referenced temporary notes and it is necessary for the Issuer to provide for the extension of maturity of a portion of the principal on such temporary notes in the amount of \$116,300 (the "Existing Notes"); and

WHEREAS, Resolution No. 2006-06 (the "Note Resolution") provides that the same may be amended from time to time, by subsequent resolution of the Issuer, provided the purchaser of the Existing Notes (the "Purchaser") consents to such amendments; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to extend the maturity of the Existing Notes; and

WHEREAS, the Purchaser has consented to such extension as evidenced by Exhibit A attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS, AS FOLLOWS:

Section 1. Authorization of Extension of Maturity and Principal Amount. The Stated Maturity of the Existing Notes (December 1, 2006) shall be extended to June 2, 2007. The principal amount of the Existing Notes is \$116,300, and interest on the Existing Notes shall accrue at the rate of 6.0% per annum from and after March 1, 2007 to the date of maturity or such earlier date of payment of the principal and interest accrued thereon.

Section 2. Ratification. The rest and remainder of Resolution No. 2006-06 that authorized the Existing Notes is hereby ratified and confirmed.

50540345 01 NOTE EXTENSION

50540345 01 NOTE EXTENSION

Section 3. Further Authority. The officers and officials of the Issuer, including the Chairman and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on March 12, 2007.






Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution adopted by the governing body on March 12, 2007 as the same appears of record in my office.

DATED: March 12, 2007.


Clerk

50540345 01 NOTE EXTENSION

Larry Robinson presented an Agreement for Grant of Easement from Billy and Ramona Miller. Doug Barlet moved to accept and sign the Agreement for Grant of Easement. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to accept the bid from Foote Construction Co., Inc. for bridge work (bids were opened last week). Doug Barlet seconded the motion. The motion passed 3-0.

Joe Maloney informed the Commission that he met with J. R. Kerr this morning concerning specs. for solid waste containers. Maloney also talked to Yoho Tires, Yoho will be here this week to discuss picking up tires. Maloney also asked for permission to change the hours at the landfill to be closed 1/2 a day on Wednesday for recycling. The Commission stated that they would rather stay open all day. The Commission discussed possible hiring a part-time person to help with recycling. Maloney will see if he can find someone to work part-time.

John Maloney asked the Commission for permission to hire a temporary employee for Noxious Weed for six months. Maloney will advertise for the temporary position. Maloney also reported on nuisance abatements.

Sheriff Stites informed the Commission that the current prisoner count is 29. The Sheriff also stated that he is getting a full refund on the dish sanitizer and new dishwasher will be here soon.

At 10:13 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issue related to a non-elected employee. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Sheriff Stites attended the executive session.

At 10:21 AM Sheriff Stites left the executive session.

At 10:23 AM the executive session ended. No action taken.

Donna Thomas asked the Commission for approval to attend a meeting from April 30th to May 2nd in Hutchinson. The Commission agreed to allow Thomas and an employee to attend.

At 10:29 AM the Commission opened bids for demolition of the decks and ramps at the Sheriff's Office. Bids received were: Holt's Construction, County pays \$300.00; Double K Construction, Inc., No Charge; and Ralph Krum, Krum pays County \$422.00. Herb Pemberton moved to accept the bid from Ralph Krum. Doug Barlet seconded the motion. The motion passed 3-0.

At 10:32 AM Herb Pemberton moved to take a break until 10:45 AM. Doug Barlet seconded the motion. The motion passed 3-0.

Joe Hale addressed the Commission concerning acquiring right of way near the Marais des Cygne River in La Cygne. The State is offering \$.06 per square foot for a total of \$1,755.00. Herb Pemberton moved to accept the offer of \$1,755.00 from KDOT. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow the Chairman to sign the necessary documents for the right of way with KDOT. Doug Barlet seconded the motion. The motion passed 3-0.

Rose Smith addressed the Commission concerning building a new jail. Smith suggested building a jail and renting out the extra beds to other Counties. The Commission discussed forming a task force to look into the feasibility of building a jail. Smith also discussed the clinic. Smith stated that there was approximately \$400,000.00 left from the Hospital Board. Smith would like to use that money to build a new clinic. Smith thanked the Commission for getting the old culvert moved off her property. Smith complained that the dumpster at Lake Chaparral is full and overflowing. Smith then discussed a bill for picking up trash from her property that allegedly was scattered from the Lake Chaparral dump site. Smith stated that she was not turning in the bill because she did not want to burden the taxpayers of the County.

David Sweat gave the Commission a report on Emergystat's January calls. Sweat also stated that he would answer questions concerning the west side ambulance service. Sweat stated that they did have some communications problems at the west side station. They converted a mobile radio to use as a base station. Jim Ferrante asked if it was possible to put GPS in the ambulance units? Sweat stated that he could check into it. Esther Shields asked if they could add a line to the report that shows how many were transported by air ambulance?

Larry Hall addressed the Commission concerning the Hospital District petition and the Clerk's deposition stating that the Hospital District was denied. The Clerk stated that the word Library was left out of the original deposition, but was added when he reviewed the document.

Esther Shields stated that she talked to Mr. Hall about the old Hospital District and that Mr. Hall stated that he didn't want to do away with the old Hospital District, but Shields stated that he is the one that made the motion to do away with Hospital District.

The Counselor arrived at the Commission meeting.

Andy Mayhugh presented a Grant of Road Easement from John McDonald located at 1200 Rd. and Vernon Rd. Jim Ferrante

moved to accept the Grant of Easement as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

Mayhugh also presented a Grant of Road Easement from Mr. Eberle located on 1400 Rd. Jim Ferrante moved to accept the grant of road easement (north 35' of the W 1412.48' of the NW ¼ of S 13, T 21, R 22) contingent upon the receipt of Grant of Easement, not to be delivered until signed by Commission. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:59 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:14 PM the executive session ended. No action taken.

Jim Ferrante discussed appointments to the Centerville Sewer District Board. They Commission needs to appoint 5 members to the board, but so far he only has 3 lined up. Jim Ferrante moved to appoint Mary Morrison, David Matthes, and Christine Taft to the Linn County Sewer District #1 Board. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to appoint Rob Dent to the Fire Board of Trustees. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to advertise for bids for 22.9 acres of farm ground near the landfill. Doug Barlet seconded the motion. The motion passed 3-0.

Bob Markley asked about using a 4 wheeler on County and State roads. The Counselor explained that the County has no jurisdiction on State roads, and there would have to be a County Resolution prohibiting use on a County road. The Clerk will research County resolutions and contact Mr. Markley.

Herb Pemberton moved to recess and reconvene at the Legion Building. Doug Barlet seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, March 19th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

March 19, 2007

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

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

John Byington presented the following quotes for road oil for the year:

	<u>Costal Energy</u>	<u>Sem Materials</u>	<u>Vance Brothers</u>	(all quotes are per gallon)
MC-30	\$2.20	no quote	\$2.18	
EA-150	no quote	no quote	no quote	
EA-300	\$1.40	\$1.56	\$1.48	
SS-1H	no quote	\$1.37	\$1.28	
RS-1H	no quote	\$1.36	\$1.21	
EA-90P	no quote	\$1.56	\$1.48	

Byington stated that RS-1H is the oil that we use the most. Vance Brothers also requires a shorter cancellation time than Sem Materials. Herb Pemberton moved to accept the quote from Vance Brothers. Doug Barlet seconded the motion. The motion passed 3-0.

Byington also reported that the runway at Gilmore Airport needs to be resurfaced. A 2" overlay would cost \$44,000.00. That price does not include turn-arounds and tie down areas. The Commission asked Byington to check on the availability of grants for the project. Gary Thompson will check on getting an easement for the turn-arounds and tie down areas.

Al Hurt addressed the Commission concerning the two buildings that the Baptist Church has for sale. They would like to sell both buildings, but would discuss selling one building. Hurt invited the Commission to take a tour of the buildings.

John Black informed the Commission that he needs to order diesel. Herb Pemberton moved to approve purchasing \$19,208.00 of diesel fuel. Doug Barlet seconded the motion. The motion passed 3-0.

Black also discussed a ditch that needs work. The ditch is in our easement, but the dirt would need to be rolled over onto private property. The Commission agreed to let Black do the work as long as he has permission from the property owner.

Dan Morris presented a permit to bury water line requested by Ed O'Conner located at 22161 Iliff Rd. Herb Pemberton moved to approve the permit to bury water line as presented. Doug Barlet seconded the motion. The motion passed 3-0.

David Yates reported that he is working on getting the Centerville tanker repaired.

At 9:27 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and David Yates attended the executive session.

At 9:37 AM the executive session ended. No action taken.

Bruce Holt asked to hire Calvin Brown as temporary help starting 3/26/07 for 24 hours per week at the part-time rate. (Last year Brown's wage was \$6.89 per hour.) Herb Pemberton moved hire Calvin Brown at the same rate as other part-time Park employees. Doug Barlet seconded the motion. The motion passed 3-0.

At 9:40 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session until 10:00 AM to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:00 AM the executive session ended.

At 10:00 AM Doug Barlet moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the

motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:15 AM the executive session ended. As a result of the executive session, the Chairman announced that the meeting for the new Hospital District will be on April 6, 2007 at 7:00 PM in the Community Room in the Labette Bank in La Cygne. The County will publish notices of the meeting in the March 28 and April 4 issues of the Linn County News.

Curt Whitaker, Centerville Rock Quarry addressed the Commission concerning the Centerville Rock Quarry. The quarry will be in operation soon and will be available to sell rock to the County.

At 10:20 AM the Commission opened bids for the windows and concrete work at the 4-H Building. The only bid received was from Double K Construction. The amount of the bid was \$9,800.00. Herb Pemberton moved to accept the bid contingent on the work being done by May 8, 2007. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$72,862.00; Employee Benefit, \$34,903.14; Appraiser, \$9,642.14; Rural Fire, \$2,062.93; Road & Bridge, \$33,280.77; Crime Victim Assistance, \$856.98; Elderly, \$8,306.46; and Zoning LEPP Grant, \$216.67. Doug Barlet seconded the motion. The motion passed 3-0.

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

David Sweat addressed the Commission concerning the ambulance service. Emergystat sent a letter to the Commission stating that they cannot continue to operate without increasing subsidies or decreasing the number of trucks from 3 to 2. Sweat suggested that the County could run the ambulance service and save money in the long run, although start up costs would be high. Sweat also stated that Mr. DuBose wants to meet with the Commission. The Commission would like to meet with Mr. DuBose on Friday afternoon at 3:00 PM.

Pleasanton Mayor Bill Allen addressed the Commission concerning the road at the Pleasanton Compactor. Allen would like for the County to help Pleasanton repair the road. Allen would like to have the road blacktopped. The Commission will ask Byington to look into the costs.

Herb Pemberton moved to approve the following add/abate/refund orders: 2006-205. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante moved to sign and publish the Notice of Special Question Election for the Potosi Township/City of Pleasanton Library District. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk presented Township Annual Report for Centerville Township. Doug Barlet moved to accept the Centerville Township Annual Report as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk reported that our email/web server was upgraded this weekend.

Herb Pemberton moved to sign lease agreements with the Kansas State Bank of Manhattan and to adopt Resolution #07-12 approving the financing for the new Motor Grader. Doug Barlet seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-12:

EXHIBIT D
LESSEE RESOLUTION

RE: Lease With Option to Purchase Agreement dated as of March 9, 2007, between Kansas State Bank of Manhattan (Lessor) and Linn County, Kansas (Lessee)

At a duly called meeting of the Governing Body of the Lessee (as defined in the Agreement) held on March 19, 2007 the following resolution was introduced and adopted:

BE IT RESOLVED by the Governing Body of Lessee as follows:

1. **Determination of Need.** The Governing Body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described on Exhibit A of the Lease With Option to Purchase Agreement dated as of March 9, 2007, between Linn County, Kansas (Lessee) and Kansas State Bank of Manhattan (Lessor).
2. **Approval and Authorization.** The Governing Body of Lessee has determined that the Agreement, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment, and the Governing Body hereby approves the entering into of the Agreement by the Lessee and hereby designates and authorizes the following person(s) to execute and deliver the Agreement on Lessee's behalf with such changes thereto as such person(s) deem(s) appropriate, and any related documents, including any Escrow Agreement, necessary to the consummation of the transaction contemplated by the Agreement.

Authorized Individual(s): James R. Ferrante, Commission Chairman
(Printed or Typed Name and Title of individual(s) authorized to execute the Agreement)

3. **Adoption of Resolution.** The signatures below from the designated individuals from the Governing Body of the Lessee evidence the adoption by the Governing Body of this Resolution.

Signature: [Signature]
(Signature of Secretary, Board Chairman or other member of the Governing Body)

Typed Name & Title: Jim Ferrante, Commission Chairman
(Typed Name and Title of individual who signed directly above)

Attested By: [Signature]
(Signature of one additional person who can witness the passage of this Resolution)

Typed Name & Title: David L. Lamb, County Clerk
(Typed name of individual who signed directly above)



At 11:23 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

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

Jim Ferrante asked for comments from the public. Fred Kautt addressed the Commission concerning ambulance service for the west side of the County. Kautt stated that the west side ambulance is needed.

Bernita Robbins stated that the County should take bids for a private ambulance service, not run by the County.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, March 26th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

March 26, 2007

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

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

Doug Barlet moved to approve a payment of \$18,412.24 to Moto Power Farm Service for diesel fuel for Dist. #2. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk announced that Sue Riley and Hugh Bogle from KDOT will present the KDOT Traffic Safety Audit for Linn County on Wednesday, March 28th at 3:00 PM at the Pleasanton City Hall.

The Clerk informed the Commission that Gilmore & Bell, Bond Counsel for the Linn County Sewer District #1 project, needs another original of the resolution and minutes from the March 12th meeting. The Commission signed another copy.

At 9:06 AM the Commission opened bids for the farm ground near the landfill. Bids received were: Garland Ginther, \$600.00; and Charles Lindell, \$825.00. Herb Pemberton moved to approve the bid from Charles Lindell in the amount \$825.00. Doug Barlet seconded the motion. The motion passed 3-0.

Dan Morris presented 2 permits to bury. Jim Ferrante moved to approve a permit to bury water line requested by the Anderson County RWD located at 2248 W 1800 Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury petroleum pipeline requested by CCPS Transportation located east of Yancy Rd., north of 2000 Rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Morris also asked the Commission if they wanted to continue the Dust Abatement Program for County roads. The cost will be \$1.00 per foot with a minimum 200 feet. Herb Pemberton moved to continue the Dust Abatement Program for 2007. Doug Barlet seconded the motion. The motion passed 3-0.

David Yates discussed a letter from the La Cygne Police Dept. concerning radios that were to be received from a Homeland Security grant. We have no record of receiving the radios or distributing them to police departments. Yates also discussed tower repeaters to enhance radio coverage around the County.

At 9:20 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and David Yates attended the executive session.

At 9:30 AM the executive session ended. As a result of the executive session, Jim Ferrante moved to authorize the Personnel Officer open an account with the KBI for background checks on employees. Doug Barlet seconded the motion. The motion passed 3-0.

Yates also presented a quote from Diversified Contracting to complete the new fire station at La Cygne. The cost would be \$130,000.00 to \$150,000.00.

Joe Maloney informed the Commission that he has been recertified for Household Hazardous Waste. Maloney also asked to send two employees to a Household Hazardous Waste training in Topeka. The Commission agreed to send two employees to the training. Maloney would also like to take bids for someone to reclaim Freon from used appliances. The Commission agreed to take bids for Freon reclamation. Maloney also asked to hire John Aleshire for 4 hours on Wednesdays to work as a recycler. Jim Ferrante moved to hire John Aleshire as a part time employee (one day per week) at Solid Waste for recycling at \$7.44 per hour. Doug Barlet seconded the motion. The motion passed 3-0.

At 9:47 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The

motion passed 3-0. The Commission, Clerk, Counselor, and John Maloney attended the executive session.

At 9:57 AM the executive session ended. No action taken.

Herb Pemberton moved to approve a Cereal Malt Beverage License renewal for Timothy M. Schreckler, dba Linn County Speedway, Inc. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat monthly report for February 2007.

Herb Pemberton moved to approve and sign a KDWP Annual Operation and Maintenance Assurance Statement. Doug Barlet seconded the motion. The motion passed 3-0.

At 10:02 the Commission opened bids for the 1992 Ford pick up. The only bid received was: Larry Holt, \$801.00. Herb Pemberton moved to accept the bid from Larry Holt in the amount of \$801.00. Doug Barlet seconded the motion. The motion passed 3-0.

Marilyn Augur addressed the Commission concerning the Affirmative Action Plan. The proposed plan has no changes from last year's plan. Doug Barlet moved to approve the plan as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

Augur also addressed the Commission concerning the Building Rental Policy. Augur has had several people that are concerned about the \$65.00 deposit. The Clerk asked about entities that rent the building every month, would they need to write a check every month? The Commission also discussed changing the title of the document to show which buildings it covers. The Clerk asked if we would have to pay interest on the deposits if we cash the checks. Herb Pemberton asked if we have had problems with buildings not being cleaned. Augur stated that the site managers have had to clean the buildings several times.

At 10:33 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Leon Hester attended the executive session.

At 10:43 AM the executive session ended.

At 10:43 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:58 AM the executive session ended.

At 10:58 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

At 11:14 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:24 AM the executive session ended. No action taken.

Charles Kitchen addressed the Commission concerning a problem with Deputy Crafton at a scene on March 10, 2007. Mr. Kitchen feels he was not treated fairly by the Deputy. Mr. Kitchen stated that he had not done anything wrong, but Deputy Crafton threatened to arrest him. Sheriff Stites stated that there are misrepresentations on both sides of this issue and that he considers this issue to be closed. Gary Thompson explained that the ultimate control of the Deputies lies with the Sheriff, not the Commission.

Donna Thomas addressed the Commission concerning hiring a part time nurse. Thomas advertised for a part time RN for 2

weeks and would like to hire Vickie Brown from La Cygne. Herb Pemberton moved to hire Vickie Brown as a Part-Time RN at \$17.00 for approximately 16 hours per week and increase the salary to \$18.00 after 3 months. Doug Barlet seconded the motion. The motion passed 3-0.

Sheriff Stites informed the Commission that he is still waiting on Hobart to resolve the dishwasher issue. The trailers are being removed today.

At 11:47 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Sheriff Stites attended the executive session.

At 11:57 AM the executive session ended. As a result of the executive session, the Commission announced that they will take bids on the patrol car that is being replaced.

At 11:58 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, County Counselor, and Sheriff Stites attended the executive session.

At 12:13 PM the executive session ended.

At 12:13 PM Jim Ferrante moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

Fred Kautt stated that if rules are adopted for the Commission meetings, they should be published and posted for public inspection.

Doug Barlet announced that Leroy McConico and Scott Stainbrook's terms on the Fire Board expire next month.

At 12:28 PM Doug Barlet moved to recess from the Board of Commission meeting to reconvene as Fence Viewers at 1:30 PM at the Karen German property for the German/Clayton fence view. Herb Pemberton seconded the motion. The motion passed 3-0.

At 1:30 PM the Commission reconvened as fence viewers. Those present were: Jim Ferrante, Herb Pemberton, Doug Barlet, David Lamb, Gary Thompson, Karen German, Earlene Clayton, Deputy Striegel, and Frank Grosshart.

Counselor Gary Thompson explained what the Commission can do at a fence view. If there is an existing fence, the Commission can determine if it is a legal fence. If there is not an existing fence, the Commission can determine who is responsible for building a fence and/or maintaining the fence. The Commission then walked the property line between German and Clayton. The Counselor informed the parties that the Commission will make a written finding concerning who is responsible for which part of the proposed fence within the next couple of weeks. The Counselor also informed Ms. Clayton that she would also have the option of throwing her land open if she did not want to build a fence.

At 2:05 PM Herb Pemberton moved to recess from the Fence View and reconvene the Board of Commission meeting at 3:00 PM in the Commission Room in the Courthouse Annex to meet with Clanton Dubose, Owner of Emergystat. Doug Barlet seconded the motion. The motion passed 3-0.

At 3:00 PM the Board of Commission meeting reconvened.

Gary Thompson informed the Commission that the April 6th date for the Hospital Board meeting is Good Friday so we need to move the meeting to Friday, April 13th. Jim Ferrante moved to change the meeting to April 13th at 7:00 PM. Herb Pemberton seconded the motion. The motion passed 3-0.

Clanton Dubose and David Sweat met with the Commission to discuss the ambulance service. Mr. Dubose stated that his Finance Dept. has reviewed the operation and they are losing money, even with the new subsidy. Mr. Dubose provided

financial statements for the Commission to review. Mr. Dubose stated that it takes approximately \$25,000.00 per month per truck to staff their trucks. If the service is continued with 3 trucks, Emergystat would need an additional \$25,000.00 per month. If the service was reduced to 2 trucks, Emergystat would need an additional \$5,000.00 per month. The Commission asked Mr. Dubose for a printed listing of what would be required to keep the ambulance service in place. Mr. Dubose asked if the Commission wanted to keep the 3rd ambulance in place and compensate him for it or drop the 3rd ambulance? Herb Pemberton asked why we didn't have this information when we negotiated the contract? Mr. Dubose stated that it was a miscalculation on his part. Mr. Dubose stated that his company would not leave us without service if we do not have another service in place by the end of the 120 day notice period.

At 4:00 PM the Commission moved to the Zoning Office because the Commission room had already been scheduled for another meeting at that time.

Herb Pemberton asked how long it would take to get bids from other ambulance services? The last time we went out for bids it took approximately 4 months. Herb Pemberton also asked if we are going to run the ambulance services ourselves, how long would it take to get that set up. That is unknown at this time.

The Commission discussed taking bids versus running our own service. The Commission would like to look at both options. Jim Ferrante also stated that we could look at forming an alliance with another County.

Herb Pemberton moved to call a special meeting for Wednesday, March 28th at 9:00 AM to discuss the ambulance service. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that the backup power supply unit for the computer system burned out earlier today. The Clerk stated that we could purchase a new UPS (backup power supply) from Infnitec, Inc. for approximately \$1,500.00. Doug Barlet asked if the new UPS would work with the new computer system that we need to purchase by the end of the year. The Clerk checked and found out that it would work with the new system. Jim Ferrante moved to authorize the Clerk to purchase a new UPS from Infnitec, Inc. Doug Barlet seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Wednesday, March 28th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

Special Meeting March 28, 2007

The Board of Linn County Commission met in special session at 9:00 in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. However, due to the previously scheduled use of the meeting room, the special session was moved to the old courtroom upstairs in the Linn County Courthouse. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; Doug Barlet, Member and Jennie Carbon, Deputy County Clerk. Gary Thompson was absent.

Jim Ferrante opened the meeting at 9:10 AM and informed those present that the only subjects before the Commission today would be the discussion involving the ambulance service in Linn County. Ferrante also read his notes and suggestions on advertising for bids for ambulance service or the county running an ambulance service. The consensus of the commission is to advertise for someone else to run the ambulance service. Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2659
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Doug Barlet
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 9:00 AM on Wednesday, March 28, 2007 in the Linn County Courthouse Annex, Mound City, KS 66056. The Commission will meet in the Courthouse Annex, but will need to move to another location because of an Election School that was already scheduled in the Courthouse Annex at 10:00 AM. The special meeting has been called to discuss the ambulance service in the County and to take any necessary action concerning the ambulance service.

DA TED this 27th day of March, 2007.
[Signature]
David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk Kristy Schmitz, Register of Deeds John Maloney, Nowous Weid
Carmen Self, County Treasurer Gary Thompson, County Counselor Dennis Arnold, Economic Development
John Samardski, County Attorney Steven Thompson, County Appraiser David Yates, Rural Fire Emerg. Mgr.
Marvin Stees, Sheriff Martyn Augut, Nutrition / Transportation Andy Mayhugh, Zoning & Sanitation

David Yates, Rural Fire Coordinator, outlined his departments roll whenever they are called by sheriff dispatch to the scene of an accident along with the ambulance.

David Sweat, Emergystat, answered questions about service and vehicles for the commission and also volunteered his assistance during the transaction 120 day period.

The Commission updated a request for bids which was used 3 years ago to reflect various additions and corrections. The request for bids notice will be published for 2 consecutive weeks in various newspapers and posted on several websites. Date of publication and publication sites will be determined after the County Counselor has reviewed the request for bids.

At 11:05, Herb Pemberton moved to adjourn the special meeting. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

April 2, 2007

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

Herb Pemberton moved to approve the minutes of the last regular meeting and the March 28th special meeting as printed. Doug Barlet seconded the motion. The motion passed 3-0.

John Black informed the Commission that he needs to purchase 2 back hoe tires from Cross Midwest for \$513.70 each. Doug Barlet moved to approve the purchase of 2 tires for \$513.70 each. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney asked to hire Dan Black as temporary help for the Noxious Weed Dept. at \$8.00 per hour. Herb Pemberton moved to hire Dan Black as a Temporary Noxious Weed employee at \$8.00 per hour. Doug Barlet seconded the motion. The motion passed 3-0.

Harry Wisdom asked if the Commission wanted to put the surplus trucks in the auction or take bids? The Commission agreed to put the trucks in the auction.

David Yates discussed Emergency Preparedness with the Commission. Yates stated that we need to have a job description that covers the position of Emergency Management Director. Yates also stated that the Commission needs to designate an Alternate Emergency Management Director. Yates also discussed the need for a Certified Emergency Manager. Bourbon County has offered assistance if we need it. Herb Pemberton asked about Homeland Security money. Yates stated that there is \$29,000.00 available for Linn County this year. Yates suggested using the money for communications in order to benefit the whole County. 15% of the money must also benefit EMS. Yates is checking into free tower space for repeaters. Yates also discussed upgrading the emergency response van.

Les Richardson, Chairman of Linn County Republican Central Committee, addressed the Commission concerning the charges for using Bunker Hill for meetings. The Commission explained that the charge for the building is not going up, the County is just adding a \$65.00 deposit.

Marilyn Augur presented a proposed change to the Building Rental Policy concerning use by non-profit organizations. Jim Ferrante suggested having organizations that use the buildings on a regular basis write an undated check that we could hold for their deposit. Ruth McGrew asked about holding the deposit checks, should a new check be written each year? Doug Barlet stated that we could work that out with the parties renting the buildings.

Charlie Rowe addressed the Commission representing the City of Pleasanton. Rowe asked if the Commission had any information concerning the road at the Pleasanton compactor site. John Byington stated that a 2" overlay would cost approximately \$10,560.00. Doug Barlet asked what it would cost to chip and seal the road? The Commission discussed options and other projects that the Road Dept. has this year. Herb Pemberton asked Rowe to go back to the City Council to discuss what the City could contribute to the project. Doug Barlet asked Black, Byington, and Rowe to meet him at the compactor site at 2:30 today to look at options.

Andy Mayhugh presented CUP #0107320 (Baucom) for a burn site. The Planning Commission recommended approval by a 6-0 vote with the following findings: 1) The proposed use fits the character of the neighborhood, 2) The proposed use is similar to Ag. Uses nearby, and 3) The property is suitable for the proposed use; and the following conditions: 1) The CUP shall remain valid for a period not to exceed three years from the date of issuance, 2) The burn area shall be used for tress, brush and associated tree service debris which originate from Baucom Tree Service only, 3) The burn area shall maintain a permit from the Kansas Dept. of Health & Environment for its operation and shall meet any and all requirements of any state or federal office responsible for such activities, 4) Prior to burning, notice shall be given to the Linn County Rural Fire Coordinator and shall be operated in conformance with his requirements, 5) The property shall be locked and gated to prevent entry and deposit of non-permitted materials, 6) The property shall be made available for inspection by Linn County officials at any reasonable time, and 7) No burning shall be permitted when the wind is or is proposed to be from an Easterly direction. After discussing the conditions and findings, the Commission added the finding that it promotes the public health, safety, and welfare because a place for burning these materials is needed in Linn County and it is not desirable to burn in residential areas. Jim Ferrante moved to adopt the findings of the Planning Commission and the added finding, issue CUP #0107320 subject to the listed conditions, and adopt Resolution #07-14. Herb Pemberton seconded the motion. The motion passed 3-0.

Mayhugh then presented CUP #0207321 (Wright) for a retail sales store for animal supplies and hunting related items. The Planning Commission recommended approval by a 6-0 vote with the following findings: 1) The proposed use conforms with the goals of the Linn County Comprehensive Plan, 2) The proposed use will not detrimentally affect adjoining properties, 3) The property is suitable for the proposed use, and 4) The proposed use conforms with what will be the future development trend of this "Major Intersection"; and the following conditions: 1) This CUP shall remain valid for a period not to exceed five years, 2) Items associated with this use shall not be stored where they can be seen from US 69 right of way, 3) Parking areas, as shown on the Conceptual Plan, shall be covered with an all weather surface, and 4) Signage shall conform with the requirements of the Kansas Dept. of Transportation. After discussing the conditions and findings, Jim Ferrante moved to adopt the findings of the Planning Commission, issue CUP #0207321, and adopt Resolution #07-15. Doug Barlet seconded the motion. The motion passed 3-0.

Mayhugh then presented Zoning Case #Z0207189 (Nation). The Planning Commission recommended approval by a 6-0 vote with the following findings: 1) The proposed change will not detrimentally impact nearby properties, 2) The proposed change is in conformance with the adopted Comprehensive Land Use Plan, and 3) The proposed change is in keeping with the character of the neighborhood. After discussing the findings, Jim Ferrante moved to adopt the findings of the Planning Commission, approve the Zoning change, and adopt Resolution #07-16. Herb Pemberton seconded the motion. The motion passed 3-0.

Mayhugh then presented Zoning Case #Z0207190 (Stahl). The Planning Commission recommended approval by a 6-0 vote with the following findings: 1) The proposed change fits the character of the neighborhood, 2) Allowing the change keeps more land in one large agricultural tract, 3) The proposed change conforms to the Comprehensive Plan, 4) The proposed change conforms to the zoning and uses nearby, and 5) The proposed change will not detrimentally affect adjoining property. After discussing the findings, Herb Pemberton moved to adopt the findings of the Planning Commission, approve the Zoning change, and adopt Resolution #07-17. Jim Ferrante seconded the motion. The motion passed 3-0. Following are copies of Resolutions #07-14, 07-15, 07-16, and 07-17:

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 07-14
A RESOLUTION APPROVING CONDITIONAL USE PERMIT # 0107320(Baucum)
TO PERMIT THE OPERATION OF A STATE APPROVED PRIVATE BURN AREA
IN THE AGRICULTURAL ZONE

WHEREAS, Linn County, Kansas is a county municipal government with the authority to adopt zoning regulations and create zoning district boundaries as provided in K.S.A. 12-753; and
WHEREAS, Linn County did adopt countywide zoning regulations on June 22, 1981; and
WHEREAS, the Linn County Planning Commission did, on February 21st, 2007, publish a notice of a public hearing to consider Conditional Use Permit #0107320 pursuant to K.S.A. 12-757(b); and
WHEREAS, the Linn County Planning Commission did hold a public hearing on March 13th, 2007 to consider said Conditional Use Permit for the operation of said State Approved Private Burn Area in the Agricultural Zone on property described in Section 1; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimonies did, by 6-0 vote, recommend approval of said Conditional Use Permit based on certain findings and subject to certain conditions;
THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Linn County, after review of the findings and recommendation of the Planning Commission together with all public comment finds to affirm the findings of the Planning Commission and issue said Conditional Use Permit as follows:

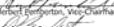
SECTION 1: Conditional Use Permit #0107320 is hereby issued on the following described property:
NW ¼ of NW ¼ Section 25, Township 22, Range 24, Linn County, Kansas

SECTION 2: Conditional Use Permit #0107320(Baucum) is issued for the property subject to the following conditions:

1. This Conditional Use Permit shall remain valid for a period not to exceed three (3) years from the date of issuance.
2. The burn area shall be used for trees, brush and associated tree service debris which originate from Baucum Tree Service only.
3. The burn area shall maintain a permit from the Kansas Department of Health and Environment for its operation and shall meet any and all requirements of any other state or federal office responsible for such activities.
4. Prior to burning, notice shall be given to the Linn County Rural Fire Coordinator and shall be operated in conformance with his requirements.
5. The property shall be locked and gated to prevent entry and deposit of non-permitted materials.
6. The property shall be made available for inspection by Linn County officials at any reasonable time.
7. No burning shall be permitted when the wind is or is proposed to be from an Easterly direction.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 2nd day of April, 2007.


Attest:
David Lamb - Clerk


Jim Ferrante, Chairman

Herbert Pemberton, Vice-Chairman

Doug Barlet, Member

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 07-15

A RESOLUTION APPROVING CONDITIONAL USE PERMIT # 0207321(Wright)
TO PERMIT THE OPERATION OF RETAIL SALES OF ANIMAL SUPPLIES AND
HUNTING RELATED ITEMS IN THE AGRICULTURAL ZONE

WHEREAS, Linn County, Kansas is a county municipal government with the authority to adopt zoning regulations and create zoning district boundaries as provided in K.S.A. 12-753; and
WHEREAS, Linn County did adopt countywide zoning regulations on June 22, 1981; and
WHEREAS, the Linn County Planning Commission did, on February 21st, 2007, publish a notice of a public hearing to consider Conditional Use Permit #0207321 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on March 13th, 2007 to consider said Conditional Use Permit for the operation of said Retail Sales of Animal Supplies and Hunting Related Items in the Agricultural Zone on property described in Section 1; and

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

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

SECTION 1: Conditional Use Permit #0207321 is hereby issued on the following described property:

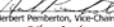
All that part of the W. ½ of the SE ¼ lying E. of US 69 Highway in Section 18, Township 18, Range 25, Linn County, Kansas, containing 25.5 acres.

SECTION 2: Conditional Use Permit #0207321(Wright) is issued for the property subject to the following conditions:

1. This Conditional Use Permit shall remain valid for a period not to exceed five (5) years from date of issuance.
2. Items associated with this use shall not be stored where they can be seen from the U.S. 69 Right of Way.
3. Parking areas, as shown on the Conceptual Plan, shall be covered with an all weather surface.
4. Signage shall conform with the requirements of the Kansas Department of Transportation.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 2nd day of April, 2007.


Attest:
David Lamb - Clerk


Jim Ferrante, Chairman

Herbert Pemberton, Vice-Chairman

Doug Barlet, Member

RESOLUTION 07-16

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 did on March 13th, 2007, hold a public hearing on Case 20207189 (Naton), said case being duly published on February 21st, 2007 in the Official County Newspaper; and after consideration of the application and the adopted Linn County Comprehensive Land Use Plan, recommended approval of the application to the Linn County Commissioners by a vote of 6-0, finding that:

1. The proposed change will not detrimentally impact nearby properties.
2. The proposed change is in conformance with the adopted Comprehensive Land Use Plan, and
3. The proposed change is in keeping with the character of the neighborhood.

WHEREAS, on the 2nd day of April, 2007, Case 20207189 was heard before the Board of County Commissioners, Linn County, Kansas, proposed for property 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 findings of the Planning Commission, the issues presented and the Comprehensive Land Use Plan of Linn County, Kansas, it is the desire of the Commissioners of Linn County, Kansas, to affirm the findings of the Linn County Planning Commission and 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.

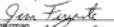
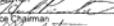
THEREFORE, be it resolved by the Board of County Commissioners of Linn County, Kansas, that the zoning classification of the following described real estate:

Commencing at the NW Corner of the SW ¼ of Section 2, Township 21, Range 23, Linn County, Kansas, thence N 89 deg. 42' 59" East 1328.56 feet along the N line of said quarter section to the point of beginning, thence continuing N 89 deg. 42' 59" E 289.90 feet along the N line of said quarter section to a point on the W right of way line of Ks. Highway 7, thence S 9 deg. 39' 08" E 580.94 feet along said right of way line, thence S 89 deg. 20' 52" W 289.89 feet, thence N 0 deg. 39' 08" W 582.81 feet to the point of beginning. Subject to any part thereof in roads and containing 3.87 acres.

Shall be and is hereby changed to the classification of: **AR - Agriculture/Residential**

This resolution was passed and approved by the Board of County Commissioners of Linn County, Kansas, by a majority vote of same on this 2nd day of April, 2007, and shall become effective upon publication in the Official County Newspaper.


Attest:
David Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Chairman

Vice-Chairman

Member

RESOLUTION 07-17

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. 12-759, the Linn County Planning Commission did on March 13th, 2007, hold a public hearing on Case 20207190 (Stahn), said case being duly published on February 21st, 2007 in the Official County Newspaper; and after consideration of the application and the adopted Linn County Comprehensive Land Use Plan, recommended approval of the application to the Linn County Commissioners by a vote of 6-0, finding that:

1. The proposed change fits the character of the neighborhood.
2. Allowing the change keeps more land in one large agricultural tract.
3. The proposed change conforms to the Comprehensive Plan.
4. The proposed change conforms to the zoning and uses nearby, and
5. The proposed change will not detrimentally affect nearby properties.

WHEREAS, on the 2nd day of April, 2007, Case 20207190 was heard before the Board of County Commissioners, Linn County, Kansas, proposed for property 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 findings of the Planning Commission, the issues presented and the Comprehensive Land Use Plan of Linn County, Kansas, it is the desire of the Commissioners of Linn County, Kansas, to affirm the findings of the Linn County Planning Commission and 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:

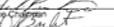
Three (3) acres in square form located in the NE corner of the NW ¼ of Section 14, Township 20, Range 22, Linn County, Kansas.

Shall be and is hereby changed to the classification of: **AR - Agriculture/Residential**

This resolution was passed and approved by the Board of County Commissioners of Linn County, Kansas, by a majority vote of same on this 2nd day of April, 2007 and shall become official upon publication in the Official County Newspaper.


Attest:
David Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Chairman

Vice-Chairman

Member

Judge Richard Smith addressed the Commission concerning electronic monitoring of prisoners. Judge Smith presented information on criminal cases filed, jail population, and problems with the current electronic monitoring equipment. Judge Smith recommends that we would need a system with alcohol monitoring if we are going to use electronic monitoring. The primary concern for Judges is public safety. Candidates for house arrest are non-violent offenders that need some monitoring. Judge Smith suggests having a meeting with all the Judges that hear criminal cases in Linn County before entering into a contract for electronic monitoring equipment. Judge Smith also stated that the Judge cannot put someone on house arrest without a motion from one of the parties involved.

At 11:15 AM Herb Pemberton moved to take a 10 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

At 11:28 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Reg. of Deeds Kristy Schmitz attended the executive session.

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

John Woodrich, President and CEO of Mercy Health System of Kansas asked the Commission for an executive session to discuss trade secrets. At 11:40 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session to discuss trade secrets of a corporation for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Woodrich attended the executive session.

At 11:50 AM the executive session ended.

At 11:51 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

At 11:58 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

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

Jim Ferrante moved to approve the following pays/special pays: General, \$88,734.40; Employee Benefit, \$57,883.04; Appraiser, \$9,416.84; Rural Fire, \$10,020.40; Road & Bridge, \$50,729.10; Crime Victim Assistance, \$856.98; Elderly, \$9,019.19; and Zoning LEPP Grant, \$216.67. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following add/abate/refund orders: 2006-198 and 2006-206 thru 209. Jim Ferrante seconded the motion. The motion passed 3-0.

The Clerk presented Resolution #07-13, declaring the Ford F-150 from the Park as surplus property. Jim Ferrante moved to approve Resolution #07-13. Doug Barlet seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-13:



Herb Pemberton moved to appoint Cheyenne Beisiegel to fill the vacancy left by Robert Stocking on the Tri-Ko, Inc. board. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to appoint Doug Lloyd to the Fire Board to replace Scott Stainbrook (Stainbrook's term has expired). Doug Barlet seconded the motion. The motion passed 3-0.

The Commission discussed the specs. for the ambulance bids. Doug Barlet suggested staffing all ambulances with a paramedic. The Commission agreed with the idea. Gary Thompson also suggested adding a statement about reserving the right to reject bids. Doug Barlet moved to send out the request for bids as soon as possible with the suggested changes. Herb Pemberton seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Lot Split Application #07-208 requested by Dan & Keri Purinton located at K31 Highway and Ingrahm Road. Herb Pemberton moved to accept the grant of easement and approve the Lot Split as requested. Doug Barlet seconded the motion. The motion passed 3-0.

Mayhugh also presented Lot Split Application #07-207 requested by Myrl & Jill Nation located at Paine Road and 1150 Road. Jim Ferrante moved to accept the grant of easement, approve the Lot Split as requested, and approve Boundary Line Adjustment #07-02. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to appoint Darick Chapman to the Planning Commission/Board of Zoning Appeals. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission then reviewed the proposed Agenda Rules. The Commission discussed changes to the sample rules. The Clerk will make changes and bring to next week's meeting.

The Chairman asked for comments from the public. Steve Riley stated that he heard that the Parker Ambulance took a long time to respond to a call in Parker because they were in La Cygne eating lunch. Riley also informed the Commission that Mr. Kitchen has contacted the Attorney General concerning the altercation with a Deputy and may sue the Sheriff's Dept. Riley stated that Kitchen just wanted an apology when he came to last week's meeting.

Fred Kautt commented on the bridges on CR 1077. Kautt stated that the 2 bridges need to be replaced. These 2 bridges service a lot of heavy traffic through the County. Kautt suggested hiring a structural engineering company to review the bridges. Herb Pemberton stated that the bridges are inspected every 2 years.

At 1:08 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 1:13 PM the executive session ended. No action taken.

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

Commission Chair

Attest:

County Clerk

April 9, 2007

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

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

Bruce Holt asked the Commission to hire the following temporary employees for the Park: Patsy Rhynerson, 15 hrs. per week starting Apr. 12th; Josh Jordan, 30 hrs. per week starting May 19th; and Jean Ruse, 28 hrs. per week starting May 18th at \$6.89 per hour. Herb Pemberton moved to hire all three employees as requested. Doug Barlet seconded the motion. The motion passed 3-0.

Holt also asked for permission to order approximately \$1,000.00 worth of paint to patch the pool at the Park. Herb Pemberton moved to allow Holt to purchase the paint for up to \$1,200.00. Doug Barlet seconded the motion. The motion passed 3-0.

John Black asked for permission to hire Mike Vrban as an Equipment Operator to fill the vacancy in Dist. #2. Doug Barlet moved to hire Mike Vrban as an Equipment Operator at \$10.19 per hour (Range 4, Step A). Herb Pemberton seconded the motion. The motion passed 3-0. Vrban will take a pre-employment physical/drug test and will be on standard 6 month probation.

David Yates asked for permission to repair a yard across the street from a fire that was damaged by a fire truck. The Commission agreed. Yates is also looking at sites for radio repeaters around the County. Yates has one estimate from Conrad Fire for repairing Truck 934 that was damaged by the tornado. Conrad's estimate is \$22,400.00. Yates also met with a Red Cross representative. Red Cross would provide CPR training for our department and they are also looking for volunteers for their services. Red Cross may waive the training fees if we can provide names for possible volunteers.

Andy Mayhugh presented Lot Split Application #07-209 requested by Melvin Nation. Herb Pemberton moved to approve Lot Split #07-209 as presented and to accept the accompanying grant of easement. Doug Barlet seconded the motion. The motion passed 3-0.

Larry Robinson discussed a request from KDOT concerning maintaining right of ways. Gary Thompson and Larry Robinson have reviewed the request and do not believe that it would be in the County's best interest to sign the agreement.

Marilyn Augur asked the Commission to hire Susan Purdy as a Site Manager (part-time) at Mound City at \$7.44 per hour. Herb Pemberton moved to approve hiring Susan Purdy as a Site Manager as requested. Doug Barlet seconded the motion. The motion passed 3-0.

Dennis Arnold addressed the Commission concerning grants for the runway at Gilmore Airport. FAA Grants would require the airport to be a NPIAS airport. KDOT Aviation Division informed Arnold that The Kansas Airport Improvement Program can provide up to \$1 million (90% grant) for new primary surfaces and up to \$500,000 for other improvements. Arnold recommends building a new runway at another location. David Yates and David Sweat discussed using an airport as a central landing zone for air ambulance. The Commission agreed to have Arnold check into possible locations and proposals. Arnold is also checking into grants for ambulance service.

John Byington discussed the compactor road at the Pleasanton compactor site. Byington recommends repairing the existing surface and then applying a 2" hot mix overlay. The hot mix would cost approximately \$10,168.00. The City of Pleasanton would agree to share the cost of the hot mix. It would be possible to reduce the overlay to 1 1/2", reducing the cost to \$7,786.00. In the past we have assisted the Cities, but the Cities have paid the material costs. Byington suggested asking the City to pay the \$7,786.00 cost of the 1 1/2" overlay and having the County supply the labor.

Byington also asked to hire Jim Hendrix as a temporary employee for mowing and chip & seal projects at \$8.50 per hour. Jim Ferrante moved to hire Hendrix as requested. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission reviewed the proposed agenda rules and agenda format. Gary Thompson will review the proposed rules and report to the Commission next week.

Jim Ferrante moved to cancel the contract with BI Inc. for electronic monitoring devices. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$151,220.47; Appraiser, \$1,263.62; Rural Fire, \$8,929.15; Road & Bridge, \$102,942.52; 911 Telephone Tax, \$2,376.55; Spl. Fire Equip. Replacement, \$195.00; and Elderly, \$14,095.10. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for March 2007.

The Clerk presented Township Annual Report for Centerville Township. Herb Pemberton moved to accept the Township Annual Report as presented. Jim Ferrante seconded the motion. The motion passed 3-0.

David Sweat informed the Commission that Clanton Dubose instructed him to shut down the Parker ambulance Sunday morning. That truck is no longer in service. Sweat advised the Commission to call Mr. Dubose and discuss it with him.

At 10:24 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:34 AM the executive session ended.

At 10:34 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:44 AM the executive session ended. No action taken.

At 10:45 AM Herb Pemberton moved to take a 10 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

Doug Barlet moved to allow Gary Thompson to send a letter to Emergystat advising them that we feel that they are in breach of contract. Herb Pemberton seconded the motion. The motion passed 3-0.

Darren Lawrenz, Olathe Health System asked the Commission to set up a special meeting to discuss plans for the clinics. Lawrenz suggested either Apr. 30th or May 14th. Jim Ferrante moved to schedule the meeting with Olathe Health System at 1:00 PM on April 30, 2007. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:00 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Reg. of Deeds Kristy Schmitz attended the executive session.

At 11:10 AM the executive session ended.

At 11:10 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:15 AM the executive session ended. No action taken.

At 11:17 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 11:37 AM the executive session ended.

At 11:38 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:53 AM the executive session ended.

At 11:55 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:05 PM the executive session ended. No action taken.

Doug Barlet moved to accept the Fence View Findings as presented by the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to allow the Chairman to sign the CDGB paperwork for the Fire Dept. tankers. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to enter into the release with United Wholesale and allow the Chairman to sign the Release of Contract for Deed and file the Quit Claim Deed. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to accept the Dedication and Development Agreement and dedication of right of way with 1st Colony, LLC. for the road into the new Public Wholesale Water Supply District #13 lake. Doug Barlet seconded the motion. The motion passed 3-0.

The Chairman asked for public comments. Mary Grosshart informed the Commission that she has been appointed as the Silver Haired Legislator for Linn County.

At 12:19 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 12:24 PM the executive session ended. No action taken.

At 12:26 PM Herb Pemberton moved to break for 25 minutes for lunch. Doug Barlet seconded the motion. The motion passed 3-0.

The Board of Commission meeting reconvened at 12:52 PM.

At 12:53 PM Herb Pemberton moved to adjourn the Board of Commission meeting and reconvene as the Board of Canvassers. Doug Barlet seconded the motion. The motion passed 3-0.

Deputy Election Officer Dee George read the County machine print out results as the Board of Canvassers compared the results to the Abstract Book. George then read the write in results as the Board of Canvassers compared the results to the Abstract Book and the Tally Books.

The Board of Canvassers then reviewed the 23 Provisional Ballots. Herb Pemberton moved to accept the recommendation of the Election Officer to not count 9 provisional ballots, to check the envelope for an affidavit of assistance on one ballot, and to count the remaining 13 provisional ballots. Jim Ferrante seconded the motion. The motion passed 3-0.

At 1:26 PM the Board of Canvassers went to the Courthouse to run the provisional ballots through the ballot scanner, after which the Board of Canvassers certified the total election results. The ballot envelope in question did not contain an affidavit of assistance and that ballot was not counted.

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

Commission Chair

Attest:

County Clerk

April 16, 2007

The Board of Linn County Commission met in regular session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jim Ferrante, Chairman; Doug Barlet, Member; John Copple, Deputy County Clerk; and Gary Thompson, County Counselor.

Doug Barlet moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 2-0.

Herb Pemberton, Vice Chairman, joined the meeting at 9:05 a.m.

Doug Barlet moved to approve the following pays/special pays: General, \$95,142.61; Employee Benefit, \$44,679.53; Appraiser, \$9,608.56; Rural Fire, \$2,193.01; Road and Bridge, \$32,183.09; Crime Victim Assistance, \$856.98; Elderly, \$8,733.26; and Zoning LEPP Grant \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to approve a special pay for the purchase of a Sheriff's Department pickup truck in the amount of \$26,934. Herb Pemberton seconded the motion. The motion passed 3-0.

Bids were opened for the sale of scrap metal for recycling. One bid was received from Wes' Recycling in the amount of \$13,241. The commission and counselor verified that the bid met specifications. Herb Pemberton moved to accept the bid. Doug Barlet seconded the motion. The motion passed 3-0.

Joe Maloney presented a bill in the amount of \$5,200 from Terracon for additional design work at the Solid Waste site near Prescott. Jim Ferrante moved to allow the commission chairman to sign the contract and to approve payment of the bill after the County Clerk verifies that the charges were not previously paid and that Terracon does not plan to submit any additional charges for the project. Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney reported that Yoho picked up approximately 250 tires for disposal. Yoho will submit a bill to the county.

Joe Maloney reported that he had purchased a replacement tank for waste oil for \$700.

Joe Maloney reported that two Solid Waste employees will attend a Household Hazardous Waste meeting next week.

Larry Robinson presented a Kansas Wireless Enhanced 911 grant (project 07-e911-19) quarterly report. Herb Pemberton moved to authorize the commission chairman to sign the report. Doug Barlet seconded the motion. The motion passed 3-0.

Larry Robinson suggested that the commission reconsider its use of Dan Harden as a contracted engineer. Robinson said that plans submitted by Harden are not complete and not effective, and that bills from Harden are for services that Robinson does not believe were authorized by the commission. Gary Thompson said that apparently one commissioner had requested information from Harden and that Harden apparently took that request to have been authorized by the commission.

The commission reviewed a request from Dan Harden to appear for a Due Diligence Review on the 1700 Road project. The commission directed the County Clerk to schedule Harden for the May 7, 2007 meeting, if Harden is available for that date.

Dennis Arnold told the commission that he received requests to fund 18 jobs through the Youth Employment Grant program. The requests have been reviewed by the Economic Development Committee. The committee recommended funding 15 positions. Herb Pemberton moved to approve funding 15 positions for the summer. Doug Barlet seconded the motion. The motion passed 3-0.

Dennis Arnold reported that he will meet this week with Kansas Department of Transportation representatives regarding grant funding for an airport.

Dennis Arnold requested that the commission schedule a special meeting with the Economic Development Committee. Jim Ferrante moved to schedule a special meeting of the commission at 4:00 p.m. Thursday, April 19, 2007 in the Courthouse Annex for the purpose of discussing trade secrets of a company, that the discussion will be conducted in executive session, and that no action will be taken in the meeting. Doug Barlet seconded the motion. The motion passed 3-0.

At 9:46 a.m. Doug Barlet moved to recess into executive session for 10 minutes to discuss personnel matters issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The commission, counselor, deputy county clerk and Register of Deeds Kristy Schmitz attended the session.

At 10:46 a.m. the executive session ended.

As a result of the executive session, Herb Pemberton moved to change Linda Pinneo's employment status from part time to temporary full time in the Register of Deeds office at the rate of \$9.07 per hour, effective immediately. Jim Ferrante seconded the motion. The motion passed 3-0.

Alice Widner requested that the county's Public Transportation Van be provided one or two days per month for senior citizens' tours of the county's historic sites. The commission suggested that Widner talk with Marilyn Augur to work out details.

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

Jim Ferrante moved to approve the Commission Scheduled Meetings and Attendance Protocol as revised. Herb Pemberton seconded the motion. The motion passed 3-0. The commission directed the County Clerk to post a copy of the protocol document on bulletin boards in the Courthouse and Courthouse Annex.

Gary Thompson presented Resolution 07-18 establishing Library District #5. Jim Ferrante moved to approve the resolution. Doug Barlet seconded the motion. The motion passed 3-0. Following is a copy of Resolution 07-18.

RESOLUTION NO. 07-18

A RESOLUTION OF THE GOVERNING BODY OF LINN COUNTY, KANSAS
 ESTABLISHING LINN COUNTY LIBRARY DISTRICT NO. 3 PURSUANT TO K.S.A. 12-1236 ET SEQ.

WHEREAS, having received a petition pursuant to K.S.A. 12-1236 containing sufficient verified signatures of the qualified electors of the City of Pleasanton, North Potosi Township and South Potosi Township in Linn County, and

WHEREAS, having reviewed said petition and determined that the petition was sufficient, regular and in due form as provided by statute, and

WHEREAS, having thereafter called for an election on the question raised by the petition, and

WHEREAS, having thereafter canvassed the results of said election and having found that a majority of the votes cast were in favor of the question,

IT IS THEREFORE HEREBY RESOLVED by the Board of Commissioners of Linn County, Kansas, pursuant to K.S.A. 12-1236, et seq., that the Linn County Library District Number 3, Linn County, Kansas, is established.

PASSED THIS 16TH DAY OF APRIL, 2007.

Jim Ferrante
 JIM FERRANTE, CHAIRMAN

ATTEST:
Herb Pemberton
 COUNTY CLERK



Jim Ferrante moved to authorize Marty Reed to conduct an auction of surplus property at 5:00 p.m. May 11 at the Linn County Fairgrounds with advertising to be paid for by Linn County and placed in the Linn County News, the Osawatomie Graphic, the Butler Exchanger and the Fort Scott Countryside. The county will pay a fee of \$25 for advertising on the auctioneer's web site. The auctioneer will be paid a fee of 10% of auction proceeds. The County Clerk will provide clerk and office staff for the auction. The county will pay for printed advertising handbills. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:26 a.m. Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Doug Barlet reported that he had learned that Emergystat had remanned the Parker ambulance on Sunday. Barlet said he had conversation with Emergystate local director David Sweat regarding the matter. Sweat said he had been directed to restaff the ambulance and to keep all three stations manned through the remainder of Emergystat's contract with Linn County.

During Public Comments, Ed Self reported road signs that were down in three locations.

Donna Thomas, Linn County Health Department, presented a Regional Bioterrorism Service Agreement for the Kansas City Region. Herb Pemberton moved to authorize the commission chairman to sign the agreement. Doug Barlet seconded the motion. The motion passed 3-0.

John Cople, System Administrator, presented a written technology assessment prepared by Infinitec. Cople asked the commission to review the document in preparation for Infinitec's formal presentation to the commission on April 23.

At 11:10 a.m. Doug Barlet moved to recess into executive session for 5 minutes to discuss personnel matters issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The commission and counselor attended the session.

At 11:15 a.m. the executive session ended.

At 11:15 a.m. Jim Ferrante moved to extend the above executive session for five minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended the session.

At 11:20 a.m. the executive session ended. No action was taken.

At 11:20 a.m. Jim Ferrante moved to recess into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The commission and counselor attended the session.

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

Herb Pemberton moved to appoint Rod Benson to the County Fire Board. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:36 a.m. Herb Pemberton moved to adjourn until the special meeting at 4:00 p.m. April 19. Doug Barlet seconded the motion. The motion passed 3-0.

 Commission Chair

Attest:

 County Clerk

April 23, 2007

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

Doug Barlet moved to approve the minutes of the last regular meeting as printed and to approve the following add/abate/refund orders: 2006-210 and 2006-211. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat monthly report for March 2007.

Doug Barlet moved to allow the Chairman to sign the Real Estate Lease with Charles Lindell for the 22.9 acres of farm ground. Herb Pemberton seconded the motion. The motion passed 3-0.

David Yates addressed the Commission concerning consolidating Emergency Management with another County. If the Commission chooses this option, it would be done by resolution, and would effectively eliminate the Emergency Management position in Linn County.

Yates also informed the Commission that the Centerville tanker is being repaired by Lowe Autobody in Prescott. It should be ready in two to three weeks.

Yates asked the Commission to hire Jason Matthews as a Firefighter at Station 950. Herb Pemberton moved to hire Matthews if he has completed all the requirements for employment. Doug Barlet seconded the motion. The motion passed 3-0.

Yates met with Washington Electronics about locations for repeaters on two towers in the County. The two towers would give us approximately 90% coverage in the County. Linn Valley is also working on a tower that we may be able to use that could give us 100% coverage.

Yates also discussed radios for the La Cygne Police Dept. Yates does have some surplus radios in stock. Yates will contact the La Cygne Police Chief about programming the radios. The Commission agreed that we could loan the radios to La Cygne.

May 31st to June 2nd there is a Fire School in Labette County. The classes cost \$20.00 per day. The Commission agreed to allow Firefighters to attend the training.

Yates asked if the Commission wanted to take bids for getting utilities into the La Cygne Fire Station. The Commission agreed to take bids for the utilities.

At 9:37 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, County Counselor, and David Yates attended the executive session.

At 9:47 AM the executive session ended.

At 9:47 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

Marilyn Augur informed the Commission that she talked to the Auditor and to Gary Thompson about the deposit fees for renting buildings from groups that use the buildings each month. The Auditor suggested signing an agreement with those entities instead of a deposit. Gary Thompson suggested cashing the deposit checks from those entities and then writing them a check to refund the deposit when they discontinue the use of the building.

Augur also informed the Commission that she will be in Pittsburg for a Transit Meeting tomorrow.

Jerry Bedgood asked the Commission for permission to take bids for the heating and air conditioning for the County Attorney building. The Commission agreed to take bids for the project.

County Treasurer Carmen Self presented the Interest Report for the 1st Quarter of 2007 and the Delinquent Tax Report. 2007 YTD Interest (1st quarter) was \$108,248.24. Last year's 1st quarter interest was \$74,438.57. Delinquent Real Estate Taxes as of 3/31/07 were \$367,542.41. Delinquent Personal Property Taxes as of 3/31/07 were \$73,038.03.

Don George, KDWP addressed the Commission concerning the Critzer Lake grant review and application. George stated that the County would be more likely to receive the grant if we apply for a 50/50 grant than if we apply for a 75/25 grant. Doug Barlet moved to allow Don George to pursue this grant application for a 50/50 grant and to allow the Chairman to sign the grant application. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:24 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:33 AM Jessee Spears entered the executive session.

At 10:39 AM the executive session ended.

At 10:39 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people, including Spears, attended this portion of the executive session.

At 10:49 AM the executive session ended.

At 10:49 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:59 AM the executive session ended.

At 11:01 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended this portion of the executive session.

At 11:08 AM Jessee Spears returned to the executive session.

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

At 11:11 AM Doug Barlet moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Bill Van Kirk, 6th Judicial District Community Corrections Director, addressed the Commission concerning an amendment to the KDOC 3 Year Comprehensive Plan. Herb Pemberton moved to approve and allow the Chairman to sign the KDOC 3-Year Comprehensive Plan Amendment for Fiscal Years 2008 and 2009 as presented. Doug Barlet seconded the motion. The motion passed 3-0.

Van Kirk also informed the Commission that he needs 2 appointments from the Commission for the Community Corrections Board. Vera Williamson would like to continue in her position on the board. Jim Ferrante moved to reappoint Vera Williamson to the Community Corrections Board. Doug Barlet seconded the motion. The motion passed 3-0. Herb Pemberton moved to appoint Jim Ferrante to the Community Corrections Board. Doug Barlet seconded the motion. The motion passed 3-0.

The Chairman asked for public comment. None was given at this time.

At 11:33 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Counselor, and Larry Robinson attended the executive session.

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

Joe Maloney presented a proposal from Terracon for Industrial Storm Water Pollution Prevention Services. The Commission will review the proposal. Maloney also informed the Commission that someone was seen taking cans from the recycling area at Linn Valley. Gary Thompson will discuss the issue with the Linn Valley Police Chief.

Gary Thompson presented a letter from Sheriff Stites concerning the dishwasher at the jail. Gary Thompson also informed the Commission that we need to set a hearing for assessing the cost for nuisance abatement. Jim Ferrante moved to set the hearing for May 7th, 2007 at 10:00 AM. Doug Barlet seconded the motion. The motion passed 3-0. Gary Thompson will publish the notice of hearing. The Commission also instructed Gary Thompson to handle the dishwasher issue.

Sonny Sagar, Infinitec Marketing Rep., addressed the Commission concerning our IT needs. Sagar discussed the need to upgrade the network wiring in the Courthouse and the need to purchase a new AS400. Sagar also discussed IBM Hardware and Software Maintenance, the status of our current PCs, and services that Infinitec provides. Sagar then discussed the RVI package that the County already has and how it can be used in the various offices. Sagar also presented a timeline and approximate cost breakdown of his recommendations. The current AS400 will not be supported by IBM or Infinitec after this year and our IBM maintenance contracts expire in October, so Sagar recommended replacing the system by November 1, 2007.

At 12:45 PM Doug Barlet moved to recess into executive session for 10 minutes to discuss trade secrets/proprietary information of a corporation. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Appraiser, System Administrator, and Sonny Sagar attended the executive session.

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

Jim Ferrante moved to appoint Robert Morse to the Rural Fire Board to fill the vacancy left by the expired term of Leroy McConico. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Doug Barlet moved to adjourn until 9:00 AM Monday, April 30th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

April 30, 2007

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

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2006-212 and 2006-213. Doug Barlet seconded the motion. The motion passed 3-0.

Doug Barlet to approve the following pays/special pays: General, \$133,892.04; Employee Benefit, \$41,680.30; Appraiser, \$9,700.92; Rural Fire, \$6,037.60; Road and Bridge, \$52,283.01; 911 Telephone Tax, \$1,054.74; Crime Victim Assistance, \$856.98; Elderly, \$8,827.72; and Zoning LEPP Grant \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

David Yates informed the Commission that the bids specs. for the tankers are approved. The amount of the grant is \$126,850.00. It is a 50/50 grant.

Yates also informed the Commission that the Centerville tanker should be back in service within 10 days.

Yates then informed the Commission that Dan Morris resigned from Station 950 effective today.

Yates stated that the Fire Board needs to decide what type of heating and electrical service is needed for Station 950. Herb Pemberton asked for a comparison of runs between the fire stations.

Andy Mayhugh presented the Dedication and Right of Way Agreement between Linn County and First Colony L.L.C. Herb Pemberton moved to allow the Chairman to sign the agreement. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a Cereal Malt Beverage license for Wade Blowey, dba Wade's Bait and Tackle. Doug Barlet seconded the motion. The motion passed 3-0.

Marilyn Augur presented a report on the air conditioning at the Pleasanton Senior Center. Augur asked for permission to go out for bids for the air conditioning. Doug Barlet asked if we bid out the meals, would that make a difference. The Commission agreed that we would still need the buildings. Doug Barlet moved to allow Augur to go out for bids. Herb Pemberton seconded the motion. The motion passed 3-0.

Augur also discussed the crack in the floor in the Mound City Senior Center. Herb Pemberton would like to know how much we have spent on the floor. Augur has talked to Richard Long about the problem. Jim Ferrante suggested talking to Ron Nation. Bill Cox told Augur that we probably need to have an engineer look at the problem. Herb Pemberton asked Augur to talk to Richard Long again.

Augur also informed the Commission about a problem with the floor in the Pleasanton Senior Center. Bill Cox has looked at that problem and proposed a solution. Augur will ask Cox for a written proposal.

Augur then discussed the Centerville Senior Center. The roof is leaking on the north side of the building. The Commission wants to wait and see what we are doing with the ambulance service before making a decision.

David Yates discussed merging Emergency Management with another County. Counties with a Certified Emergency Manager can merge with up to four Counties. Yates also stated that the Commission needs to name an Alternate Emergency Manager.

Keith Couch addressed the Commission concerning the National Day of Prayer this Thursday. Doug Barlet moved to sign the Proclamation for the National Day of Prayer. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of the proclamation:

LINN COUNTY, KANSAS
PROCLAMATION
LINN COUNTY COMMISSIONERS

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

WHEREAS, May 3, 2007, has been declared a National Day of Prayer by President Bush, and

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

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

WHEREAS, the power of prayer and power of God through prayer, have been at the core of the shared American experience throughout our history, and

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

NOW THEREFORE, we the Linn County Commissioners, do hereby proclaim Thursday, May 3, 2007, as a Day of Prayer in Linn County, Kansas.

IN WITNESS WHEREOF, we hereunto this 10th day of April, 2007 set our signatures.


Herbert Pemberton, Commissioner


James Ferrante, Commissioner


Doug Barlet, Commissioner

At 9:56 AM the Chairman asked for public comments.

Ed McGrew addressed the Commission about an article in the Linn County News concerning the building in La Cygne. McGrew stated that Herb Pemberton stated that money was cut from the fire budget that did not allow for completion of the station. McGrew stated that the money that was cut was for a tanker. McGrew asked if the Commission had the authority to give buildings away? Herb Pemberton stated that we do not own the current building, it is leased from the State. If we quit using it as a fire station, it goes back to the State. Herb Pemberton stated that he is planning on doing a presentation in a couple of weeks concerning tax money from Lincoln Township, usage of the fire service in La Cygne, etc. Larry Hall stated that the key is how did it get from a 50' x 80' building to a 60' x 100' building? Loyd Brownback asked how it got to 60' x 100'? Who approved it? Jim Ferrante stated that he voted to approve it but he didn't know it was originally budgeted for a 50' x 80' building.

Rick Dalton thanked the Commission for allowing the car show at the Courthouse.

At 10:16 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:36 AM the executive session ended. As a result of the executive session, Jim Ferrante moved to send a letter of reprimand to an employee. Doug Barlet seconded the motion. The motion passed 3-0.

At 10:37 AM Herb Pemberton moved to take a 10 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

Mary Gilkison-Wilson addressed the Commission concerning the size of the fire building. The minutes show that \$104,000.00 was approved for the building and then the firefighters were going to complete the inside of the building. Herb Pemberton stated that the firefighters are still planning on doing the interior work but we need the utilities hooked up first.

The Clerk announced that a new "Contact your Commissioners" page is ready on the County website. Citizens can click on a link on the page to send email to a Commissioner.

The Clerk also informed the Commission that the Kansas County Clerks and Election Officials Association has prepared a "Library of Policies" that will be distributed to the County Clerks at the Spring Clerk's Conference this week. The packet will contain sample policies from Counties around the State.

County Appraiser Steve Thompson addressed the Commission concerning personnel. Thompson had an employee that resigned last week and he would like to replace that employee. Herb Pemberton moved to post the position to County employees for 1 week and then advertise for the position. Doug Barlet seconded the motion. The motion passed 3-0.

Rick Grabill, Embarq Public Affairs Manager introduced himself to the Commission and stated that he is here to listen to the Commission's concerns. Jim Ferrante stated that he would like for our citizens to be able to call within the County without long distance charges. Grabill stated that he will talk to Embarq about the concerns, but he believes people would have to petition the State for EAS service. Jim Ferrante also asked Grabill to check on DSL service to Blue Mound.

Richard Taylor, TransCare Transportation, Inc. presented financial statements on their company. TransCare is planning on bidding for our ambulance service.

Steve Hoeger, American Medical Response addressed the Commission concerning their ambulance service. The Clerk answered some of the questions that AMR had asked concerning ambulance service in Linn County. AMR stated that they could provide sample reports that they give to Counties, Cities, etc. AMR also provided financial statements.

At 11:48 AM, Herb Pemberton moved to recess from the Board of Commission meeting until 1:00 PM. Doug Barlet seconded the motion. The motion passed 3-0.

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

Rod Corn, Darren Lawrenz, and Patricia Katzer; Olathe Medical Services addressed the Commission concerning the future of medical care in the County. If the clinics are going to remain in the current facilities, there will need to be repairs made to bring them into compliance. The Commission stated that they would like to see the health care in the County be a private business. Last year there were 6400 patients seen at La Cygne and 5600 at Mound City. The current facilities have 1300 sq. ft. in La Cygne and 1660 sq. ft. in Mound City. The Commission asked if OMS thought they would need more space in the next 4 or 5 years. OMS stated that it would take approximately 75 per sq. ft. to remodel a proposed building to be able to use it as a clinic. OMS is meeting with the Lincoln-Scott Township Hospital Board at 3:00 PM this afternoon to discuss the La Cygne Clinic.

Herb Pemberton discussed the cost of the fire station in La Cygne. The Commission did not understand that the building would cost more than \$100,000.00 to finish.

Doug Barlet asked if we are going to take bids on providing meal service for the nutrition sites? Doug Barlet stated that he doesn't want to ask Elizabeth Maxwell to put together a bid if we are not going to consider it. Herb Pemberton stated that he would not vote for bidding out our meal services.

At 2:13 PM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 2:23 PM the executive session ended. No action taken.

Jim Ferrante stated that he feels that he has a fiduciary responsibility to check the costs of bidding out the meal service. Jim Ferrante is in favor of taking bids for the meal service. Herb Pemberton is opposed to taking bids for the meal service. Doug Barlet moved to contact Elizabeth Maxwell for bids for meal service. Jim Ferrante seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

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

Commission Chair

Attest:

County Clerk

May 7, 2007

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

Doug Barlet moved to approve the consent agenda with one addition to the minutes of the previous meeting. Herb Pemberton seconded the motion. The motion passed 3-0.

Dan Morris informed the Commission that there is additional money left in the purchase order to Foote Construction for box culverts. The Commission agreed to use the money for box culverts.

Morris also reported that there was some vandalism on the salt building at La Cygne. Morris asked for permission to look for summer help for mowing. The Commission agreed to allow Morris to look for summer help.

Herb Pemberton discussed needed repairs to the power plant dam road. Jim Ferrante asked John Byington to report next week on needed repairs to the road. Byington informed the Commission that the Cities of Prescott, Parker, and Blue Mound have all contacted him about repairs to their streets.

Joe Maloney reported that Jessee Spears and Gary Shroyer have completed their Household Hazardous Waste training. Maloney also asked if Gary Thompson had the specs. ready for the containers. Thompson stated that he is waiting on some instructions from the Commission.

David Yates gave the Commission a report on calls from each station. Yates informed the Commission that the City of Prescott is converting the old school building to City office space and an emergency shelter. The Centerville tanker should be ready in another week or two. Herb Pemberton asked about training provided by KCPL. Yates will contact KCPL again this week.

The Commission and David Yates discussed an Alternate Emergency Management Coordinator. Yates stated that we are required to designate an alternate. Herb Pemberton asked Larry Robinson if he would be interested in the position. Larry Robinson stated that he would have more time available if we hired a County Engineer. The Commission will discuss this again next week.

Gary Thompson reported that he will have a resolution next week for the bond issue for the Centerville Sewer District.

At 9:35 AM the Commission opened bids for the heating and air conditioning at the County Attorney building. Bids received were: Douglass & Sons, \$12,269.00; and Sandness Electric, \$12,611.00. The Commission asked Gary Thompson to review the bids for next week's meeting.

Doug Barlet discussed pre-employment physicals. It recently took two weeks to get the results of a physical. The Clerk will check on using other clinics for physicals.

The Clerk will look through the packet of information that he received at last week's Clerk's meeting concerning policies from other Counties. The Clerk will make copies of the policies for the Commission this week.

At 9:45 AM the Chairman asked for public comment. None was given at this time.

The Commission discussed hiring a County Engineer. Herb Pemberton stated that with the money we are spending on the consultant, we should consider hiring an engineer. Larry Robinson stated that we are required by law to have a County Engineer. We have been using a consultant to meet those requirements. Larry Robinson has been doing some of the work that an engineer should do. Dan Harden has been signing for the work that Robinson does. Last year we spent \$55,573.00 with Dan Harden. Some of that was for the 1700 Road project. The Chairman asked Robinson to put together a document showing the pros and cons of hiring an engineer.

At 10:00 AM the Commission held a hearing on the cost of nuisance abatement. The Chairman asked if anyone here wanted to speak about the nuisance abatement on Lots 3 & 4, Block 7, Section 5, Township 21, Range 25, Linn County, KS. No one

from the audience had any comments. The cost of the cleanup of the property was \$2,112.00. Leon Hester asked if this project was put out for public bid? It was not. Gary Thompson explained that the County crew did the work so we would not have to put out any money at the time. Doug Barlet moved that these are reasonable charges and to access the charges against the property and to instruct the Clerk to file the necessary papers. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson reported that both bidders on the County Attorney heating and air conditioning are bidding on the same equipment. Sandness Electric offers a warranty for an additional cost. Douglass & Sons offers a maintenance agreement for an additional cost. Rick Sandness stated that the first year maintenance would be included in his bid, then there would be an additional charge. Gary Thompson suggested contacting Douglass & Sons about a warranty. Herb Pemberton commented that Sandness Electric is a Linn County business. Herb Pemberton moved to award the bid to Sandness Electric in the amount of \$12,611.00. Doug Barlet seconded the motion. The motion passed 3-0. Herb Pemberton then moved to purchase the ten year warranty from Sandness Electric for \$465.00. Doug Barlet seconded the motion. The motion passed 3-0. Gary Thompson will prepare a contract for next week's meeting.

The Commission asked Mike Gillespie about the status of the La Cygne fire station. Gillespie stated that the building needs power and heat. The firefighters at Station 950 are planning on doing the interior work. Jim Ferrante stated that originally the building was supposed to be 50' x 80' with a small office, bathroom, washer and dryer. Jim Ferrante presented a copy of the proposed 2005 Fire Budget that showed a 50' x 80' building. Herb Pemberton stated that it is cheaper to build a larger building now instead of later. Jim Ferrante stated that the plans show everything that is needed for a full time station. Doug Barlet stated that it would have been about \$34,000.00 cheaper to build a 50' x 80' building. John Morse stated that the other buildings we have were built years ago and are overcrowded. Morse stated that he thinks it is a good idea to have extra space for future growth. Tom Kemper stated that he appreciates trying to save money, but we need to look to the future. David Yates stated that it would take 400 amp. service to be adequate for the future if we are going to finish the inside as it was shown in the diagram. The firefighters are still willing to do the interior work, but they do not want to run their personal equipment without permanent power. Yates also stated that someone needs to decide if we are going to use gas or electric heat. Herb Pemberton stated that the Fire Board should make a recommendation to the Commission on how to finish the building. Tom Tuggle asked why it was built 18' tall? Ed Samyn stated that the building is there, the Commission needs to decide what they want to spend to finish it. Ed Andersen stated that there will also be an expense for the apron in front of the building, he suggests a concrete apron.

At 10:41 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, David Yates, County Counselor, and Mike Gillespie attended the executive session.

At 10:51 AM the executive session ended.

At 10:51 Doug Barlet moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:56 AM the executive session ended.

At 10:56 AM Doug Barlet moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

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

Cass Douglass addressed the Commission concerning the awarding of the bid on the Attorney building. Douglass stated that there was nothing in the bid that specified a residency requirement. Douglass also stated that he prepared the bid specs. at no cost and that the Commission had stated that they would give their decision next week. Jim Ferrante stated that the Commission can accept any bid that they want. In this case there was a small difference in price. This time the Commission decided to go with the slightly higher bid from a Linn County resident.

Doug Barlet moved that if a fire station needs a washer & dryer, they could use one of the washers & dryers listed in the auction and they need to pick it up this week. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt Resolution #07-19 declaring surplus property for the auction that will be held this Friday. Herb

Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-19:



At 11:36 AM the Chairman asked for public comment again. Ed Samyn stated that he has relation in Franklin County that is not impressed with the food service that is provided there. Herb Pemberton stated that he is opposed to taking the business out of the County. The Commission stated that they are evaluating the program, no decisions have been made.

At 11:45 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss trade secrets of a corporation with John Woodrich, Mercy Health System. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, Joe Pointer, and John Woodrich attended the executive session.

At Noon the executive session ended.

At Noon Doug Barlet moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:10 PM the executive session ended.

At 12:10 PM Doug Barlet moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:15 PM the executive session ended. No action taken.

Herb Pemberton stated that the swimming pool at the Park needs to be completely repainted instead of just patched. Bruce Holt needs 28 gallons of paint at \$128.00 per gallon to paint the whole pool. Herb Pemberton moved to allow Holt to purchase approximately 28 gallons of paint for the pool at \$128.00 per gallon, and to purchase supplies needed for application. Doug Barlet seconded the motion. The motion passed 3-0.

With nothing further on the agenda Doug Barlet moved to adjourn until 9:00 AM Monday, May 14th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

May 14, 2007

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

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

Jim Ferrante to approve the following pays/special pays for the May 15th Payroll: General, \$74,316.66; Employee Benefit, \$51,981.32; Appraiser, \$8,760.15; Rural Fire, \$2,062.93; Road and Bridge, \$32,499.41; Crime Victim Assistance, \$856.98; Elderly, \$8,023.55; and Zoning LEPP Grant \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante to approve the following pays/special pays for the April Bills: General, \$164,158.53; Appraiser, \$2,734.54; Rural Fire, \$5,972.88; Road & Bridge, \$132,873.14; Law Enforcement Trust, \$46.00; 911 Telephone Tax, \$3,357.11; and Elderly, \$10,731.36. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for April 2007. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for April 2007.

Cheyenne Beisiegel addressed the Commission concerning 750 Road near Lane Road. Beisiegel stated that the road is in bad shape and needs gravel and grading. Jim Ferrante stated that he has talked to Harry Wisdom about the road and will talk to Wisdom again. The recent rains have delayed working on the road.

Dan Morris asked the Commission to hire Matt Higgins for mowing in Road Dist. #1. Herb Pemberton moved to hire Matt Higgins as a temporary employee for mowing at \$8.00 per hour. Doug Barlet seconded the motion. The motion passed 3-0.

Marilyn Augur informed the Commission that the compressor on the 1992 double door refrigerator is locked up. It would cost \$1,061.00 to repair the refrigerator. The refrigerator can be replaced for \$2,550.00. The Commission agreed to replace the refrigerator. Herb Pemberton moved to allow Augur to purchase new from B & J Food Service Equipment for \$2,550.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Augur also discussed the floor in the Pleasanton Senior Center Kitchen. Bill Cox thinks he can repair the floor for \$1,000.00, but it could cost up to \$2,000.00. Herb Pemberton moved to allow Bill Cox to repair the floor for \$1,000.00, or not to exceed \$2,000.00 if he runs into problems. Jim Ferrante seconded the motion. The motion passed 3-0.

Augur asked if the Commission had reviewed the Building Rental Policy. The Commission has not reviewed the final draft yet.

John Byington addressed the Commission concerning 2200 Road across the Power Plant Dam. Byington gave the Commission a copy of a Conference Memorandum from March 2006. The road was built in 1971 as low volume road. It is not holding up for current truck traffic. Byington stated that the recommendation at the time of the memorandum was to repair the road with 4" of hot mix on an 8" base. It would cost approximately \$235,000.00 to mill off 6" of the road surface and put on a 4" overlay of hot mix. Herb Pemberton would like to talk to KCPL again. Doug Barlet stated that he has a meeting scheduled with KCPL on May 23rd concerning Fire Dept. training. Herb Pemberton and Doug Barlet will contact KCPL. Larry Robinson also needs to know about contacts with KCPL.

Sheriff Stites addressed the Commission concerning sick leave for an employee that is off due to his wife having a baby. Sheriff Stites asked if the policy could be changed for the Sheriff's Office employees to include six consecutive days of sick leave since the Sheriff's Office works six day weeks. Gary Thompson will revise the policy to include six consecutive days and 12 total days per year of sick leave for the Sheriff's Office employees for caring for a family member. Doug Barlet moved to revise the handbook as listed above and to apply the change retroactively to include the current employee that is off for this reason. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson informed the Commission that the Resolution for the Centerville Sewer District bond issue needs to be passed today. Jim Ferrante moved to adopt Resolution #07-21 and approve signing all associated documents as presented. Doug Barlet seconded the motion. The motion passed 3-0. Following is a copy of the title and signature pages of Resolution #07-21:

Gilmore & Bell, P.C.
05/10/2007

RESOLUTION NO. 07-21

OF

LINN COUNTY, KANSAS

ADOPTED

MAY 14, 2007

\$116,300
GENERAL OBLIGATION BONDS
SERIES 2007

SOB-01040-BALG-DCDCS

RESOLUTION NO. 07-21

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$116,300 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2007, OF LINN COUNTY, KANSAS, PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer is a political subdivision, duly created, organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to K.S.A. 19-27a04, et seq., as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the Issuer has caused improvements (the "Improvements") to be made in the County, to-wit:

Description	Ord. Res. No.	Authority	Estimated Cost
Linn County Sewer District No. 1 (Centerville Sewer Improvements)	Res. No. 2000-04	K.S.A. 19-27a01 et seq.	\$467,167

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the Issuer now finds and determines that the total cost of the Improvements (including interest on temporary notes of the Issuer and issuance costs of the Bonds) and related expenses are at least \$557,400, with \$116,300 of said cost to be paid by the owners of the property within the County benefited by the Improvements and with \$471,100 of said cost to be paid by the County as large from a Federal Grant in the amount of \$153,100, and a grant from the Kansas Department of Health & Environment in the amount of \$320,000, and that the owners of the property benefited by the Improvements have not made any payments in cash into the County Treasury on account of the Improvements and there is \$471,000 available in the County Treasury to pay part of the County's share of said cost, leaving \$116,300 to be paid for by the issuance of general obligation bonds; and

WHEREAS, the governing body of the Issuer is authorized by law to issue the Bonds to pay a portion of the costs of the Improvements; and

WHEREAS, the Issuer has not issued any of the general obligation bonds so authorized; and

WHEREAS, the governing body of the Issuer hereby finds and determines that it is necessary for the Issuer to authorize the issuance and delivery of the Bonds in the principal amount of \$116,300 to pay a portion of the costs of the Improvements; and

WHEREAS, the Issuer has received a commitment from the United States of America, acting through the Department of Agriculture - Rural Development ("RD/USDA") to purchase the Issuer's general obligation bonds in an amount of \$116,300, the proceeds of which, together with funds derived from a grant from RD/USDA in the amount of \$153,000 and a grant from the Kansas Department of

ADOPTED by the governing body of the Issuer on May 14, 2007.



ATTENT



Clerk



Chairman

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Bond Resolution of the Issuer adopted by the governing body on May 14, 2007 as the same appears of record in my office.

DATED: May 14, 2007.



Clerk

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At 10:05 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 10:20 AM the executive session ended.

At 10:21 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:26 AM the executive session ended. As a result of the executive session, Herb Pemberton moved to authorize the

Chairman to sign the agreement with Sandness Electric for the heating and air conditioning for the County Attorney building. Doug Barlet seconded the motion. The motion passed 3-0.

Dan Harden presented the Due Diligence Report for 1700 Road. Harding discussed how engineering costs were reduced by using the Vertical Alignment as is, not adding shoulders, no new ditching, no additional right of ways, etc. Also having an experienced road crew saved money. Harden discussed accidents on 1700 Road, Horizontal Alignment, Stopping Sight Distance, Crest and Sag Vertical Curves, Intersection Sight Distance, Clear Zone Width, and Traffic Barriers. Larry Robinson discussed improvements the County made to improve sight distances.

Dennis Norton, Tri-Ko, Inc., presented their 2008 Budget Request in the amount of \$69,058.00 (2% increase). Herb Pemberton asked about the \$50.00 per month per person transportation charge. Norton stated that it was necessary because of gas prices. Herb Pemberton moved to tentatively approve the 2008 Tri-Ko Budget Request in the amount of \$69,058.00. Doug Barlet seconded the motion. The motion passed 3-0.

At 11:04 AM Herb Pemberton moved to take a 15 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

At 11:21 AM the Chairman asked for public comment. Mary Grosshart reported that she attended the Silver Haired Legislature Conference in Topeka last week. Grosshart stated that her main job as the Silver Haired Legislator is to listen to the senior citizens and help with their issues.

Steve Riley discussed the Power Plant Dam Road. Riley suggested getting a group together to talk with KCPL instead of several people individually. Jim Ferrante stated that Herb Pemberton is talking to KCPL about the dam road, Doug Barlet is talking to them about the Fire Dept. training. Herb Pemberton is the contact person for road discussions.

Jim Ferrante reminded the audience that everyone needs to turn off their cell phones during meetings and asked everyone to wait until they are recognized before speaking.

The Clerk reported that he has received the Blue Cross/Blue Shield health insurance renewal quote. The Clerk stated that the quote was very good and he will have more information for the Commission next week.

The Clerk also reported that he received 2 more requests for bid information the ambulance service bids.

The Clerk asked the Commission if they had reviewed the memo about open meetings that he received at a recent Clerk's school. Jim Ferrante read the memo/proposed policy. The Commission will discuss the topic next week.

Jim Ferrante read the percentage of budgets spent as of April from the Interim of Expenses.

Bruce Holt reported that the pool has been repainted. It did not take as much paint as expected so he has 8 gallons of paint to take back. Holt also asked the Commission to hire James Weeks as a lifeguard, to start May 23rd, working approx. 30 hours per week until mid August, at \$6.89 per hour. Herb Pemberton moved to hire James Weeks as a temporary employee (lifeguard) at the Park starting May 23rd at \$6.89 per hour. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton stated that Jerry Cochran, Heartland Electric, asked if they could use the 4-H Building in emergency situations. Jim Ferrante will talk to Cochran and report next week.

Doug Barlet reported that he received a call concerning the detour on 1100 Road. The road is very muddy. John Black is going to work on the road.

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

Commission Chair

Attest:

County Clerk

May 21, 2007

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

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

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-229. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat monthly report for April 2007.

Herb Pemberton moved to reschedule the May 28th Regular Meeting to Tuesday, May 29th, due to the Memorial Day Holiday. Doug Barlet seconded the motion. The motion passed 3-0.

David Yates informed the Commission that his office manager's computer has crashed and he would like to replace it.

At 9:03 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and David Yates attended the executive session.

At 9:08 AM the Clerk left the executive session.

At 9:13 AM the executive session ended.

At 9:14 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Counselor, and David Yates attended this portion of the executive session.

At 9:24 AM the executive session ended. No action taken.

Andy Mayhugh presented Lot Split #07-210 requested by Travis & Kimberly Eastwood located at 1900 Road and Hadsall Road. Jim Ferrante moved to approve Lot Split #07-210 and to accept the accompanying grant of easement. Doug Barlet seconded the motion. The motion passed 3-0.

Mayhugh also informed the Commission that the Right of Way Dedication from 1st Colony, L.L.C. has been filed for the road to the new lake. Mayhugh stated that we are ready to start road construction.

Jerry Bedgood informed the Commission that the District Court roof is leaking badly. He would like to go out for bids for the same type of roof that was installed on the Sheriff's office. The Commission agreed to go out for bids.

John Black asked for permission to hire Jessie Vaughn as a temporary employee for mowing in Dist. #2 at \$8.50 per hour. This would be Vaughn's 3rd year working as a temporary employee for mowing. Herb Pemberton moved to hire Vaughn at \$8.50 per hour. Doug Barlet seconded the motion. The motion passed 3-0.

At 9:39 AM Jim Ferrante moved to recess from the Board of Commission meeting for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Maloney attended the executive session.

At 9:44 AM the executive session ended. No action taken.

Jim Ferrante moved to adopt the Building Rental Policy as presented by Marilyn Augur and to use the forms that Augur prepared. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton informed the audience that he will meet with KCPL within the next few weeks concerning 2200 Road.

Gary Thompson presented sample policies concerning open meetings. Gary Thompson recommends the 4th option that he presented. Option #4 reads as follows, “The 30 minutes before and after each regular commission meeting will be considered a “workshop period”, during which two or more of the Commissioners may be present and may discuss county business, though, as with all workshops, no decisions will be made and no action taken. These discussions are open to the public and the press.” The Commission will discuss the topic next week.

Gary Thompson also discussed the bidding process for in County businesses. Gary Thompson then presented a proposed policy for giving preference to in County businesses. No action was taken.

At 10:00 AM the Commission opened bids for the Pleasanton Senior Center A/C. Bids received were: Sandness Electric, \$10,550.00; and Douglass & Sons, \$11,249.00. Sandness’s bid also stated that a 10 year parts and labor warranty would cost an additional \$1,395.00. Douglass’s bid includes a 10 year parts and labor warranty, but Douglass also bid preventive maintenance for \$680.00 on the heating and cooling systems and \$300.00 on the commercial reach-in boxes. Gary Thompson will review the bids and the Commission will make a decision next week.

The Commission discussed the sick leave policy for the Sheriff’s employees that was approved last week. The Counselor presented the proposed revision to the Employee Handbook. The Clerk asked if that would create a new class of employees? The Counselor stated that it would be a classification within the full time class of employees. Jim Ferrante moved to make the revision to the handbook as presented. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk presented a request from Joe Maloney to hire a temporary employee for Solid Waste. The Commission asked the Clerk to contact Maloney for more details.

Jim Ferrante presented proposed bid specs. for utilities at the new fire station in La Cygne as requested by the Rural Fire Board. Doug Barlet would like to review the specs. and discuss them next week.

At 10:15 AM the Commission opened bids for the ambulance service. Bids were received from American Medical Response, Mercy Health System of Kansas, Transcare Ambulance Service, Coastal Emergency Medical Service, and Emergystat Ambulance Service. Bidders were asked to bid two options and could also submit an alternative bid. Option #1 was for 2 ambulances stationed in La Cygne and Pleasanton with a back up ambulance in Pleasanton. Option #2 was for 3 ambulances stationed in La Cygne, Pleasanton, and Centerville. Following is a list of the bids:

		<u>Option #1</u>	<u>Option #2</u>	<u>Alternative Bid</u>
AMR	1 st Year	\$692,959.00	\$1,065,429.00	No Bid
Adjusted yearly	2 nd Year	\$722,024.00	\$1,108,745.00	
by CPI for medical	3 rd Year	<u>\$756,979.00</u>	<u>\$1,162,575.00</u>	
care.	Total	<u>\$2,171,962.00</u>	<u>\$3,336,749.00</u>	
Mercy	1 st Year	No Bid	No Bid	\$283,500.00
1 station only,	2 nd Year			\$294,840.00
covering south	3 rd Year			<u>\$305,170.00</u>
½ of County.	Total			<u>\$883,510.00</u>
Transcare	1 st Year	\$600,000.00	\$800,000.00	No Bid
	2 nd Year	\$600,000.00	\$800,000.00	
	3 rd Year	<u>\$600,000.00</u>	<u>\$800,000.00</u>	
	Total	<u>\$1,800,000.00</u>	<u>\$2,400,000.00</u>	
Coastal	1 st Year	\$1,349,881.68	No Bid	No Bid
	2 nd Year	\$1,349,881.68		
	3 rd Year	<u>\$1,349,881.68</u>		
	Total	<u>\$4,049,645.04</u>		
Emergystat	1 st Year	\$720,000.00	\$900,000.00	No Bid
Adjusted yearly	2 nd Year	\$720,000.00	\$900,000.00	
by CPI for medical	3 rd Year	<u>\$720,000.00</u>	<u>\$900,000.00</u>	

care.	Total	<u>\$2,160,000.00</u>	<u>\$2,700,000.00</u>
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At 10:31 AM Doug Barlet moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk then presented the renewal quote from Blue Cross & Blue Shield of Kansas. The renewal quote was less than a 2% increase with no changes in benefits. The Clerk recommended renewing with Blue Cross without taking bids this year. After discussion, the Commission stated that they did want to take bids.

At 10:57 AM the Commission asked for public comments. Jean Vaughn asked about repairs to the Concern Bldg. roof. Jim Ferrante stated that it is being checked out. Vaughn also asked about the fire station in La Cygne. How did it get bigger when people here knew what size it was?

Larry Hall discussed extending the open meeting to ½ hour before and after the formal meeting. Hall asked why the Commission would want to do that? Also, Hall doesn't like only allowing public comment at 10:30, especially during budget time. Hall would like to see this policy suspended during budget time.

Jackie Taylor, Linn County News, is concerned about starting the meeting early. Why couldn't the meeting start at 8:30 and have the Commission present at the Commission table, not at other locations. Gary Thompson stated that he was trying to cover that with his proposed policy.

Rubie Scott asked where the companies were from that submitted ambulance bids. Scott would like to know if the Commission will check with people that have used these ambulance services. Scott also wants to have the choice of where the ambulance takes her. Doug Barlet stated that the bid specs. state that they must take people where they want to go. Doug Barlet also stated that the companies that bid are from Texas, Mississippi, Alabama, and Kansas.

Mary Grosshart stated that several seniors have asked her what the Elderly program is, what does it do? She has researched the issue. Some seniors are worried about losing their program, but it is mandated by Federal & State law so the program will not be lost. Currently, the Nutrition/Elderly Dept. is the provider for the County. Grosshart got a recommendation from one of our State legislators that a feasibility study should be done before changes are made. Grosshart asked the Commission to look at a feasibility study of all aspects of the program.

Bernita Robbins stated that we need to do something to cut taxes. Robbins stated that we should start trimming County employees, every office in Courthouse should get rid of one employee.

Doug Barlet stated that we are just looking at options with the Nutrition Program, not necessarily making any changes at this time.

Jean Vaughn asked if the Commission would give preference to a local bidder on the nutrition service?

Donna Spencer doesn't see the point of taking bids if we are going to let in County bidders re-bid to match other bids.

Jim Ferrante asked Gary Thompson to draft a letter of support for reinstating health benefits for jailed inmates.

At 11:25 AM the Commission starting working on the ambulance bids. The Commission reviewed Transcare and Coastal. Doug Barlet stated that he does not want to consider the bid from Emergystat because they are not meeting their current contract. The Commission agreed with Barlet. The Commission then reviewed the AMR bid. Mercy Health System only bid service for the south ½ of County, so the Commission did not review their bid any further.

At 12:09 PM Herb Pemberton moved to recess until 12:45 PM. Doug Barlet seconded the motion. The motion passed 3-0.

At 12:48 PM the Commission reconvened.

The Commission discussed the costs of running our own ambulance service. Doug Barlet estimated that it would cost \$1.2 million to \$1.5 million per year to run our own service. Barlet also estimated that our revenue would be around \$300,000.00 per year.

Jim Ferrante discussed the request from Heartland Electric about using the 4-H Building in case of emergencies. The Commission agreed that something could be worked out with Heartland.

Herb Pemberton moved to schedule a special meeting for Wednesday, May 23rd at 3:00 PM at the Annex to discuss the ambulance service bids. Doug Barlet seconded the motion. The motion passed 3-0.

With nothing further on the agenda Doug Barlet moved to adjourn until 3:00 PM Wednesday, May 23rd. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

May 23, 2007

The Board of Linn County Commission met in special session at 3:00 PM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Herb Pemberton, Vice Chairman; Doug Barlet, Member; and David Lamb, County Clerk.

The Clerk read the Notice of Special Meeting. Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2668
Fax: 913-795-2885



COUNTY COMMISSIONERS
Herb Pemberton
Doug Barlet
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 3:00 PM on Wednesday, May 23, 2007 in the Linn County Courthouse Annex, Mound City, KS 66056. The special meeting has been called to discuss the ambulance service and the Rural Fire Dept. in the County and to take any necessary action concerning the ambulance service and the Rural Fire Dept.

DATED this 22nd day of May, 2007.
[Signature]
David L. Lamb,
Linn County Clerk



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

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augat, Nutrition / Transportation

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

Doug Barlet stated that he had talked to Miami Co. and got some budget numbers for their ambulance service. Barlet gave his estimates on what it would cost for us to run our own ambulance service. Herb Pemberton also had some estimates on the cost of purchasing ambulances, his costs were similar to Barlet's costs. Barlet estimated that it would cost us \$1,016,000.00 to run 2 stations and just under \$1.3 million to run 3 stations. Those figures are after our revenue is figured back in. Herb Pemberton stated that he agreed with Barlet's estimates. Doug Barlet stated that he didn't see how we could afford to run our own service at this time. David Sweat asked about a partial service from an outside company or about the Mercy bid for the south 1/2 of the County. AMR representatives could not agree to providing service for part of the County at this time without talking to their management. The Commission discussed various topics with the audience.

At 3:44 PM the Commission called Commissioner Ferrante and updated him on today's discussion. Doug Barlet stated that he is concerned about spending the extra money to run the service ourselves and is concerned about being able to have service in place ourselves within a month.

Doug Barlet moved to authorize David Yates to purchase a PC & software not to exceed \$2,000.00 to replace the PC that quit working in his office. Herb Pemberton seconded the motion. The motion passed 2-0.

Doug Barlet moved to appoint Larry Robinson as Alternate Emergency Management Coordinator for the County. Herb Pemberton seconded the motion. The motion passed 2-0. Commissioner Ferrante was still on the phone and agreed with both motions.

Herb Pemberton asked AMR if they would consider hiring the current ambulance personnel? The AMR representatives stated that they did address that in their bid and would consider hiring the current employees.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Tuesday, May 29th. Doug Barlet seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

May 29, 2007

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

Mary Grosshart led the Pledge of Allegiance.

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

Jim Ferrante moved to approve the following pays/special pays: Employee Benefit, \$67.57; and Road and Bridge, \$883.24. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-232. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve Resolution #07-22 appointing Larry Robinson as the Alternate Emergency Management Coordinator. Doug Barlet seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-22:



Doug Barlet moved to sign the Direct and Counter-Cyclical Program Contract on the farm ground near the landfill. Herb Pemberton seconded the motion. The motion passed 3-0.

Christie McReynolds from USDA Rural Development presented the pre-closing documents for the Linn County Sewer District #1. Jim Ferrante signed the loan closing resolution with USDA. McReynolds will follow up with the Clerk, Treasurer, and Andy Mayhugh with other needed information.

Dan Morris asked for permission to hire Vic Roche as a temporary employee for mowing in Dist. #1 @ \$8.50 per hour. Herb Pemberton moved to approve hiring as requested. Jim Ferrante seconded the motion. The motion passed 3-0.

Morris also informed the Commission that he needs to purchase 16 tires from Wingfoot Tires for a total of \$4,535.68. Herb Pemberton moved to allow Morris to purchase 16 tires as requested. Doug Barlet seconded the motion. The motion passed 3-0. Morris also stated that if the old tires are in good enough condition, we could get up to \$640.00 back from Wingfoot

Tires.

Joe Maloney informed the Commission that we may need permits for our salt storage and mixing areas. The County will have to file a 5 year no exposure plan.

At 9:26 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Joe Maloney attended the executive session.

At 9:36 AM the executive session ended.

At 9:36 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The Commission and Clerk attended this portion of the executive session.

At 9:41 AM the executive session ended. As a result of the executive session, Herb Pemberton moved to increase John Aleshire's hours with the Solid Waste Dept. to a maximum of 12 hours per week as needed. Doug Barlet seconded the motion. The motion passed 3-0.

Jerry Bedgood informed the Commission that he has an estimate on the roof at the Concern building, but the estimate is high enough he recommends going out for bids. The Commission instructed Bedgood to advertise for bids for the roof. Doug Barlet suggested having the old flat roof removed before putting the new peaked roof on for fire protection reasons.

Marilyn Augur informed the Commission that she met with Richard Long and with Ron Nation concerning the Bunker Hill floor. Augur provided copies of the information to the Commission. The Commission added the issue to the list of tabled items.

Augur also asked for permission to hire a Substitute Site Manager for the Centerville Site @ \$7.17 per hour. Herb Pemberton moved to hire Jan Kellerman as a Substitute Site Manager (part-time) @ \$7.17 per hour. Doug Barlet seconded the motion. The motion passed 3-0.

Harvey Taylor informed the Commission that he needs some maintenance on the road into the shooting range that is used to qualify officers. Doug Barlet will check into getting it taken care of.

At 9:57 AM Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Leon Hester asked about the notification on zoning changes, have any decisions been made? The Commission asked Hester to come back next week when Gary Thompson is here.

Herb Pemberton discussed the condition of the General Fund. Pemberton stated that we have had many unbudgeted expenditures that have depleted the General Fund. Herb Pemberton is concerned about where we are going to get the money that we need. Bernita Robbins stated that when something comes up on the farm, they cut back somewhere else. Robbins asked why they couldn't cut down on employees or on insurance.

At 10:35 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes for preliminary discussion on the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session. At 10:39 AM Dennis Arnold entered the executive session for 1 minute.

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

At 10:53 AM the Chairman asked for comments on the ambulance service. None were given.

Jim Ferrante asked if the other Commissioners have had comments from their constituents. Doug Barlet stated that most people thought the County should go with AMR, stating that they were the most qualified. Herb Pemberton stated that he talked to Doug Cromwell, Kansas EMS. Cromwell stated that AMR is a reputable company that has been in business for a long time. Doug Barlet talked to 2 previous AMR employees, both spoke highly of AMR. Jim Ferrante stated that people he

talked to were against the County running the ambulance service. Jim Ferrante stated that most people agreed that because of the cost, they thought we should go with 2 ambulances, preferable in Mound City and near K7 & K152. Current ambulance personnel stated that they would not be in favor of the K7 & K152 location, because more calls are in La Cygne, Linn Valley, and the power plant. AMR stated that they do a demand analysis that will identify the time and location of calls. Jim Ferrante asked what the County can do to provide better service to the west side of the County if we don't have an ambulance located there. We are currently utilizing First Responders on the west side of the County. Doug Barlet stated that at this time to provide the best service for the County, AMR should be awarded the bid. Jim Ferrante asked if AMR considered the revenue coming in on their bids. Doug Barlet moved to hire AMR as our ambulance care provider. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:34 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 30 minutes with AMR to discuss trade secrets of a corporation. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Chad Fahlenkamp & Steven Hoeger from AMR attended the executive session.

At 12:04 PM the executive session ended. No action taken.

At 12:04 PM Herb Pemberton moved to recess for lunch until 12:45 PM. Doug Barlet seconded the motion. The motion passed 3-0.

At 12:49 PM the Commission meeting reconvened. The Clerk announced that 500 Road & 600 Road east of US 69 Highway will be closed starting Monday due to the highway construction.

The Commission discussed contracts with AMR. Jim Ferrante asked if AMR would require our Rural Fire Dept. to assist them on calls. When would AMR require assistance from the Rural Fire Dept.? AMR does plan on using the Rural Fire Dept. for assistance when necessary. AMR representatives stated that they will start their hiring process in the County Monday and Tuesday. Herb Pemberton stated that he would like to see current ambulance employees hired if possible. AMR does want to hire current personnel if possible. AMR will send a preliminary draft contract to the Clerk as soon as possible.

Jim Ferrante discussed a policy that he distributed last week on vehicle use and technology use. Jim Ferrante wants to discuss it next week.

Herb Pemberton discussed an old bridge that had been removed on the old highway near 1850 Road. Pemberton has talked to KDOT about putting in a bridge on the old road for use by local residents. Herb Pemberton and Larry Robinson are planning on working with KDOT to resolve the situation.

Doug Barlet stated that he was scheduled to meet with KCPL last week concerning fire training and equipment, but the KCPL representative postponed the meeting. They have not rescheduled yet.

With nothing further on the agenda Doug Barlet moved to adjourn until 9:00 AM Monday, June 4th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

June 4, 2007

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

Ruth McGrew led the Pledge of Allegiance.

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

Doug Barlet to approve the following pays/special pays: General, \$111,838.67; Employee Benefit, \$64,784.05; Appraiser, \$8,791.99; Rural Fire, \$10,196.84; Road and Bridge, \$33,728.09; Crime Victim Assistance, \$856.98; Elderly, \$11,440.69; and Zoning LEPP Grant \$521.27. Herb Pemberton seconded the motion. The motion passed 3-0.

Dan Morris reported that a low water crossing on Campbell Road, north of 2200 Road was washed out from the flood waters. Morris will check with the company that got the bids for box culverts for the year to see what it would cost to replace the crossing.

John Black reported that the Centerville Fire Tanker should be ready to pump water by tonight, but the truck still isn't running right. Black will take the truck to Cox Motors to check out the motor.

Harry Wisdom reported that he has two employees that are retiring this year. Wisdom would like to post the positions to County employees. Jim Ferrante would like to see if we could get by with only replacing one employee.

Larry Robinson presented a detour agreement with KDOT. KDOT needs to have the document signed so we can get reimbursement for 1000 Road (Tiger Road). Doug Barlet suggested having Gary Thompson review the document before it is approved. Larry Robinson will forward the agreement to Gary Thompson.

John Byington informed the Commission that the 50/50 Cost Share road from last year has been completed.

Larry Robinson presented proposed Road Vacations for two roads in the Critzer Lake area known as Township Road #15 and the JJ Hawkins Road. Neither one has an existing road in place. Herb Pemberton moved to publish the Notice to Vacate Roads and to set the hearing for June 18, 2007 at 10:00 AM. Doug Barlet seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Lot Split #07-211 requested by Mark & Anna Woodhead located north and west of Parker on Brown Road. The Lot Split meets our requirements and Mayhugh recommends approval. Herb Pemberton moved to approve Lot Split #07-211 and to accept the accompanying grant of easement. Doug Barlet seconded the motion. The motion passed 3-0.

Steve Hoeger, AMR informed the Commission that they have been working with their legal counsel to develop a contract for the County to review. The draft contract should be ready today. AMR is also working on hiring employees starting today.

Jackie Taylor, Linn County News asked if the County has the ability to inform the public how much money is spent on road repairs/construction. Taylor stated that she has not been able to find out how much was spent on 1050 Road. Bernita Robbins stated that employees used to keep a log each day of what they spent. The Commission wants to start reviewing budgets on June 18th. Steve Riley stated that rain washed out many gravel roads. Rick Sandness asked if anything has been decided on the Heat & A/C Bids on the Pleasanton Senior Center. Gary Thompson is reviewing the bids but he is not here today. Larry Robinson stated that he reviewed software for tracking public works projects a few years ago but the Commission decided not to purchase it at that time.

Becky Voorhies, SEK Regional Planning Commission presented the bids specifications for the fire tankers. Normally SEK gives companies 30 days for bids, but she suggests giving companies 60 days for these bids. Doug Barlet suggested adding automatic chains to the bids. Voorhies stated that the SEK Regional Planning Commission will send out the bids, but the Commission will open the bids. Doug Barlet suggested adding a monetary penalty if the company does not meet the deadline for delivery.

At 10:14 AM Herb Pemberton moved to take a 15 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

Dennis Arnold updated that Commission on his department. Arnold also stated that he got the trailer back from Painted Pony. Arnold suggested putting the trailer on Ebay to try to sell it.

At 10:37 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes for preliminary discussion on the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Dennis Arnold attended the executive session.

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

At 10:48 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes for preliminary discussion on the acquisition of real estate. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 10:53 AM the executive session ended. No action taken.

At 10:53 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

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

Jim Ferrante discussed implementing policies on computers, emails, equipment, and vehicles. Ferrante wants to implement Miami County's policies with some minor changes. Doug Barlet suggested having a list of approved programs that can be installed on County computers. If a department head wants to add a program, they would need to get the program added to the approved list by the Commission. The Commission then discussed vehicle usage policies and equipment usage policies.

Doug Barlet stated that John Morse informed him that the Centerville Rescue/Pumper needs repairs. Doug Barlet moved to allow John Morse to spend up to \$2,000.00 to repair/replace the motor that engages the pump on Rescue 3. Herb Pemberton seconded the motion. The motion passed 3-0.

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

Commission Chair

Attest:

County Clerk

June 11, 2007

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

Rubie Scott led the Pledge of Allegiance.

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

Jim Ferrante wants to hold the Emergystat check until we find out about the service on the west side of the County. The Commission agreed. Jim Ferrante moved to approve the following pays/special pays: General, \$129,634.43; Appraiser, \$3,399.47; Rural Fire, \$1,856.63; Road & Bridge, \$107,143.82; 911 Telephone Tax, \$3,357.28; and Elderly, \$11,446.50, but hold the Emergystat check until we get more information. Doug Barlet seconded the motion. The motion passed 3-0. Gary Thompson advised to hold the Emergystat check and give them notice that we are holding the check until review for violation of contract.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for May 2007. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for May 2007.

The Commission signed the Transfer and Certification of Appraisal Rolls for Real Property.

Joe Maloney informed the Commission that we need to take bids for the port-a-pots for the compactor sites. Maloney also informed the Commission that one of the Solid Waste trucks is at Merle Kelly Ford for repairs.

Andy Mayhugh presented Lot Split #07-212 requested by Belinda Ernest located in the southeast quarter of section 11, township 21 south, range 24 east. The Lot Split meets our requirements and Mayhugh recommends approval. Jim Ferrante moved to approve Lot Split #07-212 and to accept the accompanying grant of easement. Herb Pemberton seconded the motion. The motion passed 3-0.

Mayhugh also presented the Final Plat for Copperhead Valley requested by Mark Fritz. The Planning Commission approved the Plat by a 6-0 vote, subject to the following condition: No permits for any type of construction shall be issued for Lot #2 of COPPERHEAD VALLEY until an approved water source is installed on the property. Said water source shall be inspected by THE COUNTY and shall demonstrate an ability to provide ample potable water to serve a dwelling. Herb Pemberton moved to enter into the Subdivision Improvements Agreement and to sign the Plat, accepting the utility and road easements. Doug Barlet seconded the motion. The motion passed 3-0.

John Black asked the Commission for permission to order 5 each, 12", 15", 18", and 24" tubes, 30' long, from J. & J. Metal Products. Doug Barlet moved to approve the purchase in the amount of \$6,468.00 from J. & J. Metal Products. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson presented a revised Unofficial Detour Agreement with KDOT. Jim Ferrante moved to enter into the agreement as revised and instructed Larry Robinson to submit the agreement to KDOT. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson presented his findings on the bids for the heating and air conditioning at the Pleasanton Senior Center. Herb Pemberton moved to award the bid to Sandness Electric, Heating & Cooling, Inc. in the amount of \$11,945.00 (includes a 10 year, parts & labor warranty). Doug Barlet seconded the motion. The motion passed 3-0.

Gary Thompson also presented a proposed resolution concerning Medicaid & Medicare benefits for prisoners. Jim Ferrante moved to adopt Res. #07-23. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-23:

RESOLUTION NO. 07-23

A RESOLUTION URGING CONGRESS TO AMEND FEDERAL REGULATIONS TO ALLOW FEDERAL FINANCIAL PARTICIPATION FOR MEDICAL BENEFITS TO INCARCERATED INDIVIDUALS UNTIL CONVICTED AND SENTENCED TO SECURE DETENTION.

WHEREAS, U.S. Code of Federal Regulations, Title 42, Part 435.1009 states that federal financial participation (FFP) is not available in expenditures for services provided to individuals who are inmates of public institutions, and

WHEREAS, States being unable to assume the federal share of providing medical services to FFP eligible persons being held in county jails and detention facilities, tend to terminate or sometimes suspend eligibility, and

WHEREAS, this immediate cessation of benefits occurs prior to the issuance of formal charges or conviction, and

WHEREAS, counties must provide medical services to all persons incarcerated in local jails and detention facilities, and

WHEREAS, as the result of this regulation to immediately cease FFP for medical benefits, all costs of medical care must be borne solely by counties.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of Linn County, Kansas requests and strongly urges Congress to amend necessary federal regulations to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced to secure detention.

RESOLVED THIS 11TH DAY OF JUNE, 2007.


JIM FERRANTE, CHAIRMAN


HERB PEMBERTON, VICE-CHAIRMAN


DOUG BARLET, MEMBER

ATTEST

COUNT CLERK



At 9:48 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session until 10:00 AM to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:00 AM the executive session ended.

At 10:00 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

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

At 10:20 AM the executive session ended. As a result of the executive session, Doug Barlet moved to place David Yates on an unpaid medical leave of absence effective today. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:24 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Leon Hester, and Bobby Lowe attended the executive session.

At 10:36 AM Joe Maloney entered the executive session.

At 10:39 AM the executive session ended.

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

At 10:50 AM the executive session ended.

At 10:51 AM Doug Barlet moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

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

Gary Thompson announced that Jim Ptacek talked to the Commission about using the Methodist Church as a storm shelter. The Church's insurance will no longer allow using the Church as a storm shelter. The County had not designated the Church as an official shelter.

At 11:18 AM the Chairman asked for public comments. Jean Vaughn asked about the County policy on unpaid time off. The policy states you can use sick leave and can apply for unpaid time off. Ed Self commented about no smoking in County vehicles. How would it be enforced? Chairman stated that each Dept. Head or Elected Official would enforce the policy. Self also commented about the lack of planning on the La Cygne Fire Station. Mary Grosshart, Silver Haired Legislator, addressed the Commission concerning the Nutrition Program. The total tax money spent in the Nutrition Fund for this year is \$146,021.00. The total budget is \$381,879.00, so much of the money comes from other sources. Also, the General Fund earns interest from the Nutrition money that is in the bank. Donna Spencer stated that her concern has been letting the program go out of the County and losing the grant money. Larry Hall stated that this issue is something he brought up when he was a Commissioner. The program is a Federal mandate; we are just choosing who will provide the service. Jim Shields spoke in favor of keeping the program as is. Shields stated that the last time we went to another County for a service, was the Doctor's office. Now the clinics are run by Olathe Medical Center, and our money is going out of the County. Irene Zimmerman has a copy of the menu from Miami County. Zimmerman read the menus for the week from Miami County and Linn County. Zimmerman stated that a lot of older people cannot eat the type of food listed on Miami County's menus. Miami County also asks for \$3.00 per meal, we ask \$2.50 per meal. Elizabeth Maxwell discussed the East Central Kansas Area Aging on Aging's role in providing meal service for seniors. Mid-America is the only entity that bid on the program other than Linn County's current program. Mid-America would keep all sites open, but would reduce the hours that sites are open. Maxwell stated that both programs put out good quality food, it is up to the Commission to decide what program they want to fund. Doug Barlet asked about the grants that come through the ECKAAA. Who would receive the money? If we changed this year and then starting running it ourselves again later, could we get the grants back? Maxwell stated that we could get the grant money back in future years. Maxwell stated that all of the Counties in her area produce quality food. Virginia Nichols stated that a friend of hers moved to Louisburg and she did not like the food in Louisburg, stated that the food in Linn County is better. Bobby Lowe stated that he has heard that the food here is not always that good. Fred Kautt asked where the food comes from. Maxwell stated that each nutrition provider has the right to purchase their raw food from whatever provider they want. Mary Ann Callahan asked about the cost of delivering the meals from Pleasanton to the other sites. Elizabeth Maxwell stated that the cost of delivering food was included in the bid from Mid-America, but it was to be delivered in a County vehicle. Tommy Tuggle asked where Mid-America cooks food. Elizabeth Maxwell stated that currently Mid-America cooks in Ottawa.

Doug Barlet stated that he looked at the cost of bids and County expenses. Barlet's estimate is a difference of \$98,000.00. That includes the maximum budgeted for health insurance. If we use this year's actual insurance expense, the difference would be \$79,000.00. Barlet stated that we also need to consider that some of the money spent in the County stays in the County. Ladean Kempinger asked who would do the bids next year if she and Marilyn are not here. Bernita Robbins asked why the County can't run the program for the same amount as Mid-America. Elizabeth Maxwell stated that in the late 70's, there was a central kitchen in Centerville run by Mid-America. The County started its own program in the early 80's. Larry Hall stated that this is a clear cut case to give benefits with the least possible change at a lower cost. Rubie Scott mentioned that Doug stated that it will cost our County merchants because supplies won't be bought in the County. Virginia Nichols asked who would pay for delivering the meals to the sites. Mid-America would use our van, but they would pay for running it. Jackie Walker asked how much of Marilyn's salary is spent on Nutrition. Jim Ferrante stated that 70% of Marilyn's salary is paid from nutrition funds. Ferrante stated that we would probably need to hire a part-time person for the transportation program. Lenny Crooks asked who would bid next year if Marilyn is gone. Herb Pemberton stated that he doesn't want to take money and jobs out of Linn County. Herb Pemberton is in favor of keeping the program as is. Donna Spencer stated that Marilyn & Ladean fill in at the sites when someone can't work. Mary Ann Callahan asked how much of our County tax goes to the Nutrition program. Approximately 2% of County tax goes to Elderly Dept., including nutrition and transportation. LeRoy Lamb stated that we have a program that works well, why would we want to change to an unknown. Jean Vaughn asked if meals will still be prepared in Linn County. They will. Mary Ann Callahan asked if this is

already decided. Who will make the decision? Jim Ferrante stated that the Commission will make the decision. Fred Kautt suggested writing the facts and figures on the board so everyone could see. Frank Grosshart stated that the taxpayers voted the Commissioners into office, why won't the Commissioners pay attention to the taxpayers. Herb Pemberton moved to continue with the same program we have in place. Jim Ferrante stated that we have had many expenses over the past years, if we don't make changes, taxes will go up. Doug Barlet seconded the motion. Doug Barlet stated that his personal believe is that we should have Mid-America, but as a Commissioner he represents the people and is listening to what the people say. Barlet stated that there are issues that could come up such as losing volunteers. The motion passed 3-0.

Doug Barlet moved to allow Jim Ferrante to make the decision on releasing the Emergystat check pending review of the west side ambulance situation. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet stated that the Commission has reviewed the proposed ambulance contract and the Counselor will send revisions to AMR. Steve Hoeger stated that all current employees have been offered positions with AMR. 2 Paramedics have declined the offer and accepted a position out of the County. The current landlord in Pleasanton wants a contract for the full term of the AMR contract.

Jim Ferrante commented on electronic monitoring of prisoners. Ferrante gave an example of a County that spent \$3.5 million and saved \$15 million. Ferrante stated that he figured that we could save \$200,000.00 by using electronic monitoring. Jim Ferrante asked for support and help from the citizens to implement the program.

The Clerk informed the Commission of the Employee Recognition Dinner next week.

With nothing further on the agenda Doug Barlet moved to adjourn until 9:00 AM Monday, June 18th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

June 18, 2007

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

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

Doug Barlet to approve the following pays/special pays: General, \$86,266.97; Employee Benefit, \$56,880.42; Appraiser, \$8,760.15; Rural Fire, \$4,075.94; Road and Bridge, \$53,479.63; CDBG Revolving Loan, \$206.00; Crime Victim Assistance, \$856.97; Elderly, \$8,159.55; and Zoning LEPP Grant \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-233 & 234. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the Emergystat monthly report for May 2007.

Jim Ferrante moved to sign the Transfer and Certification of Appraisal Rolls for Personal Property. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton informed the Commission that KCPL would like to meet with John Byington, Dan Morris, Larry Robinson, and Herb Pemberton on July 2nd at 1:00 PM to discuss the road over the dam.

Dan Morris gave the Commission pictures of the low water crossing on Campbell Road that washed out. Morris would like to have a contractor come in with a hammer to break up the old concrete.

At 9:20 AM the Commission opened bids for Port-a-Pots for the compactor sites. Bids received were: Mobile John LLC, \$500.00 per month; and Gerken Rent-All, \$32.50 per unit monthly, \$34.50 per unit bi-monthly. There are seven units.

Andy Mayhugh discussed a preliminary engineering study for providing sewer service at the K152, US69 intersection. Mayhugh also discussed the completion of the Centerville Sewer District. Mayhugh would also like to have the engineer look at the US69, 1100 Road area. The estimate would not exceed \$6,000.00. Doug Barlet moved to allow Mayhugh to have Ken Shetlar conduct the preliminary engineering studies for an amount not to exceed \$6,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the bid from Gerken Rent-All for the Port-a-Pots at the Solid Waste sites. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission and Gary Thompson discussed the proposed policies on computer usage, email, and vehicle usage. Gary Thompson suggested working out all details before adopting policies. Gary Thompson also suggested adopting a simple policy statement for now, until details could be worked out. Jim Ferrante suggested having a special meeting to work on the policies. The Commission agreed to meet at 1:30 PM on June 25th to discuss the policies.

At 9:50 AM Herb Pemberton moved to recess from the Board of Commission into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended the executive session.

At 9:55 AM Joe Maloney entered the executive session.

At 10:00 AM the executive session ended.

At 10:00 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session. Joe Maloney left the executive session at 10:01 AM.

At 10:10 AM the executive session ended. As a result of the executive session, Herb Pemberton moved to sign and send a letter to Leon Hester concerning Saturday dumping at the Linn County Transfer Station by commercial haulers. Doug Barlet seconded the motion. The motion passed 3-0.

At 10:12 AM the Chairman opened the Hearing to Vacate Roads. The two roads included in the order are located near the new Critzer Lake and are recorded as Township Road #15 and the JJ Hawkins Road. Neither road is in use at this time. Larry Robinson informed the Commission that no objections from adjoining property owners have been received. The Chairman asked for public comment, none was given. Doug Barlet moved to adopt and sign the Order to Vacate Roads. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson discussed the County's Emergency Operations Plan. Robinson stated that it appeared that David Yates was working on updating the plan. Robinson stated that we could use suggestions on buildings that could be used as tornado shelters.

County Attorney John Sutherland presented his 2008 Budget Request. Doug Barlet stated that he would like to see the request reduced to the same amount as last year. Herb Pemberton moved to tentatively approve the 2008 County Attorney Budget in the amount of 183,383.00 (\$3,769.00 increase). Jim Ferrante seconded the motion. The motion passed 2-1. Doug Barlet voted no.

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

At 10:54 AM the Chairman asked for public comments. Jean Vaughn asked why something hasn't been done on the new policies. The Commission is planning on working out the details next week. Vaughn also asked about bids on the Concern building roof. Bids will be opened next week.

At 11:00 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Clanton Dubose (by phone) attended the executive session.

At 11:15 AM the executive session ended.

At 11:15 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended this portion of the executive session.

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

Kristy Schmitz presented the 2008 Register of Deeds Budget Request. Herb Pemberton moved to tentatively approve the 2008 Register of Deeds Budget in the amount of \$89,092.00 (\$19.00 decrease). Doug Barlet seconded the motion. The motion passed 3-0.

Mark Schuler gave the Commission copies of this year's fair book.

At 11:33 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes for preliminary discussion for the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Mark Schuler attended the executive session.

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

At 11:46 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor and then reconvene at 1:00 PM after the employee awards luncheon. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Steve Hoeger and Chad Fahlenkamp from AMR attended the executive session.

At 11:56 AM the executive session ended. No action taken. The Commission then attended the Employee Awards Luncheon.

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

The Clerk presented the health insurance renewal and bid information. The Clerk read parts of a memo from John Copple that listed what was included in the bid request and who the bid packages were sent to. The bid packages were sent to 5

brokers/companies. Only 2 of the companies returned bids and neither of them were comparable to the current plan. The HAAKE Company, representing KAC submitted fully insured quotes. Strategic Employee Benefits submitted a self-funded quote but the benefits did not match our current plan and their fixed costs were substantially higher. The Blue Cross/Blue Shield renewal was approximately 2% higher than the current plan, but the fixed costs were approximately 12% higher. After discussion, Doug Barlet moved to renew the BC/BS current plan and increase the employee contributions on the Employee/Children coverage from \$63.00 to \$71.00 per month, Employee/Spouse coverage from \$70.00 to \$78.00 per month, and Family coverage from \$100.00 to \$112.00 per month. The increases in employee contributions would be used to cover the increase in fixed costs. John Byington asked if this would set a precedent, any time the insurance increases would the employee have to cover the increase? The motion died for lack of a second. Jim Ferrante stated that the County does need to look for areas to cut costs/save money, but he did not believe that those cuts should be made in the insurance plan at this time. We should look for other areas to save money. Larry Hall asked the Commission to allow the public to comment during the budget discussions. The Chairman stated that we will make a decision next week when the Counselor is here, concerning public comment. Jim Ferrante moved to approve the BC/BS renewal as recommended by the Clerk, with no changes. Herb Pemberton seconded the motion. The motion passed 2-1. Doug Barlet voted no.

The Commission then discussed the Road & Bridge Budget. Dan Morris asked for advice on what the Commission wants in next year's budget. Possible projects for next year include: 2 or 3 miles of 1700 Road (2 miles would cost \$186,000.00, 3 miles would cost \$279,000.00), 2200 Road (power plant dam), the 2nd half of the Centerville streets (approximately \$38,500.00), roads in the fairgrounds (\$50,480.00 for hot mix), and new frontage roads. Morris asked what price to use for fuel for next year.

Herb Pemberton commented that he thinks the Road Foremen should have the authority to buy a load of fuel without calling the Commission. Herb Pemberton moved to allow the Road Foremen to order fuel as needed without prior approval from the Commission for up to 7200 gallons. Doug Barlet seconded the motion. The motion passed 3-0.

The Chairman said to use 3% as the salary increase amount for budgeting purposes. Jim Ferrante asked what Cities had requested help for road projects. John Byington stated that Prescott, Blue Mound, Parker, Pleasanton (compactor road), and Mound City (lagoon road) all have possible projects for next year. Jim Ferrante asked about the cost of maintenance on buildings. Doug Barlet asked for records of rock and fuel used over the last 3 years, and for maintenance records. Jim Ferrante mentioned the need for work on bridges on 1077 Road. Herb Pemberton stated that a group of property owners from the Tanglewood Lakes area would like to have 1850 Road, east of 1095 paved. They would be willing to cost share the project.

The Commission discussed the Rural Fire Dept. purchasing, problems, etc. Someone needs to be in charge of ordering, keeping track of budgets, etc. Herb Pemberton moved to have purchase requests go through Cheryl Wallace, to Larry Robinson, and that Larry Robinson should contact Doug Barlet with questions and for advice and make reports to the Fire Board. Jim Ferrante seconded the motion. The motion passed 2-0. Doug Barlet abstained.

The Commission then discussed the need for immediate repairs to fire apparatus when it breaks down. Jim Ferrante moved to give Larry Robinson the authority to repair fire apparatus in amounts that exceed \$1,000.00 after he consults with Doug Barlet. Herb Pemberton seconded the motion. The motion passed 2-0. Doug Barlet abstained.

Herb Pemberton stated that he has had complaints from firefighters and a station chief that there has not been any training since Mr. Yates started as Fire Chief. Doug Barlet stated that Mr. Yates had left training up to Station Chiefs until he got up to speed.

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

Commission Chair

Attest:

County Clerk

June 25, 2007

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

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

Herb Pemberton moved to allow the Chairman to sign the agreement with Sandness Electric, Heating, and Cooling, Inc. for the heating and air conditioning at the Pleasanton Nutrition Center. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve and sign the audit contract with Diehl, Banwart, and Bolton. Diehl, Banwart, and Bolton will perform the audit services for an amount not to exceed \$12,830.00 (4% increase). Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk gave the Commission copies of the valuation comparison for the County. This year's valuation is down \$4,336,053.00. The Clerk stated that it will take approximately a 1 mil increase to cover the loss of valuation. The biggest decrease was in the State Appraised Utilities.

John Byington asked for permission to rent a DD90 steel roller from Victor L. Phillips for one week for approximately \$1,200.00 for the 1700 Road project. Jim Ferrante moved to allow Byington to rent the DD90 roller. Herb Pemberton seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Lot Split #07-213 requested by Janice Stahl located south and east of Parker on 2000 Road. Mayhugh recommends approval of the Lot Split. Herb Pemberton moved to approve Lot Split #07-213 as requested by Janice Stahl. Doug Barlet seconded the motion. The motion passed 3-0.

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

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

At 9:21 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:31 AM the executive session ended. No action taken.

Carmen Self presented the 2008 Treasurer Budget Request in the amount of \$169,617.26. Doug Barlet asked for information on what has been spent in the last two years for each category. Herb Pemberton moved to tentatively approve the 2008 Treasurer Budget Request in the amount of \$169,617.26 (\$3,042.00 decrease). Doug Barlet seconded the motion. The motion passed 3-0.

At 9:43 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:58 AM the executive session ended.

At 9:59 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

At 10:10 AM the Commission opened bids for the Concern Building roof and the District Court roof. Bids received were: L&E Enterprises, Concern roof, \$4,422.00; and Midwest Diversified Roofing, District Court, \$13,570.00 plus \$2,726.00 for cutting overflow holes for a total of \$16,296.00. Herb Pemberton moved to accept the bid from L&E Enterprises in the amount of \$4,422.00. Doug Barlet seconded the motion. The motion passed 3-0. Jim Ferrante moved to accept the bid Midwest Diversified in the amount of \$16,296.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold gave the Commission and update on 2 prospects that are looking at locating in the Pleasanton Ind. Park. Both will be here in the next 2 weeks to look at the site. One of the prospects is a Pre-Fab Building Products company that would employ approximately 100 people. The other prospect is a Food Processing Facility that would employ 150 to 200 people. Arnold stated that there are infrastructure issues to look at with City of Pleasanton and County. Arnold also reported that Necessary Oil Company is still working with KDHE on permits. Arnold then asked for a 15 minute executive session to discuss property acquisition with the Commission and the Airport Committee.

At 10:23 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes for preliminary discussion of the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Dennis Arnold, Larry Robinson, Andy Mayhugh, Clarence Easley, and Mary Thomas attended the executive session.

At 10:38 AM the executive session ended.

At 10:38 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:43 AM the executive session ended. No action taken.

At 10:44 AM the Chairman asked for public comment. None was given at this time.

At 10:45 AM Herb Pemberton moved to take a 15 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

Larry Kinder, Raymond Burch, and Karen Tuggle presented the 2008 Soil Conservation Budget request in the amount of \$28,500.00. Herb Pemberton moved to tentatively approve the 2008 Soil Conservation Budget in the amount of \$28,500.00 (no change). Doug Barlet seconded the motion. The motion passed 3-0.

Lea Ann Davenport addressed the Commission about help with the Pleasanton Cemetery. The Pleasanton Cemetery is funded by donations. She would like to schedule a work day at the cemetery and would like to use County equipment to trim cedar trees and haul off the debris. She would also like some gravel. The Commission will ask John Black to take a look at the project and make suggestions for later in the fall.

Tim Staton asked the Commission for an executive session for 15 minutes for legal matters. At 11:11 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Tim Staton, and Charles Rowe attended the executive session.

At 11:23 AM Tim Staton and Charles Rowe left the executive session.

At 11:26 AM the executive session ended.

At 11:27 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended this portion of the executive session.

At 11:32 AM the executive session ended. No action taken.

Jake Heck from First Landmark addressed the Commission concerning long distance service. His rate for long distance is \$.04 per minute through Touchtone. The Commission asked the Clerk to check into the current rates that we are paying.

Gary Thompson presented the agreement with Gerken Rent-All for port-a-pots at the compactor sites. Doug Barlet moved to approve and sign the agreement. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante stated that he received a number of calls after the decision was made on the Nutrition Program. He was not sure where all the numbers were coming from 2 weeks ago when the decision was made. Jim Ferrante worked up his own numbers showing a savings of \$93,000.00 if we went with Mid-America Food Service. Jim Ferrante moved to rescind the original motion to give the nutrition bid to Linn County. Herb Pemberton stated that he is concerned that we will possible save \$90,000.00 this year but we could spend \$200,000.00 more next year. Doug Barlet is concerned about making a snap decision, he would want more information before reversing the previous decision. The motion died for lack of a second. Mary Grosshart commented that she attended a meeting last week with SEK Area Agency on Aging last week and the only increase they had was from Mid-America. Mary Thomas suggested getting background information from current clients of Mid-America. Ruth McGrew stated that appeared that a snap decision was made 2 weeks ago.

At 12:03 PM Herb Pemberton moved to recess for lunch and reconvene at 1:30 PM. Doug Barlet seconded the motion. The motion passed 3-0.

At 1:30 PM the Board of Commission meeting reconvened.

Doug Barlet presented the proposed policies on vehicle usage and computer usage that had been adapted from Miami County's policies.

Gary Thompson informed the Commission that he has reviewed the proposed contract with AMR and stated that he did not see any additional changes that had not been discussed previously. The contract is for a subsidy of \$321,237.00 for July 2007 through Dec. 2007, \$692,959.00 for 2008, \$722,024.00 for 2009, and \$756,979.00 for 2010. Herb Pemberton moved to allow the Chairman to sign the agreement with AMR as presented. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission then reviewed the proposed cell phone policy and again reviewed the vehicle and computer policies. The Commission discussed the proposed policies with the Counselor, Clerk, System Administrator, and the audience. The Clerk and System Administrator will make suggestions on the policies next week. No action was taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, July 2nd. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

July 2, 2007

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

Doug Barlet moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 2-0.

Harry Wisdom reported that many roads are washed out. He has recorded 17 inches of rain since last Tuesday.

Steve Thompson and Jerry Bedgood reported that we had a leak in the Courthouse that leaked on the copy machine in the Appraisers office. Thompson is worried about the ceiling caving in. He would like to have a structural engineer or someone look at the problem. Doug Barlet suggested moving the employees until someone can look at the problem. The Commission agreed that it needs to be investigated.

Joe Maloney asked the Commission for permission to close the CD Landfill until the water can be pumped out. Jim Ferrante moved to temporarily close the CD Landfill until the water can be pumped out. Doug Barlet seconded the motion. The motion passed 2-0.

Jim Ferrante moved to approve the permits for solid waste collection for David Ayers, L&K Services, Inc., Arnold Ayers, Hester Transportation, Donna Doan, and David Cummings. Doug Barlet seconded the motion. The motion passed 2-0.

Herb Pemberton arrived at 9:10 AM.

Maloney also presented a proposal from Aquaterra for the Industrial Storm Water Compliance Plan. Maloney stated that he also had a phone bid from another company for \$2,500.00 to \$3,500.00. The Commission asked Maloney to give the bids to Gary Thompson for review.

John Maloney informed the Commission that he has training at El Dorado on the 17th, 18th, & 19th of July and he will be at the 4-State Farm Show on the 20th, 21st, 22nd of July.

Larry Robinson reported that the Governor has declared Linn County as a Disaster Area due to the flooding.

Robinson asked the Commission to hire Mike Stevens at Station 940 and Jerome Mitzner at Station 950. Robinson also reported that the Fire Board recommends terminating Dustin Lowe at Station 960 due to non-compliance with the physical requirements. Herb Pemberton moved to approve hiring Mike Stevens and Jerome Mitzner and terminating the employment of Dustin Lowe. Doug Barlet seconded the motion. The motion passed 3-0.

Robinson also reported that Station 940 has a pumper truck that has failed to work several times. Herb Pemberton moved to have the pumper (Truck #942) repaired by Conrad Fire for \$1,000.00 to \$2,000.00. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #07-25 declaring a State of Local Disaster Emergency in Linn County due to the flooding. Doug Barlet seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-25:

RESOLUTION # 09-25 AND PROCLAMATION

PROCLAMATION of a State of Local Disaster Emergency for Leisure
County, Kansas.

WHEREAS on the 30th day of October, 2007 the Board of Commissioners of Leisure County, Kansas finds that certain conditions have caused, or eminently threaten, to cause wide-spread or severe damage, injury or loss of life or property in disaster proportion in Leisure County, Kansas.

WHEREAS, such conditions have created obstructions which endanger health, safety and welfare of persons and property within the border of Leisure County, Kansas.

Now, therefore, be it resolved by the Board of Commissioners of Leisure County, Kansas.

That the Board of County Commissioners of Leisure County, Kansas order and by virtue of the authority vested in it by K.S.A. 1976 Supp. 48-932, does hereby PROCLAIM that a State of Local Disaster Emergency exists.

IT IS FURTHER RESOLVED AND PROCLAIMED that the area within the border of Leisure County, Kansas covered by this proclamation/ resolution is the entire area of Leisure County, Kansas.

BE IT FURTHER RESOLVED that said Board has all rights and/or powers to perform such functions as are vested in said Board by and through the provisions of the Kansas Emergency Preparedness Act of 1975.

IT IS FURTHER RESOLVED AND PROCLAIMED that this resolution shall remain in effect for a period of seven (7) days unless terminated earlier or renewed by consent of the governing body.

ADOPTED BY THE BOARD OF Leisure COUNTY COMMISSIONERS
THIS 30 DAY OF October, 2007



Herb Pemberton
COUNTY COMMISSIONER
Jim Ferrante
CHAIRMAN
Doug Barlet
MEMBER
Debra
COUNTY CLERK

Roger Carbon addressed the Commission concerning blacktopping roads at the Fairgrounds. Carbon also gave the Commission a list of events that are held at the Fairgrounds. Carbon stated that the ditch work at the Fairgrounds has been done and the roads are ready to be blacktopped. Jim Ferrante stated Carbon should talk to John Byington and come back to the Commission with a possible schedule. Doug Barlet asked who was paying for the materials. Carbon stated that the County would provide the materials, the Fair Assoc. does not have the means to pay for the project. Doug Barlet is concerned that the County would not have enough money to do the project. Herb Pemberton doesn't think we can do the project this year, but we should budget for it next year. John Byington stated that no money was set aside for the fairgrounds roads.

At 9:39 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:49 AM the executive session ended.

At 9:50 AM Doug Barlet moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:55 AM the executive session ended.

At 9:55 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:57 AM Joe Maloney entered the executive session.

At 10:01 AM Joe Maloney left the executive session.

At 10:06 AM the Clerk left the executive session.

At 10:10 AM the executive session ended. As a result of the executive session, Jim Ferrante moved to terminate Jessee

Spears as an at-will employee effective today and to pay 2 weeks severance pay. Doug Barlet seconded the motion. The motion passed 3-0.

As a result of the first executive session, Jim Ferrante moved to rescind the previous motion of June 11th which allowed Linn County to provide the contract services for the Linn County Nutrition program. Doug Barlet seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

Jim Ferrante then moved to allow Mid-America Nutrition to take over the Linn County nutrition services effective Oct. 1, 2007 or at the time designated by the State. Doug Barlet stated that he received 148 contacts from people in District #2, 82 people supported outsourcing the program and he will do what the people want. Doug Barlet seconded the motion. Herb Pemberton stated that this program was started in 1980 with a 1 mil levy. Herb Pemberton stated that it should be put on the ballot next year and the people should vote. The motion passed 2-1. Herb Pemberton voted no.

Bruce Holt presented the 2008 Park Budget request in the amount of \$256,000.00. Doug Barlet moved to tentatively approve the 2008 Park Budget request in the amount of \$256,000.00 (no change). Herb Pemberton seconded the motion. The motion passed 3-0.

Jerry Bedgood presented the 2008 Custodian Budget request in the amount of \$72,664.00 (\$527.00 increase). Doug Barlet stated he would like to see the request decreased to the same as this year's budget. Herb Pemberton moved to tentatively approve the 2008 Custodian Budget request in the amount of \$72,664.00. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to authorize the Chairman to sign the roofing contract on the District Court Building with Midwest Diversified Roofing. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to authorize the Chairman to sign the roofing contract on the Concern Building with L. & E. Enterprises. Doug Barlet seconded the motion. The motion passed 3-0.

Doug Barlet moved to table the discussion on the policies until after lunch. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:38 AM Jim Ferrante moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:54 AM the Chairman asked for public comment. Rose Smith asked what the average donation is for meals. Jim Ferrante stated that he didn't know. Smith asked Doug Barlet what he was told by Jim Ferrante about meal donations. Doug Barlet stated he was told \$0.07 to \$0.25. Smith stated that this year's average donation is \$1.66 per meal. Sherry Ming stated that she doesn't envy the Commission's position. She does not understand where the \$90,000.00 savings is. Ming stated that she feels betrayed when the Commission voted yes one week and then turned around and voted no the next week. Ming stated that she heard that Mid-America would make all the decisions about the meal sites and also stated that the suggested meal donations could be increased to \$3.00 if that would help keep the program as is. Ming presented a petition from senior citizens that want to keep the program with no changes. Jim Ferrante stated that the savings are mainly in salaries and benefits. Jim Ferrante talked to Mid-America, they have a Board, and we will have a member on that Board. Mid-America has not decreased to 3 days in any of their current locations. Fred Kautt asked if the Commission knows where the food is being purchased, and will the Commission personally inspect the food. Kautt also asked if the Commissioners will come to the Nutrition Sites once a month and listen to what the people have to say. Ed Saymn asked about the proposed airport that could be financed with a \$1,000,000.00 grant that we would pay 10% of. Saymn also asked if the Fire Station in La Cygne has electricity. (It does not at this time.) Donna Spencer asked if Doug Barlet has caller ID and does he check to see if the calls were coming from the same number. Doug Barlet stated that he checked and did everything he could to make sure the calls were appropriate. Spencer also asked if the County could state in the contract that meals will be provided 5 days per week. (It can be specified in the contract.) Spencer asked if Jim Ferrante knew how many people called him. Jim Ferrante had 39 calls and emails, 72% for out-sourcing to Mid-America. Albert Wright asked if the Commission considered the amount of money the County will lose from State and Federal grants. Doug Barlet stated that we spend about \$10,000.00 in Linn County currently for gas and supplies. We can't guarantee that those items will still be purchased in Linn County but logically they would still buy those items in the County. The grants would go to Mid-America to buy food instead of coming to Linn County to buy food, but the money does not set in Linn County's account drawing interest. Mr. Wright stated that he asked the Clerk to see what it would take to submit a petition to bring this to a vote of the people.

At 11:34 AM Herb Pemberton left the meeting.

Melody Leavitt stated that she thinks there is a fear that the County is moving away from helping seniors. Leavitt stated that the Senior Centers provide many benefits to the community. Jim Ferrante stated that the Commission never planned on closing Senior Centers. Jean Vaughn stated that she doesn't know where these fears are coming from. Lenny Crooks asked how people will apply for meals. We don't have all the details yet. Mary Grosshart asked how we can make a change on Oct. 1st when we have a budget that runs until Dec. 31st? Tom Higgins asked about our bidding process. Higgins stated that we only have one car dealer in the County, but we still need to have competitive bids. Helen Wright asked about having ambulance service on the west side of the County. We are looking at options for the future. Irene Zimmerman stated that it would be better to load people in the car instead of waiting for the ambulance on the west side of the County. Steve Hoeger stated that AMR hired everyone that they could from the previous service and have obtained maps of the County.

Chris Paus presented the Lake Region Solid Waste Authority Budget request for 2008 in the amount of \$5,200.00 (\$290.00 increase). Jim Ferrante moved to tentatively approve the Lake Region Solid Waste Authority Budget in the amount of \$5,200.00. Doug Barlet seconded the motion. The motion passed 2-0.

Dennis Arnold presented the 2008 Economic Development Budget request in the amount of \$107,613.00 (\$112.00 decrease). Doug Barlet would like to have a Capital Improvement Fund for Economic Development. Doug Barlet moved to tentatively approve the 2008 Economic Development Budget in the amount of \$107,613.00. Jim Ferrante seconded the motion. The motion passed 2-0.

Arnold stated that no money has been budgeted for an airport. If we can't get the grant, we will not build an airport. Doug Barlet stated that we can provide the 10% match through in-kind contributions.

Jim Ferrante moved to direct the County Surveyor to proceed with a permanent survey as requested by Curtis L. Heide, at the owner's expense, to establish the corners to a portion of the property consisting of: Lots 3 and 4, 11 and 12 and the East 28.00 feet of Lots 9 and 10 in Foot & Beach's Addition to the City of La Cygne, KS and to make permanent any Survey Control Monuments necessary to make this survey. Doug Barlet seconded the motion. The motion passed 2-0.

Andy Mayhugh presented proposed Resolution #07-24 amending the Zoning Regulations. The Planning Commission unanimously recommended approval. Jim Ferrante moved to approve Resolution #07-24. The motion died for lack of a second. Doug Barlet stated that he would like to have all Commissioners present to approve the amendments.

The Clerk presented the 2008 Counselor Budget request in the amount of \$57,000.00 (\$7,500.00 increase). Jim Ferrante moved to tentatively approve the 2008 Counselor Budget in the amount of \$57,000.00. Doug Barlet seconded the motion. The motion passed 2-0.

Jim Ferrante to approve the following pays/special pays: General, \$173,969.68; Employee Benefit, \$58,899.56; Appraiser, \$8,718.63; Rural Fire, \$6,622.86; Road and Bridge, \$39,792.85; 911 Telephone Tax, \$834.33; Crime Victim Assistance, \$856.97; Elderly, \$9,199.03; and Zoning LEPP Grant \$2,145.33. Doug Barlet seconded the motion. The motion passed 2-0.

The Clerk presented the 2008 Ambulance Budget request in the amount of \$702,000.00 (\$132,000.00 increase). The Commission asked Steve Hoeger to take a look at the building in La Cygne to see if any repairs are needed. Doug Barlet moved to tentatively approve the 2008 Ambulance Budget in the amount of \$702,000.00, pending review of La Cygne Station Capital Outlay needs. Jim Ferrante seconded the motion. The motion passed 2-0.

The Clerk presented 2008 Commission Budget request in the amount of \$67,050.00 (\$1,800.00 increase). Jim Ferrante suggested not taking the increase in salary next year. Doug Barlet moved to tentatively approve the 2008 Commission Budget in the amount of \$65,250.00 (no change), deducting the 3% COLA for the Commission. Jim Ferrante seconded the motion. The motion passed 2-0.

The Clerk presented the 2008 EMS Budget request in the amount of \$4,000.00 (no change). Doug Barlet would like to increase the EMS Budget to train more Firefighters to be EMT's. Jim Ferrante moved to tentatively approve the EMS Budget in the amount of \$20,000.00 (\$16,000.00 increase). Doug Barlet seconded the motion. The motion passed 2-0.

The Clerk presented the 2008 Juvenile Intake Budget request in the amount of \$36,000.00 (no change). Doug Barlet moved to tentatively approve the 2008 Juvenile Intake Budget in the amount of \$36,000.00. Jim Ferrante seconded the motion. The motion passed 2-0.

The Clerk presented the 2008 Windfall Budget request in the amount of \$517,013.00 (no change). Doug Barlet moved to tentatively approve the 2008 Windfall Budget in the amount of \$517,013.00. Jim Ferrante seconded the motion. The motion passed 2-0.

The Clerk presented the 2008 Historical Society Budget request in the amount of \$24,000.00 (no change). The Commission stated that they would like to see the budgets from each Historical Society before approving the budget request. The Commission discussed public usage of the museum with the audience.

The Clerk presented the 2008 Special Alcohol Fund Budget request in the amount of \$9,000.00 (no change), the 2008 Special Park & Recreation Budget request in the amount of \$5,000.00 (no change), and the 2008 911 Telephone Tax Budget request in the amount of \$105,000.00 (no change). Doug Barlet moved to tentatively approve the 2008 Special Alcohol Fund Budget in the amount of \$9,000.00, the 2008 Special Park & Recreation Budget in the amount of \$5,000.00, and the 2008 911 Telephone Tax Budget in the amount of \$105,000.00. Jim Ferrante seconded the motion. The motion passed 2-0.

The Commission then reviewed the proposed policies. Doug Barlet would like to add equipment to the vehicle policy. The Commission reviewed suggestions from the System Administrator and discussed additions and changes to the computer policy. Doug Barlet will make the changes to the proposed policies and give the Clerk a copy to send to the Commissioners and Counselor on Thursday.

With nothing further on the agenda Doug Barlet moved to adjourn until 9:00 AM Monday, July 9th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

July 6, 2007

The Board of Linn County Commission met in special session at 10:30 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Member; Doug Barlet, Member; and John Copple, Deputy County Clerk.

Following is a copy of the Notice of Special Meeting.



Also attending were Kansas 12th District Senator Pat Apple; Micky Davis, Wyandotte County Emergency Management; Mick Brinkmeyer, Anderson County Emergency Management; Keith Yoder, Kansas Division of Emergency Management; Larry Robinson, Linn County Emergency Preparedness Coordinator; Marvin Stites, Sheriff; Donna Thomas, Health Department; Steve Thompson, Appraiser; Pam Cannon, Computer Mapping Technician; Andy Mayhugh, Director Planning and Zoning; and Dan Morris, Foreman Road District #3.

Micky Davis told the group that all decisions regarding the flood disaster areas (including security, cleanup, and recovery) belong to the county in unincorporated areas and to the various cities within their own incorporated areas.

Micky Davis said that the purpose of the meeting was to get a current assessment of the disaster situation and to begin finding resources to help with cleanup and recovery. Davis said that in the immediate future the County Commission and various county departments would be working to get data to the State of Kansas so the flooded areas can be evaluated for state and federal assistance eligibility.

There was extensive discussion of the current flood damage situation and available state and federal resources to assist in cleanup and recovery.

No formal action was taken during the meeting. With nothing further on the agenda, Herb Pemberton moved to adjourn until 9:00 a.m. Monday, July 9th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

July 9, 2007

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

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

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-235. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:16 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Harry Wisdom attended the executive session.

At 9:21 AM the executive session ended. No action taken.

Sheriff Stites presented the 2008 Sheriff Budget request in the amount of \$1,215,748.00 (\$175,095.00 increase). After discussion, Jim Ferrante moved to tentatively approve the 2008 Sheriff Budget in the amount of \$1,215,748.00. Herb Pemberton seconded the motion. The motion passed 2-1. Doug Barlet voted no.

Larry Robinson informed the Commission that 2 FEMA teams are in the County today looking at flood damage. One team was in the County yesterday. They are accessing the damage to see if we qualify for individual assistance. FEMA Representative Terry Wells addressed the Commission and explained what FEMA is doing and what they can do for individuals in the County.

Mark Schuler and Judy Houtman presented the 2008 Extension and 4-H Building Budget requests in the amounts of \$122,200.00 (\$900.00 increase) for Extension and \$18,000.00 (\$1,000.00 decrease) for 4-H Building. Jim Ferrante moved to tentatively approve the 2008 Extension Budget in the amount of \$122,200.00. Herb Pemberton seconded the motion. The motion passed 3-0. Herb Pemberton moved to tentatively approve the 2008 4-H Building Budget in the amount of \$18,000.00. Doug Barlet seconded the motion. The motion passed 3-0.

Schuler also presented the 2008 Fair Building and Fair Premium Budget requests in the amount of \$13,600.00 (no change). Doug Barlet moved to tentatively approve the Fair Building \$3,000.00 and Fair Premium \$10,600.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Judge Smith presented the 2008 District Court Budget request in the amount of \$238,420.00 (\$9,220.00 increase). Jim Ferrante asked Judge Smith about electronic monitoring of prisoners, what kind of equipment would the County need. Judge Smith suggested asking for bids from electronic monitoring companies and then meeting with the Judge to pick the type of equipment and company to contract with. The equipment would need to have alcohol monitoring and would have to work with modern phone systems. The County would also need to have policies and procedures in place when the contract is signed. Herb Pemberton moved to tentatively approve the 2008 District Court Budget in the amount of \$238,420.00. Doug Barlet seconded the motion. The motion passed 3-0.

Roger Carbon addressed the Commission concerning the roads at the fairgrounds. Carbon asked the Commission to budget to blacktop the roads at the fairgrounds and the parking area at the 4-H Building. The cost would be \$50,480.00. The Commission asked Roger Carbon to come back to next week's meeting when the Road & Bridge Budget is discussed.

Steve Thompson presented the 2008 Appraiser Budget request in the amount of \$303,000.00 (\$3,000.00 increase). The Commission asked Thompson for a detailed breakdown of his expenses by category.

Doug Barlet moved to approve the following pays/special pays: General, \$47,932.45; Appraiser, \$2,178.17; Rural Fire, \$4,148.92; Road & Bridge, \$92,974.94; 911 Telephone Tax, \$2,302.30; Spl. Fire Equip. Replacement, \$9,695.88; and Elderly, \$7,850.67. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:29 AM Herb Pemberton moved to take a 10 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante moved to postpone the public comment time until after the budgets are approved. Herb Pemberton seconded the motion. The motion passed 2-1. Doug Barlet voted no.

Bill Van Kirk presented the FY 2008 Award of Grant Funds Community Corrections & SB123 Supervision Grant Funds Budget Summary. Linn County does not provide cash for the Community Corrections budget but we do provide office space. Herb Pemberton moved to approve and sign the Budget Summary. Doug Barlet seconded the motion. The motion passed 3-0.

Bob Chase presented the 2008 Mental Health Budget request in the amount of \$92,200.00 (\$8,400.00 increase). After discussion, Jim Ferrante moved to tentatively approve the 2008 Mental Health Budget in the amount of \$87,990.00 (\$4,200.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:59 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

Jessee Spears asked the Commission why we are spending \$80,000.00 to \$120,000.00 to haul Missouri trash. Spears asked why CD loads are not being sorted by the customers. Spears then asked for a reason that he was fired. The Counselor explained that he was fired as an At- Will employee and no reason was given. The Counselor stated that our Resolution does not allow out of state trash to be dumped at our landfill. Jim Ferrante moved to clarify last week's motion terminating Jessee Spears' employment by stating that Spears will be terminated effective 7/16/07 and is on paid suspension until that time. Doug Barlet seconded the motion. The motion passed 3-0. Jim Ferrante moved to sign the written notice of termination to Jessee Spears. Doug Barlet seconded the motion. The motion passed 3-0.

At 12:32 PM Herb Pemberton moved to take a 30 minute break for lunch. Doug Barlet seconded the motion. The motion passed 3-0.

At 1:09 PM the Board of Commission meeting reconvened.

At 1:10 PM the Chairman asked for public comments. Robert James from Tanglewood Lakes addressed the Commission concerning access in and out of Tanglewood. James stated that during the flood, the only way out of Tanglewood was 1850 Road, and that road was not in good shape. James asked if the Commission would consider doing a cost analysis on paving 1850 Road. James also asked if the Commission would put a traffic counter on the road. Mary Gilkison stated that Steve Riley brought up the liability issue of paving roads at the fairgrounds, would that cause problems for horses? Gilkison also stated that Riley didn't think other Counties had paved roads at their fairgrounds.

Andy Mayhugh presented Zoning Amendment #07-01 codified as Resolution #07-24. The Planning Commission unanimously recommended approval. Jim Ferrante moved to adopt Resolution #07-24 amending the Linn County Zoning Regulations. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-24:

Resolution #07-24

A Resolution Amending Articles 10.05 and 10.06 of the Linn County Zoning Regulation

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 any incorporated city in Linn County, Kansas; and,

Whereas, the Board of County Commissioners of Linn County, Kansas is charged with promoting the public health, safety, morals, comfort, general welfare, and conserving property values in the areas so zoned; and,

Whereas, the Linn County Planning Commission did cause to be published a Notice of Public Hearing which was duly published in the Legal Notices of the May 16th 2007, edition of the Official County Newspaper; and,

Whereas, the Linn County Planning Commission did on June 12th, 2007, hold a Public Hearing regarding proposed changes to Articles 10.05 and 10.06 of the Linn County Zoning Regulation; and,

Whereas, the Linn County Planning Commission, as a result on the above mention Public Hearing, does hereby recommend amendments to Article 10.05 and 10.06 of the Linn County Zoning Regulation by a 7-0 vote; and,

Whereas, the Linn County Board of County Commissioners, upon receipt of said recommendation do hereby wish to incorporate said recommended amendment into the Linn County Zoning Regulations;

Therefore be it Resolved, that Articles 10.05 and 10.06 of the Linn County Zoning Regulation are hereby deleted and replaced with the following text:

Article 10.05:

1. Any conditional use permit shall be considered permanent, except as herein otherwise limited, unless specifically limited in time as a condition of its approval, and provided that all conditions attached to the permit by the County Commission are met.

2. Notwithstanding Section 1, all conditional use permits will automatically expire, be considered abandoned and become invalid by operation of law when:

- A. A definite time frame has been established as a condition by the County Commission and that time frame has elapsed.
- B. An approved conditional use permit has not been initiated or utilized by commencing the activity or use at the site specified in said permit within one (1) year of the date of

authorization, unless the County Commission finds that the use is of such a scale that additional time is needed prior to its initiation. The authorization date shall be the date that the permit is approved by resolution of the County Commission. If more than one (1) year is needed as found by the County Commission, the amount of time to initiate the use shall be specified in the approving resolution.

C. Conditional use permits in which the authorized activity, service or use has ceased for three hundred and sixty-five (365) continuous days, for any reason. However, if a particular use has ceased in order to overhaul or provide maintenance to the facility as it directly relates to the use, said overhauling or maintenance shall be considered as being in continual use.

3. Holders of conditional use permits subject to termination due to the provisions of paragraphs B and C above, may file a written petition with the Zoning Administrator at least thirty (30) days prior to the expiration date, requesting an extension of time to begin or to reinstate the activity, service or use. The application shall state specific reasons for such an extension and shall include all reports from appropriate County agencies and shall be sent to the County Commission for consideration within thirty (30) days of filing of the application. The County Commission may grant an extension if it finds that circumstances beyond the normal control of the holders of the permit resulted in a delay of the initiation of or a cessation of the activity, service or use for three hundred sixty-five (365) continuous days.

4. Any conditional use permit, authorized in accordance with this Article, may be revoked or modified when the County Commission finds, following a public hearing pursuant to Article 16.05 of these Regulations:

A. That there has been a failure to comply with the conditions established for that conditional use permit.

B. That the use of the property has substantially expanded or deviated from the permitted use and intent. Permitted use and intent shall be interpreted as being the use(s) permitted by a conditional use permit that existed on June 22, 1981, uses in place prior to that date, or uses specifically defined in the resolution approving the conditional use permit for permits granted after June 22, 1981. If, upon examination, the Planning Commission finds that there has been no change, expansion or deviation in use, or that any change, expansion or deviation in use is minimal, the original conditional use permit will remain in effect.

C. That the conditional use permit has been found by a court of law and/or federal or state administrative agency to be an illegal activity or to be a nuisance as defined by Kansas statute, or said court or administrative agency has otherwise ordered changes in the permit.

5. Action to modify or revoke a conditional use permit may be initiated by the County department responsible for enforcing these Regulations or upon a complaint filed with the County Planning Department and/or other affected County departments. Upon receipt of a complaint, the zoning administrator or a designated representative shall investigate the complaint. If an investigation finds that the complaint is valid and sufficient grounds exist for modification or revocation of a conditional use permit, the matter shall be referred to the Planning Commission for a hearing.

Be It Further Resolved, that this Resolution will become effective upon publication in the Official County Newspaper.

Approved and adopted by action of the Linn County Board of County Commissioners this 9th day of July, 2007.

LINN COUNTY BOARD OF COUNTY COMMISSIONERS

Jim Ferrante
Jim Ferrante, Chairman

Herb Pemberton
Herb Pemberton, Vice Chairman

Doug Barlet
Doug Barlet, Member



ATTEST:
David Lamb
David Lamb, Linn County Clerk

Mayhugh also presented Lot Split #07-214 requested by Jesse T. Randall as Executor for Glenn McGee located on Gorman Lane. Herb Pemberton moved to approve Lot Split #07-214 and to accept the accompanying grant of easement. Doug Barlet seconded the motion. The motion passed 3-0.

Mayhugh then presented Lot Split #07-215 requested by Edward Umphenour located on US 69 Highway. Jim Ferrante moved to approve Lot Split #07-215. Herb Pemberton seconded the motion. The motion passed 3-0.

Robert Morse informed the Commission that Melvin Holloman bladed his drive this morning because the Fire Dept.'s fuel tank is located at his property. Morse also asked for an accounting of where the money for the Fire Dept. has been spent in the past. Morse would like to see the Fire Dept. expenses audited for the last 5 years.

The Clerk presented the 2008 Courthouse Budget request in the amount of \$275,000.00 (\$25,000.00 increase). After discussion, Doug Barlet moved to tentatively approve the 2008 Courthouse Budget in the amount of \$259,000.00 (\$9,000.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Steve Thompson gave the Commission a breakdown on the expenses for his department.

Joe Maloney presented the 2008 Solid Waste Budget request in the amount of \$381,593.00 (\$58.00 decrease). Doug Barlet moved to tentatively approve the 2008 Solid Waste Budget in the amount of \$381,593.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney also informed the Commission that his Ser-Corp employee turned in his resignation today.

At 2:42 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and John Maloney attended the executive session.

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

John Maloney presented the 2008 Noxious Weed Budget request in the amount of \$97,897.00 (\$6,378.00 increase). Jim Ferrante moved to tentatively approve the 2008 Noxious Weed Budget in the amount of \$97,897.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Jean Vaughn asked if the used Highway Patrol vehicles ever had warranties. Doug Barlet stated that the bumper to bumper warranty only lasts 3 years or 36,000 miles. Vaughn also asked if the cars came with lights and sirens. They do not. Vaughn then asked if the \$52,000.00 in the Sheriff's budget request covers the cost of lights and sirens. The Commission stated that the lights and sirens are usually transferred from the old cars to the new cars. Vaughn also talked to Judge Smith and said that the Judge stated that the electronic monitoring can only be used on about 10% of the prisoners. Vaughn asked who was responsible for following up on items that the Commission instructs employees to do.

The Clerk presented the 2008 Contingency Budget request in the amount of \$700,000.00 (\$50,000.00 increase). The Commission tabled the approval of the Contingency Budget until next week.

The Commission discussed opening the CD Landfill this Saturday and Sunday. Larry Robinson agreed that it would be a good idea. The County will place an ad in the Linn County News stating that the CD Landfill will be open this Saturday and Sunday to allow for the disposal of CD debris caused by the flood.

At 3:26 PM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Larry Robinson attended the executive session.

At 3:36 PM the executive session ended. As a result of the executive session, Jim Ferrante moved to increase Larry Robinson's salary to \$19.00 per hour due to his taking over the responsibility of Emergency Management Coordinator, effective immediately. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk presented the 2008 Special Building Budget request in the amount of \$55,000.00 (no change). Herb Pemberton moved to tentatively approve the 2008 Special Building Budget in the amount of \$55,000.00. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk presented the 2008 Clerk Budget request in the amount of \$137,250.00 (\$4,250.00 increase). Jim Ferrante moved to tentatively approve the 2008 Clerk Budget in the amount of \$137,250.00. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk presented the 2008 Election Budget request in the amount of \$70,000.00 (\$1,000.00 increase). Jim Ferrante moved to tentatively approve the 2008 Election Budget in the amount of \$70,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk presented the 2008 Employee Benefit Budget request in the amount of \$1,563,000.00 (\$19,000.00 decrease).

Doug Barlet moved to tentatively approve the 2008 Employee Benefit Budget in the amount of \$1,563,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton informed the audience that Linn County does participate in the flood insurance program, so insurance companies are required to supply flood insurance if people ask for it.

The Clerk informed the Commission that the following budgets still need to be tentatively approved: Emergency Preparedness, Planning & Zoning, Health Department, Road & Bridge, Crime Victim Assistance, DARE, Elderly, and Rural Fire.

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

Commission Chair

Attest:

County Clerk

July 16, 2007

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

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2006-240. Jim Ferrante seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for June 2007.

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

Herb Pemberton moved to allow the Chairman to sign the Audit Disclosure Letter. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante to approve the following pays/special pays: General, \$112,449.38; Employee Benefit, \$39,507.83; Appraiser, \$8,770.63; Rural Fire, \$1,107.34; Road and Bridge, \$38,938.14; 911 Telephone Tax, \$1,054.74; Crime Victim Assistance, \$856.97; Elderly, \$8,053.28; and Zoning LEPP Grant \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

Robert James, resident of Tanglewood Lakes addressed the Commission concerning paving 1850 & 1900 Road. Mr. James submitted a petition from Tanglewood residents asking for the paving projects. James asked Commission to consider the following 4 items:

1. Average daily traffic. Approximately 300 vehicles per day pass thru the gates of Tanglewood. There are 120 permanent homes in Tanglewood, 90 to 100 people live there full time. There are approximately 1200 property owners.

2. Pave or not to pave. James asked the Commission to consider the long range benefits and costs of paving. James also presented the Commission with a CD that has a program to figure the costs.

3. Health issues. James asked the Commission to consider the quality of life increase by paving roads.

4. James also asked the Commission to consider additional vehicle maintenance for people on gravel roads.

James then read a list of benefits of up-grading 1850/1900 roads. Evan Bechtel, Tanglewood Board Member, stated that they are trying to make changes to improve Tanglewood Lakes for the benefit of the Lake and the County. Bechtel also stated that this is a very high maintenance road.

John Byington, Mel Bolling, and Larry Robinson presented the 2008 Road & Bridge Budget request in the amount of \$3,222,780.00 (\$271,174.00 increase). Jim Ferrante suggested adding a line item for overtime. The Commission discussed using a purchase order for this year's capital outlay and reducing next year's capital outlay to \$53,920.00 (same as 2007). KCPL is offering \$215,000.00 for next year to repair 2200 Road over the dam. The Commission reviewed the All District portion of the Road & Bridge Budget. The rest of the Road & Bridge Budget will be discussed this afternoon.

Donna Thomas presented the 2008 Health Dept. Budget request in the amount of \$166,658.00 (\$81,658.00 increase). The Clerk informed the Commission that this year's budget will need to be amended for grants and other income. Thomas is not asking for any additional tax money for next year. The amount requested for next year is only increased for salaries. Herb Pemberton moved to tentatively approve the 2008 Health Dept. Budget in the amount of \$166,658.00. Doug Barlet seconded the motion. The motion passed 3-0.

Joe Hall asked the Commission to amend the Resolution regarding Vicious Dogs and Exotic Animals to include Rottweilers and Bull Mastiffs. Hall presented a petition signed by 140 people asking for the change. Several Sugar Valley residents gave reports of vicious dogs at Sugar Valley.

At 10:40 AM the Chairman asked for public comment. Gary Frydendall asked about the dust control that was put down.

Frydendall stated that it was washed away and the road has been bladed. Larry Bogan stated that on June 29th there was an arson fire on his property. Bogan stated that there have also been suspicious fires on 2 other properties near him (Streeter and Fairbanks). Bogan stated that the Sheriff's Office has not done anything about it. Steve Johnson stated that a few nights after Bogan's fire, someone drained the oil and removed the air filter from his combine. Johnson also stated that he called the Sheriff's Office but nothing was done. Someone also drove through his ripe wheat and got stuck, but Sheriff's Office did nothing. Johnson stated that nothing is being done by the Sheriff's Dept. Johnson suggested cutting the Sheriff's budget in half because nothing is being done. Johnson stated that people are ready to take the law into their own hands. Larry Hall stated that some of the friends and family of the Bogan's and Johnson's have put together a reward for information leading to an arrest and conviction. Mr. Hall stated that something needs to be done about the Sheriff's Dept. Oscar Holway stated that around \$17,000.00 is missing from the library in Blue Mound and nothing has been done. Holway commented on the La Cygne City Fire Dept. problems. Holway asked if Mound City, La Cygne, and Pleasanton pay any Rural Fire Tax. (They do not.) Leon Hester commented that he is the only trash hauler in Linn County with commercial tags and insurance. Bobby Lowe stated that he has had fences cut and has been threatened.

Jim Ferrante stated that 19 signs were vandalized in the NW part of the County 2 weeks ago. Commissioner Ferrante stated that he was told that the Sheriff's Dept. just picked up the statement after 2 weeks.

At 11:05 AM Herb Pemberton moved to take a 15 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

Mike Gillespie presented the 2008 Rural Fire Dept. Budget request in the amount of \$630,550.00 (\$170,850.00 increase). The Clerk suggested decreasing the salary line by \$10,750.00 for ½ of the Coordinator's salary (currently 80% is paid from the Fire Budget) and paying that amount from Emergency Management. Doug Barlet suggested deducting the door in Blue Mound for \$7,000.00, 2 trucks for \$25,000.00 and \$30,000.00, and reducing the La Cygne station to \$35,000.00. Doug Barlet suggested adding \$9,000.00 to Capital Outlay for additional turnout gear. Herb Pemberton moved to advertise for bids for electrical service to the new La Cygne Fire Station. Doug Barlet seconded the motion. The motion passed 3-0. The Commission instructed Eddie Andersen to advertise for bids. Jim Ferrante moved to tentatively approve the 2008 Rural Fire Dept. Budget in the amount of \$551,800.00 (\$92,100.00 increase). Doug Barlet seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

The Clerk and Larry Robinson presented the 2008 Emergency Preparedness Budget request in the amount of \$32,000.00 (\$9,000.00 increase). Doug Barlet suggested paying part (10%) of Larry Robinson's yearly salary out of Emergency Preparedness instead of Road & Bridge since Robinson is the Alternate Emergency Management Director. Doug Barlet moved to tentatively approve the 2008 Emergency Preparedness Budget in the amount of \$36,000.00 (\$13,000.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet excused himself from the meeting. Larry Robinson asked the Commission for permission to purchase a laptop computer that could be used for Emergency Management that could convert addresses to latitude and longitude for \$2,000.00. Herb Pemberton moved to allow the purchase. Jim Ferrante seconded the motion. The motion passed 2-0. Doug Barlet then returned to the meeting.

At 12:53 PM the Commission took a break for lunch until 1:30 PM.

The Board of Commission meeting reconvened at 1:30 PM.

Andy Mayhugh presented Lot Split #07-216 requested by Betty Moore and Larry Erickson located at 1950 & Showalter Road. Herb Pemberton moved to approve Lot Split #07-216 and to accept the grant of right of way. Doug Barlet seconded the motion. The motion passed 3-0.

Mayhugh then presented the 2008 Planning & Zoning Budget request in the amount of \$61,500.00 (\$265.00 decrease). Herb Pemberton moved to tentatively approve the 2008 Planning & Zoning Budget in the amount of \$61,500.00. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission then discussed the proposed policies. The Commission looked at suggested changes submitted by Gary Thompson and John Cople. The Clerk also made suggestions, to remove references to the County Clerk on the vehicle policy and change from County Clerk to Sheriff on the management of the cell phone policy. The Clerk informed the Commission that he does not plan on managing the vehicle and cell phone policies and they need to find someone who works for them to manage their policies. Herb Pemberton stated that someone needs to be in charge of monitoring compliance with

policies.

At 2:09 PM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission attended the executive session.

At 2:24 PM the executive session ended. No action taken.

Doug Barlet moved to tentatively approve 2008 Contingency Budget in the amount of \$800,000.00 (\$150,000.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

At 2:37 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission attended the executive session.

At 2:47 PM the executive session ended.

At 2:47 PM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Steve Thompson attended this portion of the executive session.

At 3:02 PM the executive session ended.

At 3:03 PM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Steve Thompson attended this portion of the executive session.

At 3:08 PM the executive session ended. As a result of the executive session, Herb Pemberton moved to hire Angela Stark in Appraiser's Office at \$10.48 per hour (Range 5, Step A). Doug Barlet seconded the motion. The motion passed 3-0. Stark will take a pre-employment physical/drug test and will be on standard 6 month probation.

Steve Thompson then presented a revised 2008 Appraiser Budget request in the amount of \$303,000.00 (same total as last week's request).

After discussion, Jim Ferrante moved to tentatively approve the 2008 Appraiser Budget in the amount of \$298,000.00 (\$2,000.00 decrease). The motion died for lack of a second. Herb Pemberton moved to tentatively approve the 2008 Appraiser Budget in the amount of \$302,000.00 (\$2,000.00 increase). Doug Barlet seconded the motion. The motion passed 2-1. Jim Ferrante voted no.

At 3:30 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Marilyn Augur attended the executive session.

At 3:45 PM the executive session ended. No action taken.

The Commission announced that the Nutrition budget will be discussed next week.

Dan Morris presented the 2008 Road & Bridge Budget request in the amount of \$3,222,780.00 (\$271,174.00 increase). The Commission had previously discussed reducing All District Capital Outlay by \$36,080.00 and All District wages by \$3,400.00. Dan Morris stated that he needs another truck & spreader due to the additional miles of frontage roads. The Clerk asked if they had considered buying any equipment from the Special Machinery Fund. The current balance in Special Machinery is \$363,555.27. John Black has new pickups in his budget request. Harry Wisdom has a maintainer in his budget request. The Commission discussed lowering the Dist. #3 Capital Outlay by \$25,000.00. The Commission also discussed using \$120,000.00 from Special Machinery and deducting \$40,000.00 from each District's Capital Outlay. The Commission then discussed blacktopping the fairgrounds roads. The Commission agreed to budget \$25,000.00 for ½ of the fairgrounds roads in 2008 in a new line item in Road Dist. #3. The second ½ of the project will need to be budgeted in 2009. The Commission also agreed to deduct \$40,000.00 from each District's Capital Outlay and use \$120,000.00 from Special Machinery for some of next year's purchases. Doug Barlet moved to tentatively approve the 2008 Road & Bridge Budget in the amount of \$3,063,300.00 (\$111,694.00 increase). Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow Chairman to sign the LEPP Grant form. Doug Barlet seconded the motion. The motion passed 3-0.

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

Commission Chair

Attest:

County Clerk

July 23, 2007

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

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2006-241. Doug Barlet seconded the motion. The motion passed 3-0.

Larry Robinson informed the Commission that FEMA has a Disaster Recovery Center set up in La Cygne at the Community Center. Robinson also informed the Commission that Bryan Inman has resigned from the Fire Board and Station 940's Pumper is back in service. Herb Pemberton moved to accept the resignation of Bryan Inman from the Rural Fire Board of Trustees. Doug Barlet seconded the motion. The motion passed 3-0. Robinson also informed the audience that there is a meeting in Osawatomie tonight with FEMA at 7:00 PM at the Osawatomie Middle School concerning disaster response. All three Commissioners are planning on attending the meeting.

Doug Barlet excused himself from the Commission meeting. Larry Robinson informed the Commission and the audience that the laptop purchase that was approved last week was to be purchased from Doug Barlet. The Commission and Counselor had no objection to making the purchase from Commissioner Barlet. Doug Barlet returned to the Commission meeting.

At 9:10 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Maloney attended the executive session.

At 9:15 AM the executive session ended.

At 9:15 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and County Counselor attended this portion of the executive session.

At 9:26 AM the Clerk left the executive session.

At 9:30 AM the executive session ended.

At 9:30 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The Commission and County Counselor attended this portion of the executive session.

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

Joe Maloney informed the Commission that Central Fiber is going to increase the payments to the County for recycling paper to \$70.00 per ton (up from \$65.00 per ton). Maloney also gave the Commission a bill from Terracon Consultants, Inc. for work on the Tire Monofill. Maloney and the Counselor informed the Commission that we have 3 proposals for the Stormwater Pollution Plan for the landfill. The Counselor will review the bids.

At 9:47 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Joe Maloney attended the executive session.

At 9:57 AM the executive session ended. No action taken.

Marilyn Augur presented the 2008 Elderly Budget request in the amount of \$182,764.00 (\$199,115.00 decrease). The decrease in tax dollars in the Elderly Fund would be approximately \$35,000.00. The budget includes 30% of Augur's salary. Jim Ferrante moved to tentatively approve the 2008 Elderly Budget in the amount of \$182,764.00. Doug Barlet seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

At 10:10 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Marilyn Augur attended the executive session.

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

Leon Hester asked if the Counselor had an answer from the Attorney General. The Counselor stated that the Attorney General's opinion is that the notification for CUP only needs to be given to owners within 1000' of the actual track affected by the CUP, not from the outside boundary of the whole property. The Counselor recommends that the Commission should notify owners within 1000' of the actual track in the future. Hester also stated that he saw a County employee was dumping his packer truck on Saturday and he has never been able to dump his packer truck on Saturday. The County policy is that no one will be allowed to dump packer trucks on Saturday.

The Commission then discussed the proposed policies. There are two options for the policies. Both options replace the County Clerk with the Commission's Designee on the Vehicle and Cell Phone policies. Option #2 removes the Motor Pool from the vehicle policy. Doug Barlet moved to adopt all 3 policies (Option #2) with a change in the vehicle policy to read County vehicles instead of Motor Pool. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:28 AM the Chairman asked for public comment. Jean Vaughn asked who is going to make sure the policies are followed. Larry Hall discussed the reporting of the fires at last week's meeting. Mr. Hall did not agree with the way the Linn County News reported the comments. Bob Wottlin stated that he is retired from the military and has law enforcement experience. Mr. Wottlin stated that the options that we have are to ask the Sheriff to resign, recall him, wait until the next election, or work out a compromise with the Sheriff. Mr. Wottlin suggested compromising and hiring a Detective for the Sheriff's Dept. Steve Johnson stated that he asked the Commission for help last

week concerning the vandalism, but did not talk about vigilantism as reported in last week's paper. Mr. Johnson asked if the Commission condoned the Linn County News reporting on this issue and suggested that the Commission change the Official Paper of Linn County. Ruth McGrew also commented on the reporting of the Linn County News. Mike Taylor stated that he has a Rottweiler that has never caused problems. Mr. Taylor stated that it is the dog owners causing problems, not the dogs. Joe Hall agrees that a lot of what Mr. Taylor said is valid, but he showed the Commission pictures of Rottweiler bites that came from a dog that he was told was not aggressive. Mary Wilson asked about the source stating that Rottweilers are the number 1 killer. (The source was AP). Ms. Wilson stated that other people have had acts of vandalism but are afraid to make statements. Ms. Wilson did not like the coverage by the newspaper. Jackie Walker stated that she reported what was said in the meeting.

Herb Pemberton moved to approve and allow the Chairman to sign an agreement with BNSF for construction and maintenance of the railroad crossing on 600 Road. Doug Barlet seconded the motion. The motion passed 3-0.

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

At 11:21 AM the executive session ended.

At 11:22 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:27 AM the executive session ended.

At 11:28 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:33 AM the executive session ended. As a result of the executive session, Herb Pemberton moved to reclassify Debbie Bruner to Range 6 as the Office Supervisor/CAMA Specialist at \$13.34 per hour (Range 6, Step I). Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk and Counselor discussed moving the Health Dept. to a separate fund. Currently the Health Dept. is in the General Fund. The Clerk and Donna Thomas feel that it would be better for accounting purposes to have the Health Dept. in a separate fund. The Counselor presented a proposed resolution to create a County Health Dept. Fund. Jim Ferrante moved to adopt Resolution #07-28 creating a County Health Fund pursuant to K.S.A. 65-204. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-28:



Jack Harris addressed the Commission concerning the jail. Mr. Harris stated that he read an article in the Linn County News in which Albert Wright asked about building a new jail. Mr. Harris stated that he proposed a study concerning the jail last year. Mr. Harris asked the Commission to appoint a committee to study the best option to take with the jail (update, remodel, rebuild?). Mr. Harris suggested that the committee should include the Sheriff, County Attorney, District Judge, business owners, and private citizens. No action was taken at this time.

Brandey Stroud, Kansas Dept. of Revenue left her cards and flyers concerning taxpayer assistance due to the flood.

At 11:52 AM Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 12:07 PM the Board of Commission meeting reconvened.

Mary Grosshart addressed the Commission concerning the old tax records that are currently stored in a storage unit. Grosshart suggested storing the records at the Trading Post Museum. Jim Ferrante moved to allow the Trading Post Museum to store the old records that are now in storage. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk discussed budgeting for Marilyn Augur's salary, resolutions to increase taxes, budget procedure, etc. The Commission agreed to budget the remaining 70% of Augur's salary in the Courthouse General Budget. The Clerk informed the Commission that they must pass

resolutions to increase taxes for the County Budget and Rural Fire Budget if those budgets are approved at the proposed levels. Jim Ferrante moved to adopt Resolutions #07-26 and #07-27 allowing for the possible increase of property taxes for the 2008 County Budget and 2008 Rural Fire Budget. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #07-26 and #07-27:

COUNTY RESOLUTION
RESOLUTION NO. 07-26

A resolution expressing the property taxation policy of the Board of Linn County Commissioners with respect to financing the 2008 annual budget for Linn County.

Whereas, K.S.A. 79-2925b provides that a resolution be adopted if property taxes levied to finance the 2008 Linn County budget exceed the amount levied to finance the 2007 Linn County budget, except with regard to revenue produced and attributable to the taxation of 1) new improvements to real property; 2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes; and 3) property which has changed in use during the past year, or with regard to revenue produced for the purpose of repaying the principal of and interest upon bonded indebtedness, temporary notes, or no-fund warrants; and

Whereas, budgeting, taxing and service level decisions for all county services are the responsibility of the board of county commissioners, and

Whereas, Linn County provides the essential services to protect the health, safety, and well being of the citizens of the county; and

Whereas, the cost of provision of these services continues to increase; and

Whereas, the 2007 Kansas State Legislature failed to fulfill its obligations in regard to the statutory funding of demand transfers and, by significantly limiting state revenue sharing payments to counties, has contributed to higher county property tax levies to finance the 2008 Linn County budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Linn County Commissioners that it is our desire to notify the public of the possibility of increased property taxes to finance the 2008 Linn County budget due to the above mentioned constraints, and that all persons are invited and encouraged to attend budget meeting conducted by the Board of Linn County Commissioners. The date and time of budget hearings with the Board of Linn County Commissioners will be published in the Linn County News. Interested persons can also address questions concerning the budget to the County Clerk's Office by calling 913-795-2668 between the hours of 8:00 a.m. to 4:30 p.m., Monday through Fridays, excluding holidays.

Adopted this 23rd day of July, 2007 by the Board of Linn County Commissioners.

BOARD OF COUNTY COMMISSIONERS

Jim Ferrante
Herb Pemberton
Barlet

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

SPECIAL DISTRICT RESOLUTION
RESOLUTION NO. 07-27

A resolution expressing the property taxation policy of the Board of Linn County Rural Fire District #1 with respect to financing the 2008 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 2008 Linn County Rural Fire District #1 budget exceed the amount levied to finance the 2007 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 the district services are the responsibility of the district board; and

Whereas, Linn County Rural Fire District #1 provides essential services to district residents; and

Whereas, the cost of provision of these essential services continues to increase.

NOW, THEREFORE, BE IT RESOLVED by the Board of Linn County Commissioners that it is our desire to notify the public of the possibility of increased property taxes to finance the 2008 Linn County Rural Fire District #1 budget as defined above.

Adopted this 23rd day of July, 2007 by the Board of County Commissioners, Linn County, Kansas.

Board of Linn County Commissioners

Jim Ferrante
Jim Ferrante, Chairman

Herb Pemberton
Herb Pemberton, Vice-Chairman

Barlet
Doug Barlet, Member

David L. Lamb
David L. Lamb, County Clerk

Jim Ferrante discussed the possibility of grants for imaging documents. Jim Ferrante would like to set up a committee to look into grant funding for imaging. Jim Ferrante asked the Clerk to work on setting up the committee. The Clerk stated that he thought Kristy Schmitz should be on the committee.

Steve Hoeger, AMR told the Commission that they have been up and running for over 3 weeks now. Last week's call volume was higher than expected. AMR also completed supervisor interviews this morning. Herb Pemberton asked Hoeger about the building in La Cygne. Mr. Hoeger stated that at this time the building is adequate, but it is old and will probably require more maintenance in the future.

Jim Ferrante informed the audience that there are plastic signs that are available instead of metal road signs. He is planning to talk to Larry Robinson about the feasibility of the plastic signs.

At 12:25 PM Jim Ferrante moved to recess from the Board of Commission meeting for 5 minutes for the preliminary discussion of the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 12:30 PM the executive session ended. No action taken.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Monday, July 30th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

July 30, 2007

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

Jim Ferrante had one addition to the previous week's minutes concerning the grant funding for imaging committee. Herb Pemberton moved to approve the minutes of the last regular meeting as amended. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-242. Herb Pemberton seconded the motion. The motion passed 3-0.

John Byington informed the Commission that there is a lot of damage to No. 9 Road and Wall Street Road from all the rock hauling after the flood. Byington stated that he did not have money budgeted to repair those roads. (It would take approximately \$12,800.00 to repair the roads.) The railroad company's trucks hauled a lot of rock on those roads. Byington stated that FEMA will not pay anything for the repair of the damaged roads. Herb Pemberton will talk to a representative from the railroad company.

John Black informed the Commission that there is a washed out bridge on Zenor Road. Black also stated that we need more right-of-way on 600 Road near 69 Highway. Black would also like to discuss the policies that were passed last week. Black wants to know why we are not allowing smoking in vehicles. Black stated that he thinks no smoking in vehicles is non-productive.

At 9:16 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:21 AM the executive session ended. No action taken. The Counselor suggested suspending the signature requirement on the policies until some issues are cleared up. The Commission took no action at this time.

Harry Wisdom asked the Commission to hire Todd Moeller as a truck driver/equipment operator for Road District #3. Jim Ferrante moved to hire Todd Moeller as a truck driver/equipment operator at \$10.19 (Range 4, Step A) starting 8/15/07 after taking a pre-employment physical and drug test. Doug Barlet seconded the motion. The motion passed 3-0. Moeller will be on standard 6 month probation.

Jim Ferrante moved to approve a permit to bury telephone cable requested by Embarq located ¼ mile west of K7 on 400 Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Lot Split #07-217 requested by Joe & Sally Vaughn located at Lee Road & 350 Road and Lot Split #07-218 requested by Larry & Sharon Rabeneck located on 200 Road. Herb Pemberton moved to approve Lot Splits #07-217 and #07-218 and to accept the accompanying grants of easement. Doug Barlet seconded the motion. The motion passed 3-0.

County Treasurer Carmen Self presented the Interest Report for the 2nd Quarter of 2007 and the Delinquent Tax Report. 2007 YTD Interest (6/30/07) was \$212,984.62, the 2nd quarter interest was \$104,736.62. (Last year's 2nd quarter interest was \$88,329.11.) Delinquent Real Estate Taxes as of 6/30/07 were \$311,746.35. Delinquent Personal Property Taxes as of 6/30/07 were \$64,927.72. Self also gave the Commission a list of the Tax Sales that the County has had. The Tax Sales started on a regular basis in 2002, not in 2005 as Commissioner Ferrante stated in his letter in the paper.

Donna Thomas informed the Commission that she has bioterrorism funds that need to be spent by 8/31/07. Thomas has \$6,000.00 to \$7,000.00 that needs to be spent. She plans on purchasing a copy machine for approximately \$2,200.00, a PC for approximately \$500.00, and the balance for salaries and supplies. Jim Ferrante moved to approve purchasing the copier/printer for \$2,200.00 and the PC for approximately \$500.00. Doug Barlet seconded the motion. The motion passed 3-0. The Commission stated that purchases for under \$1,000.00 would not have to be approved in advance by the Commission.

The Clerk presented the quote for the new computer system. The quote from Infintec, Inc. was \$44,069.20. \$29,654.20 would be paid from Courthouse General Fund, \$10,000.00 from the Register of Deeds Technology Fund, and \$4,415.00 from the Appraiser Fund. The Clerk informed the Commission that he had requested a quote directly from IBM, but received no response and he was unable to find another IBM Partner that sells this type of system in Kansas. The Clerk also informed the Commission that the new system needs to be installed in September, before our current maintenance agreement expires. Just last week the current system had a hard drive that failed, but we were still covered by a maintenance agreement so it was replaced at no cost to the County. Jim Ferrante moved to purchase the computer upgrade from Infintec, Inc. for \$44,069.20. Doug Barlet seconded the motion. The motion passed 3-0. The System Administrator will contact Infintec and place the order.

The Chairman asked if anyone had comments about the Vicious Dog Resolution. Mike Taylor asked what would be banned by the resolution. The Counselor stated that our Resolution from 1995 already bans pit bulls and any vicious dogs. Mr. Taylor stated that the County should just ban vicious animals, not specific breeds. Doug Barlet stated that he feels that our existing resolution already covers vicious dogs. The Counselor stated that our current resolution would be difficult to enforce, we need to define what a vicious dog is. The Commission would like to look at resolutions from other Counties. Joe Hall stated that the Commission could tell an owner that the dog has to be penned and removed from the County within 15 days. If it is not removed within 15 days, then the dog would be picked up. Ed Self asked if the Cities take care of the dogs in the Cities. Some of the Cities do take care of their dogs. Self asked about a dog that is protecting the owner's property, would that be considered a vicious dog. Rose Smith stated that she doesn't believe banning a breed is the answer. Mrs. Smith thinks the owner should be fined if the dog gets off the owner's property. Harold Bradley stated that there have been problems with dogs running in packs. Farmers have problems with people dropping off dogs in the country. Jennie Hall stated that her brother was attacked by a Rottweiler a couple of years ago. The owner never showed any proof of vaccinations or homeowners insurance. No charges were ever filed. Steve Riley is in favor of a leash law and dog licensing. The Commission asked the Counselor to look into how other Counties are handling this situation.

At 10:18 AM Herb Pemberton moved to take a 15 minute break. Doug Barlet seconded the motion. The motion passed 3-0.

Joe Maloney asked the Commission to hire John Harrington as a truck driver/equipment operator for the Solid Waste Dept. Jim Ferrante moved to hire John Harrington as a truck driver/equipment for the Solid Waste Dept. at \$10.19 per hour (Range 4, Step A). Doug Barlet seconded the motion. The motion passed 3-0. Harrington will take a pre-employment physical/drug test and will be on standard 6 month probation.

The Counselor discussed the bids for Stormwater Pollution Plan for the Landfill. Terracon bid \$2,100.00, Aquaterra bid \$2,500.00, and the third bid did not meet specs. Maloney stated that we have not had the best cooperation from Terracon. Maloney recommends accepting the bid from Aquaterra. Jim Ferrante moved to accept the bid from Aquaterra. Herb Pemberton seconded the motion. The motion passed 3-0. The Counselor will prepare a contract.

The bill for repairing the Solid Waste truck was \$3,452.44. Maloney also stated that the two compactors that were flooded need to be repaired, have the sheetrock replaced, etc. Maloney will get bids for the projects and keep track of expenses to turn in to FEMA. Maloney also asked about using County equipment to load compost material into private vehicles. The Commission stated that we are doing this for our benefit, to get rid of the compost.

Herb Pemberton moved to allow the Chairman to sign forms for reporting of the Kansas Wireless Enhanced 911 Advisory Board grants program. Doug Barlet seconded the motion. The motion passed 3-0.

Larry Robinson reported on the meeting held in Osawatomie last week concerning the flood damage and problems that occurred. The deadline for filing for assistance is Sept. 4, 2007. Doug Barlet stated that there is also a Disaster Unemployment Assistance Program. The contact number for that program is 800-292-6333.

At 10:53 AM the Chairman asked for public comment. Helen Wright stated that she attended a meeting two weeks ago that was catered by Mid-America Nutrition that did not have satisfactory food. Brenda Conner asked if the Township could repair sidewalks in Centerville or if the County should do it because Centerville is unincorporated. Conner also asked about the blacktopping in Centerville, stating that there is a water problem in front of the Township Hall that needs to be taken care of. The Township Hall needs to be handicap accessible. Conner asked if the road to the cemetery east of Centerville could be blacktopped. The Counselor stated that the County does not have an obligation to maintain sidewalks. The property

owner is responsible for the sidewalks. Mary Grosshart addressed the question about Mid-America Nutrition's food. Grosshart attended a meeting last week on Mid-America Nutrition's menu planning. Mid-America took suggestions at that meeting on menu items. Grosshart doesn't think we will see much change in the meals with Mid-America Nutrition. Jean Vaughn asked about the bid for roof repair on the Concern Building. (The bid has been approved.) Vaughn also asked if any of the Commissioners have talked to the Sheriff about the complaints about his department. Vaughn suggested cutting the Sheriff's budget in half. Mary Thomas asked about approaching the State about funding for the Sheriff. The Counselor stated that the Sheriff would have to file suit against the County to get more money for his budget. Steve Johnson asked if we have a comparison of other County of similar population Sheriffs' Budgets. (We do not.) Joe Hall stated that population is not the only consideration in comparing with other Counties.

The Clerk asked the Commission for approval to publish the Notice of Budget Hearing. Once the notice is published, the budget cannot be increased, but it can be decreased. Jim Ferrante commented on the amount of payroll in the County Attorney budget, stating that he believes that the payroll amount is too high. The Clerk will ask the County Attorney to attend next week's Commission meeting to discuss his payroll.

At 11:20 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) concerning the budget. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 11:25 AM the executive session ended.

At 11:26 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:29 AM the Clerk left the executive session.

At 11:36 AM the executive session ended. No action taken.

Herb Pemberton moved to add \$15,000.00 back into the Rural Fire Budget for finishing the La Cygne Station. Doug Barlet stated that he would like to see a detailed list of all the expenses needed to finish the station. Doug Barlet seconded the motion. The motion passed 2-1. Jim Ferrante voted no. Tommy Tuggle stated that the concrete is falling apart around the new La Cygne station. Herb Pemberton stated that it is honeycombed, not falling apart. Herb Pemberton moved to approve the publication of the Notice of Budget Hearing with the change to the Rural Fire Budget. Doug Barlet seconded the motion. The motion passed 3-0.

Sharon Geiss, Mid-America Nutrition addressed the Commission concerning the nutrition program. Geiss has been visiting all the sites. Mid-America is not planning any major changes. The anticipated cost of meals for 2008 is \$4.26 per meal, down from the current \$5.55.

Leon Hester asked the Commission about the notification area required for CUPs after the Attorney General's Opinion. Hester wants a CUP on his rock quarry property. The Counselor stated that his advice to the Commission will be to notify property owners within 1000' of the track for which the application is made. Hester also asked about the Stormwater Runoff Plan for the County Landfill.

Doug Barlet moved to send a letter to Sheriff Stites requesting information on missing traffic signs in Linn County. Jim Ferrante seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow the Chairman to sign the deed, issue the deed, and sell Lot #9, Linn County Industrial Park to Midwest Glycol, LLC. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk and Counselor asked about the policies and concerns with signing the policies. The Chairman asked the Clerk to submit a list of questions/concerns to the Commission.

Herb Pemberton to approve the following pays/special pays: General, \$179,441.71; Employee Benefit, \$54,787.62; Appraiser, \$8,760.15; Rural Fire, \$5,378.33; Road and Bridge, \$137,441.28; Crime Victim Assistance, \$856.98; and Elderly, \$21,163.19. Doug Barlet seconded the motion. The motion passed 3-0.

At 12:32 PM Herb Pemberton moved to recess until 1:00 PM. Doug Barlet seconded the motion. The motion passed 3-0.

Steve Patience asked the Commission about putting a car counter on Scott Road. He is concerned about increased traffic on Scott Road, south of K52 due to the new highway. Larry Robinson stated that currently there are probably 30 to 100 vehicles on Scott Road each day. Robinson does not see how the new highway would increase traffic on that road. The Commission stated that Larry Robinson could put a counter on Scott Road. Patience also discussed a health issue from a septic system on the Morrisey property. John Maloney stated that Gary Thompson is working on the problem and the Commission should ask Gary Thompson about the progress.

Doug Barlet moved to appoint Mike Vrban to the Rural Fire Board of Trustees to fill the vacancy created by Bryan Inman's resignation. Herb Pemberton seconded the motion. The motion passed 3-0.

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

Commission Chair

Attest:

County Clerk

August 6, 2007

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

Doug Barlet had 2 corrections/amendments to the minutes. Doug Barlet moved to approve the minutes of the last regular meeting as amended. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a Cereal Malt Beverage License for Jamie L. Chambers, dba Crossroads Café & Convenience located at 22392 E 2200 Road. Doug Barlet seconded the motion. The motion passed 3-0.

John Black has a dump truck that needs a new motor. Black located a motor at Midway Ford for \$12,562.22 for a complete engine. Doug Barlet moved to authorize John Black to purchase the engine for \$12,562.22 plus accessories. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante discussed weight limits on bridges. Larry Robinson stated that bridges with weight limits over 12 tons do not need to be posted.

Jim Ferrante read a letter that was received from the City of La Cygne thanking the County for help after the flood.

Marilyn Augur addressed the Commission concerning the new policies. Augur asked the Commission for approval for Rebecca Patience to take the medical van home at night. Patience often leaves early and comes back late, after hours. Doug Barlet stated that an application could be made for a 24 Hour Use Assignment under Section B-3 of the Vehicle/Equipment Policy. The Counselor stated that the employee would need to fit into one of the categories listed in Section B-3 or another category would need to be added. The Commission asked Augur to submit a written request.

Augur also addressed the Commission concerning the floor at Bunker Hill. Elizabeth Maxwell sent a letter to Augur addressing safety concerns because of the crack in the floor. Augur also stated that KCAMP will require proof of insurance from Mid-America Nutrition on the senior centers naming Linn County as an insured. Our KCAMP insurance would be secondary on the senior centers. The Commission asked the Clerk to talk to KCAMP about the insurance requirements.

Andy Mayhugh presented Lot Split #07-219 requested by Jimmy & Linda Martin located on Yankee Road. Herb Pemberton moved to approve Lot Split #07-219 and to accept the accompanying grant of easement. Doug Barlet seconded the motion. The motion passed 3-0.

Mayhugh also informed the Commission that John Byington needs six manhole extensions for Centerville due to the 2" overlay of the Centerville streets. Mayhugh has located a supplier for the extensions at a cost of \$178.00 each plus shipping. The Commission asked Mayhugh to try to find the extensions in the Kansas City area where we could send someone to pick them up. Herb Pemberton moved to authorize Mayhugh to purchase six manhole extensions at a price not to exceed \$1,500.00. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission and Eddie Andersen discussed the bids for the La Cygne Fire Station. The only bid received for the electric service was from BJ's Electric, Louisburg in the amount of \$5,344.00, not including a manual transfer switch. Herb Pemberton recommended not purchasing the manual transfer switch at this time because there may be grant money available to purchase the switch. Herb Pemberton moved to accept the bid from BJ's Electric. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton discussed using money from Contingency to complete the fire station and then paying it back from the Rural Fire Fund. The Clerk stated that we would need statutory authority to transfer from the Rural Fire Fund to the Contingency, General Fund. The Counselor will need to look at statutes. (After reviewing statutes, the Counselor reported that he did not find specific authority to transfer from the Rural Fire Fund to the General Fund.) Herb Pemberton listed the following items that need to be done to complete the fire station: 6" concrete apron, grease trap tank, 4" sewer line, 2" water line, 6" fire hydrant, heating and air conditioning, living quarters (if used for ambulance station), 2" gas line, finish bathrooms, petition wall, and blacktop parking lot. The total estimated expense is \$57,810.00 for these items, not counting the electric service that was already approved. Herb Pemberton stated that it would cost approximately \$48,810.00 to get the Fire Dept. into the building without using the building for voting or for an ambulance station. Pemberton did not want to list the amounts of the individual quotes he received, because this work will probably be bid and he did not want to give an unfair advantage to any bidders.

At 10:37 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss trade secrets of a company or corporation. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:47 AM the executive session ended.

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

At 10:57 AM the executive session ended. No action taken.

Eddie Andersen also addressed the Commission concerning the Fire Board. Andersen recommends putting the Fire Board back in the hands of all the Fire Stations, he doesn't think we need civilians on the Fire Board. No action was taken.

Jim Ferrante read the Notice of Special Meeting for a meeting tonight in Pleasanton with the Pleasanton City Council.

Herb Pemberton moved to authorize the Chairman to sign the contract with Aquaterra Environmental Solutions, Inc. to prepare the Storm Water Pollution Prevention Plan for the Linn County Solid Waste site and to sign the authorization to proceed. Doug Barlet seconded the motion. The motion passed 3-0.

The Counselor gave the Commission information on vicious dog regulations from other Counties and Cities.

Mary Limpus addressed the Commission concerning the Marias des Cygne Park. Limpus stated that the State might give the park to the County if the County is interested. The park was closed for years because the State did not budget any money to have it open. Volunteers have worked on the park and kept it open for the last few years. In 2004 the State said if the County wanted the park, they would give it to the County. The Commission is interested but would like more information (maintenance, insurance, other costs, etc.) before making a decision.

At 11:18 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss trade secrets of a corporation. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Woodrich from Mercy Hospital attended the executive session.

At 11:20 AM Larry Robinson joined the executive session.

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

At 11:29 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Larry Robinson, and John Woodrich attended the executive session.

At 11:38 AM John Woodrich and Larry Robinson left the executive session.

At 11:44 AM the executive session ended. No action taken.

Donna Thomas gave the Commission information on Community Disease Containment. The information will be discussed at the tabletop exercise on August 22nd.

At 11:47 AM the Chairman asked for public comment. Mary Grosshart presented information on fraudulent calls. Jean Vaughn asked what the Commission received from the Sheriff concerning the missing traffic signs. The Sheriff did present a list of signs that have been reported as missing or damaged to the Commission. Mike Taylor presented a report about vicious dogs that he asked the Commission to review before a decision is made. Ruth McGrew asked about an aid agreement for the Fire Dept., does Linn County have a signed agreement with the Cities? Currently we do not have agreements with the Cities. Mary Wilson stated that she talked to La Cygne about automatic aid agreements, La Cygne stated that an agreement is in place. No signed agreements are currently in place. Wilson also asked if there were 3 bathrooms in the plans for the fire station and asked about other details of the plans. Wilson asked who is in charge of the building? Eddie Andersen is the inspector on the building project. Wilson asked who wrote the specs. for the estimates that Herb Pemberton received. No specs. were written at the time, Herb Pemberton just asked for estimates. Ed Self asked about looking in the minutes about the size of the fire building. The Clerk read the minutes from the May 31, 2005 meeting when the Commission agreed to go out for bids on a 60' x 100' building.

At 12:10 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:30 PM the executive session ended.

At 12:31 PM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:36 PM the executive session ended. No action taken.

Herb Pemberton stated that he is still concerned about how we are going to pay for the work on the fire station. Herb Pemberton moved to develop specs. and go out for bids for everything necessary to complete the fire building at La Cygne. Jim Ferrante seconded the motion. The motion passed 3-0. Herb Pemberton moved to allow up to \$500.00 for Eddie Andersen to draw up the specs. for finishing the fire station. After discussion, Herb Pemberton withdrew his motion. The Commission will talk to Andersen about what he would accept for drawing up the specs.

At 12:54 PM Doug Barlet moved to recess from the Board of Commission meeting for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 12:59 PM the executive session ended. No action taken.

Herb Pemberton moved to see what it would take to fix the pumper at Station 940 and fix the truck if possible. Doug Barlet seconded the motion. The motion passed 3-0. Doug Barlet suggested having the Road Dept. mechanics look at the truck to see if they can find the problem that is causing the truck to overheat.

With nothing further on the agenda Herb Pemberton moved to adjourn until 6:00 PM Monday, August 6th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

August 6, 2007

The Board of Linn County Commission met in special session at 6:00 PM in the Pleasanton City Hall, Pleasanton, Kansas with the Pleasanton City Council. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; Doug Barlet, Member; and David Lamb, County Clerk; and Gary Thompson, County Counselor. Also present were the Pleasanton Mayor and City Council.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Bloomfield City, KS 66056-0350
913-795-5969
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Doug Barlet
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 6:00 PM on Monday, August 6, 2007 in the Pleasanton City Hall, Pleasanton, Kansas. This will be joint meeting with the Pleasanton City Council. The special meeting has been called to discuss Business Incentives and to take any necessary action concerning Business Incentives.

DATED this 6th day of August, 2007.
David L. Lamb
David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Solt, County Treasurer
John Sutherland, County Attorney
Marvin Sites, Sheriff

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

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

At 6:02 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss trade secrets of a corporation and legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Counselor, Pleasanton Mayor, Pleasanton City Council, and Economic Development Director Dennis Arnold attended the executive session.

At 6:12 PM the executive session ended.

The Pleasanton City Council voted to give a six year tax rebate based on a minimum level of 30 employees to IPC. The City of Pleasanton will also run utilities (sewer and water) to the IPC site in the Industrial Park at no charge to IPC.

Doug Barlet moved to approve the following incentives/rebates to IPC: If IPC agrees to build its new plant in the Pleasanton Industrial Park and have an initial base employment level of at least 30, the Linn County Commission agrees to give a 5 year tax rebate (Year One – 50%, Year Two – 40%, Year Three – 30%, Year Four – 20%, and Year Five – 10%) from the County, based on employment each year. Land in the Pleasanton Industrial Park will be given to IPC based on employment over 5 years, and site work will be done for interior roads and parking. Herb Pemberton seconded the motion. The motion passed 3-0.

The State of Kansas has also put together an incentive package for IPC.

Dennis Arnold presented information on IPC. IPC plans on breaking ground in October 2007 and plans to start operating in May 2008. They will initially employ 30 people and plan to employ over 100 people within 36 months. The approximate average wage for their employees will be \$14.57 per hour plus benefits. Arnold then introduced Dirk McClure, Regional Sales Manager for IPC.

McClure described IPC’s business. IPC makes pre-stressed, precast concrete components for buildings, bridges, parking garages, etc. They currently have 3 factories in Iowa. McClure distributed information on IPC to the Commission, Council, and audience and answered questions about the company.

Dennis Arnold then gave a power point presentation on “What 100 jobs means to a community.”

Pleasanton Mayor Tim Staton thanked Dennis Arnold, IPC, the County Commission, and the Pleasanton Council for their work on this project.

Jim Ferrante stated that this is an important day for Linn County. These new jobs will help keep people in Linn County. Commissioner Ferrante thanked Dennis Arnold, the Economic Development Committee, and everyone else that helped make this possible.

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

Commission Chair

Attest:

County Clerk

August 13, 2007

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

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

At 9:01 AM Jim Ferrante moved to recess from the Board of Commission meeting 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 David Yates attended the executive session.

At 9:06 AM the Clerk left the executive session and at 9:08 the Counselor entered the executive session.

At 9:11 AM the executive session ended. As a result of the executive session, Doug Barlet moved to accept the resignation of David Yates. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to approve the following pays/special pays: General, \$184,186.99; Appraiser, \$4,426.21; Rural Fire, \$26,912.58; Road & Bridge, \$183,560.66; 911 Telephone Tax, \$3,358.04; DARE, \$187.50; Elderly, \$12,780.40; and Spec. Park & Recreation, \$2,400.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante to approve the following pays/special pays: General, \$73,587.02; Employee Benefit, \$63,503.72; Appraiser, \$9,873.28; Rural Fire, \$976.59; Road and Bridge, \$34,234.89; Crime Victim Assistance, \$856.97; and Elderly, \$8,004.37. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for July 2007.

Herb Pemberton moved to approve the Sheriff's Monthly Fee Report for July 2007. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow the Chairman to sign the agreement with BJ's Electric for the work at the La Cygne Fire Station. Doug Barlet seconded the motion. The motion passed 3-0.

At 9:38 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Andy Mayhugh attended the executive session.

At 9:43 AM the executive session ended. No action taken.

Joe Maloney informed the Commission that he received a letter from the City of La Cygne thanking Linn County for help at the compactor site after the flood. Maloney also stated that he has 34 items that need to be corrected/explained at the CD Landfill for the State permit. Most of the items just need to be explained to the State. Doug Barlet asked if there would be additional expenses from Terracon. Maloney will contact Terracon. Jim Ferrante asked for weekly updates from Maloney. Maloney also stated that he has not received any bids for compactor building repairs yet.

Richard Johnson from Martin Tractor addressed the Commission concerning a maintainer lease/purchase.

Jim Ferrante presented a proposed letter concerning local telephone service. Herb Pemberton moved to sign and send the letter to the Kansas Corporation Commission. Doug Barlet seconded the motion. The motion passed 3-0.

At 10:00 AM the Chairman opened the Budget Hearing for the 2008 County & Rural Fire budgets. The Chairman asked for comments from the public on the budget. Larry Hall discussed promoting business, stating that a heavy tax burden slows economic growth. Hall stated that Kansas has the 15th highest tax burden in the country. Hall and Loyd Brownback presented proposed changes to the budget. Tommy Tuggle discussed the increase in mill levies from 42.029 to 48.618 (including Rural Fire), an increase of over 15%. Tuggle asked the Commission to try to hold back the mill levy increase. Steve Johnson stated that we need to look at management before allowing a 16% increase. Johnson stated that Chevy Impalas are cheaper than Crown Victorias and can be used as patrol cars. Ed Saymn stated that there are places that the budget can be cut. Saymn stated that we need a better maintenance plan on buildings and vehicles. Saymn stated that we could save \$107,000.00 by doing away with the Economic Development department. Jim Ferrante mentioned the 2 new companies that are coming to the industrial parks. John Dickerson stated that the inflation rate is 2.8% to 3.0% but his taxes have gone up 107%. Joe Hall asked how we know what we need in Contingency. Joe Hall suggested capping the Contingency Fund. John Maloney stated that if you cut the budget on Noxious Weeds it would hurt the farmers. Rose Smith asked why we are paving roads on private land (fairgrounds)?

Smith also stated that the Sheriff's Department shouldn't have as big a budget as it does. Mary Wilson asked about letters in the paper 2 weeks ago stating the Commission cut the Fire and Sheriff budgets, but both those budgets increased. Wilson asked the Commission to take a look at the large increase in the budget. Larry Hall discussed the carryover in Employee Benefits and the Contingency and Windfall accounts. The Clerk explained the carryover in Employee Benefits. Jim Ferrante asked Mike Gillespie about the Prescott Station. Originally the Fire Dept. stated that the tanker would fit in the station. Gillespie stated that it would fit, but would be safer with a new building. Gillespie thought it would cost about as much to add on as it would to build a new station. Doug Barlet would rather build a new station now, because it is already too small for the trucks they have. Herb Pemberton stated that it is necessary to have the building at La Cygne for the amount equipment we have and we are losing the old building at La Cygne because KDOT is selling the building. Mary Wilson asked about the \$100,000.00 for the La Cygne fire station, how do we know if the \$120,000.00 for Prescott station is enough. Mary Thomas asked about the building at Prescott, could it be used for something else? Could it be sold to reduce the cost of the new building? Rose Smith again asked why we are paving private property? Jim Ferrante stated that it hasn't been approved yet, but will be discussed today. Ed McGrew stated that Linn County has the largest County Fair in the State and we should keep it that way. Ed Saymn asked about holding the Sheriff accountable for crime in the area before buying new cars. Tommy Tuggle asked where the amount of \$120,000.00 came from for the Prescott Fire Station. (The Fire Board came up with that amount.) Jean Vaughn commented that the jobs coming into the County don't pay a living wage. The business coming to the Pleasanton Industrial Park will pay an average wage of \$14.57 per hour plus benefits. The Commission stated that most County employees do not make that much. Vaughn also doesn't agree with the rollover of money. Albert Wright commented about the criticism of the Sheriff's Dept. and people wanting to cut the Sheriff's budget. Wright stated that he wouldn't want to make a high speed chase in a car with excessive miles or need of repair. Rose Smith stated that if Crown Victorias are so dangerous we shouldn't buy them. Doug Barlet recommends deducting \$120,000.00 from the Rural Fire Budget for the new station and instead paying for the building out of the Windfall account.

At 11:23 AM Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:41 Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session. At 11:46 Mike Gillespie entered the executive session.

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

Mike Gillespie apologized if he offended anyone earlier. Gillespie stated that it gets really old talking about the 50 x 80 building. Gillespie also stated that all County buildings need maintenance, not just Fire Stations. Gillespie also stated that after the Fire Board was reorganized, Mound City, Blue Mound, and Prescott have no representatives on the Fire Board. That makes it hard to get information to the Station Chiefs. Mary Wilson asked why the Fire Chiefs don't attend the Fire Board meetings. Mike Gillespie stated that the Station Chiefs already donate much of their time. Herb Pemberton stated that the firefighters spend hours away from their families for training, etc. Ruth McGrew asked if Gillespie could get the information to the Fire Chiefs. Gillespie stated that he also has a job, it's hard to contact everyone. Jean Vaughn stated that each person at the fire station should take care of the stations, keep them clean.

At 11:58 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel, related to the budget. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission attended the executive session.

At 12:08 PM the executive session ended.

At 12:08 PM Herb Pemberton moved to extend the above executive session for 5 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The Commission attended this portion of the executive session.

At 12:13 PM the executive session ended. No action taken.

The Commission then discussed the budgets, line by line.

At 2:05 PM the Commission took a 15 minute break for lunch.

The Commission then continued to discuss each line item in the budget.

At 3:02 PM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 3:07 PM the executive session ended. No action taken.

The Commission agreed to allow Larry Robinson to attend a meeting in Coffeyville on Thursday with FEMA concerning Long-Term Recovery Committees.

At 4:24 PM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss trade secrets of a corporation and for preliminary discussion on the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Andy Mayhugh, and Larry Robinson attended the executive session.

At 4:29 PM the executive session ended. No action taken.

At 4:43 PM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss trade secrets of a corporation. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Clerk attended the executive session.

At 4:48 PM the executive session ended. No action taken.

Doug Barlet moved to approve the 2008 Linn County & Linn County Rural Fire District #1 Budgets with the following changes from the published amounts: decrease the County Attorney Personal Services by \$3,769.00, decrease the Sheriff Contractual (Prisoner Room & Board) by \$40,000.00, decrease the District Court Contractual by \$4,000.00, decrease Courthouse Personal Services by \$23,600.00 and Courthouse Contractual (Utilities) by \$2,500.00, decrease Counselor Contractual by \$4,000.00, decrease Road & Bridge Dist. #3 Commodities (Fairgrounds blacktopping) by \$25,000.00, decrease Employee Benefits Deferred Comp. by \$10,000.00, decrease Contingency Contractual by \$50,000.00, and decrease Rural Fire by \$100,000.00. The Rural Fire adjustment decreases Capital Outlay for the Prescott Fire Station by \$120,000.00 but adds \$20,000.00 for vehicle inspections. The Capital Outlay for the Fire Station would be paid out of the Windfall Capital Outlay account. The total decrease from the published budget is \$262,869.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to allow Doug Barlet to get a radiator for the Parker Pumper for approximately \$1700.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Doug Barlet moved to pay \$1000.00 to Eddie Andersen for writing up the specs. and for costs associated with doing so (mileage, phone exp., etc.), and for other work done on the La Cygne Fire Station. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Monday, August 20th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

August 20, 2007

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

Doug Barlet had one addition to last week's minutes. Herb Pemberton moved to approve the minutes of the last regular meeting as amended. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to appoint Karen Tuggle as Stanton Township Clerk to replace Sally Vaughn. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that the next SEK County Officials meeting will be held on October 18, 2007 in Franklin County. Franklin County needs to know how many people will be attending the meeting by October 4, 2007.

Jim Ferrante read a letter from KWORCC about a loss prevention analysis. KWORCC also included the list of corrections that need to be made.

Dan Morris, John Black, and Harry Wisdom reported on their budgets. Jim Ferrante asked Dan Morris about keeping track of expenses incurred due to the flood. Morris stated that they are recording expenses. John Black stated that the Road Dept. may need to get a new radio frequency. Harry Wisdom stated that he needs to order some culverts (12", 15", and 18"). Wisdom will get a cost estimate and come back to the Commission for approval. Wisdom also asked about purchasing a new maintainer as proposed last week. Jim Ferrante moved to approve a 5 year lease/purchase of a new maintainer from Martin Tractor, 10 payments of \$14,540.97. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:20 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:25 AM the executive session ended. No action taken.

At 9:25 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:35 AM the executive session ended.

At 9:36 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

Donna Thomas asked the Commission to sign a special grant for bioterrorism in the amount of \$4,953.00. Doug Barlet moved to allow the Chairman to sign the grant application. Herb Pemberton seconded the motion. The motion passed 3-0. Thomas also reminded the Commission that the tabletop exercise for bioterrorism is scheduled for Wednesday, August 22nd, at 9:00 AM in the Commission room. Two or more of the Commissioners may attend the exercise.

Al Hurt asked the Commission for an executive session concerning the acquisition of real estate. At 9:49 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes for preliminary discussion on the acquisition of real estate. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Al Hurt attended the executive session.

At 9:59 AM the executive session ended. No action taken.

Jim Ferrante moved to purchase 5-12", 5-15", and 5-18" tubes from J&J Metal for a total of \$4,035.60. Herb Pemberton

seconded the motion. The motion passed 3-0.

Marilyn Augur addressed the Commission concerning personnel and vehicles. The Ford Taurus needs a new compressor and evaporator. Cox Motor estimated it would cost approximately \$850.00 to repair. The Commission agreed to allow Augur to have the car repaired. Augur also asked the Commission how renting of buildings and cleaning buildings will be handled when Mid-America Nutrition takes over the nutrition program.

At 10:13 AM at the request of Marilyn Augur, Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Marilyn Augur attended the executive session.

At 10:18 AM the executive session ended.

At 10:18 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

At 10:29 AM Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 2-1.

At 10:46 AM the Chairman asked for public comment. None was given.

At 10:47 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 11:02 AM the executive session ended.

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

At 11:17 AM the executive session ended.

At 11:18 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:23 AM the executive session ended.

As a result of the executive session, Jim Ferrante moved to instruct the County Clerk to provide employee information to the Mid-America Nutrition Program on all employees that will be going to work for Mid-America after receiving a waiver from the employees. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante moved that before implementing the 2008 3% COLA, all employees must have an employee evaluation. The evaluation must be done by December 1, 2007. Herb Pemberton seconded the motion. The motion passed 3-0.

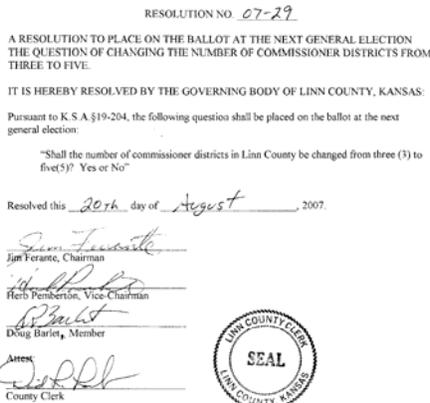
Jim Ferrante moved to revise Part 7, Page 13 of the employee handbook section entitled "Sick Leave" to read, "7. Upon death, retirement at age 62 or over, or termination by the County due to the County transferring responsibility for a department or service to a private contractor or another government entity, the employee (or beneficiary) shall be paid for any unused sick leave at a rate of 25% of his/her final rate of pay for each day of sick leave accumulated up to a maximum of 50 days. No other termination or cessation of service, whether voluntary or involuntary, shall result in payment for unused sick leave". Doug Barlet seconded the motion. The motion passed 3-0.

The Commission discussed the issues/concerns about the recently adopted policies. Doug Barlet moved to adopt the software list on the memorandum dated August 3, 2007 as the approved list of software with the addition of Microsoft Streets and Trips. Herb Pemberton seconded the motion. The motion passed 3-0. The Clerk is going to get sample log books to look at for the vehicles. The Commission does want entries for all vehicle use. Jim Ferrante does not want smoking in any vehicles.

Doug Barlet does not have strong feeling either way. Herb Pemberton asked about smokeless tobacco. The policy already says no smoking in vehicles and equipment, so unless the Commission takes other action, smoking is not allowed. No action was taken on this topic. The Commission discussed Section III. C. Absence of Privacy. The Clerk was concerned about furnishing passwords and codes for some programs. Gary Thompson stated that it should be covered by the language earlier in the paragraph, but could another line could be added at end of paragraph. Doug Barlet moved to add the line "subject to the provisions of local, state, and federal law" to the last sentence of the paragraph. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission discussed if the policies apply to employees of an Elected Official. Gary Thompson feels that the policies apply to all employees as personnel policies unless there is a legal restriction. Herb Pemberton stated that the policies would not apply to the County Attorney's office, according to the Attorney General. The other Commissioners would like to see a copy of that Attorney General Opinion.

The Clerk presented a request from Marilyn Augur to allow the Van Driver to keep the van at her home. Herb Pemberton moved to add "Job function requires the van driver leave early for medical appointments out of county." to Sec. B-3, 24 Hour Use Assignments, of the vehicle policy to allow the Van Driver to take the vehicle home. Doug Barlet seconded the motion. The motion passed 3-0.

Doug Barlet moved to adopt Resolution #07-29, a Resolution to place on the ballot the question of changing from 3 to 5 Commission Districts. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-29:



Jim Ferrante asked for an update on the committee concerning scanning of documents. The Clerk did not have any information yet.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, August 27th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

August 20, 2007

The Board of Linn County Commission met in special session at 12:10 PM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; Doug Barlet, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

At 12:10 PM the Chairman convened a special meeting for the purpose of hiring an employee.

At the request of Marilyn Augur, Herb Pemberton moved to hire Tracy Cannon-Saavedra as a Substitute Site Manager at \$7.17 per hour. Doug Barlet seconded the motion. The motion passed 3-0.

With nothing further on the agenda Doug Barlet moved to adjourn until 9:00 AM Monday, August 27th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

August 27, 2007

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

Jim Ferrante suggested one addition to last week's minutes. Herb Pemberton moved to approve the minutes of the last regular meeting and the special meeting as amended. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to reschedule next week's meeting to Wednesday, Sept. 5th due to the Labor Day holiday. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-244 & 245. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #07-30 and to authorize the Chairman to sign all documents related to the lease/purchase of the maintainer for Road Dist. #3. Doug Barlet seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-30:

Resolution #07-30

Schedule (01)

EXHIBIT D
LESSEE RESOLUTION

RE: Lease With Option to Purchase Agreement dated as of August 21, 2007, between Kansas State Bank of Manhattan (Lessor) and Linn County, Kansas (Lessee)

At a duly called meeting of the Governing Body of the Lessee (as defined in the Agreement) held on Aug 27, 2007 the following resolution was introduced and adopted:

BE IT RESOLVED by the Governing Body of Lessee as follows:

- Determination of Need.** The Governing Body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described on Exhibit A of the Lease With Option to Purchase Agreement dated as of August 21, 2007, between Linn County, Kansas (Lessee) and Kansas State Bank of Manhattan (Lessor).
- Approval and Authorization.** The Governing Body of Lessee has determined that the Agreement, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment, and the Governing Body hereby approves the entering into of the Agreement by the Lessee and hereby designates and authorizes the following person(s) to execute and deliver the Agreement on Lessee's behalf with such changes thereto as such person(s) deem(s) appropriate, and any related documents, including any Escrow Agreement, necessary to the consummation of the transaction contemplated by the Agreement.
Authorized Individual(s): Jim Ferrante, Commission Chairman
(Printed or typed name and title of individual(s) authorized to execute the Agreement)
- Adoption of Resolution.** The signatures below from the designated individuals from the Governing Body of the Lessee evidence the adoption by the Governing Body of this Resolution.
Signature: Jim Ferrante
(Signature of Secretary, Board Chairman or other member of the Governing Body)
Typed Name & Title: Jim Ferrante, Commission Chairman
(Typed Name and Title of individual who signed directly above)
Attested By: David Lamb
(Signature of one additional person who can witness the passage of this Resolution)
Typed Name & Title: David Lamb, County Clerk
(Typed Name of individual who signed directly above)



Herb Pemberton moved to pay BJ's Electric \$5,344.00 for installing the electrical service at the new La Cygne Fire Station. Doug Barlet seconded the motion. The motion passed 3-0.

Dan Morris asked for permission to have Midwest Hydraulics build a cylinder to repair a maintainer for \$1,650.00. Martin Tractor would charge \$3,021.04 to repair the maintainer. Herb Pemberton moved to approve hiring Midwest Hydraulics to build the cylinder for for the maintainer for \$1,650.00. Doug Barlet seconded the motion. The motion passed 3-0.

Morris also has two bids for the roofs on the shop buildings at La Cygne. Bids received were: Midwest Diversified Roofing, \$13,791.00; Houston Construction, \$12,427.00. Dan Morris will contact Houston Construction to see when they could start working.

Morris then presented a permit to bury telephone cable requested by Embarq located on 1700 Road. Herb Pemberton moved to approve the permit to bury cable as requested. Doug Barlet seconded the motion. The motion passed 3-0.

Joe Maloney asked the Commission about restrictive covenants on the landfill. The Commission will talk to the Counselor before taking any action.

Maloney then presented a bid for repairing the compactor buildings at Mound City & La Cygne. The only bid received was from Caleb Sutterby in the amount of \$900.00. There would be an additional charge for demolition and mold removal. The Commission would like to see a bid for the whole project. Maloney will contact Sutterby for more information.

Maloney asked if the fuel delivery supplier could have a key to the transfer station so he can deliver fuel at night. Doug Barlet suggested checking with the Counselor before giving him a key.

Herb Pemberton presented additional bid specs. for the La Cygne Fire Station. The Commission will review the specs. and discuss them next week.

Harvey Taylor asked the Commission for a donation for the Night Out Against Crime. Jim Ferrante moved to approve paying \$2,000.00 to fund the Night Out Against Crime. Herb Pemberton seconded the motion. The motion passed 3-0. The donation will be paid out of the Courthouse account.

Jim Ferrante discussed the Bid Process for Contractors. Doug Barlet suggested adding a penalty clause if the work is not completed within the scheduled time. Herb Pemberton stated that there would need to be some exemptions from the penalties (weather, availability of materials, etc.). The Commission will talk to the Counselor before proceeding.

Doug Barlet left the meeting. Herb Pemberton moved to post the Fire Chief/Emergency Management Coordinator position to County Employees. Jim Ferrante seconded the motion. The motion passed 2-0. Doug Barlet then returned to the meeting.

Jerry Bedgood addressed the Commission concerning the Concern Building and Courthouse roofs. Herb Pemberton moved to allow the Chairman to sign the contract on the Concern Building roof project. Doug Barlet seconded the motion. The motion passed 3-0. Bedgood has been trying to get someone to take a look at the Courthouse roof. Bedgood asked if the Commission wanted bids for repair, replacement, or both. The Commission agreed to take bids for repair and replacement. Bedgood also gave the Commission an update on the leaks at the Sheriff's Office. The leaks have been repaired and it has rained 3 times since the repairs with no leaks.

At 9:59 AM at the request of County Appraiser Steve Thompson, Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Steve Thompson attended the executive session.

At 10:14 AM the executive session ended. No action taken.

At 10:16 AM Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 2-0.

Larry Robinson gave the Commission the results of traffic counters that were placed on Scott Road and on 600 Road. The counters were in place for 27 days. The average daily count on Scott Road was 37.2 vehicles and the average daily county on 600 Road was 14.8 vehicles.

Robinson also informed the Commission that we have \$29,500.00 left from the 2006 Homeland Security grants that needs to be used. Purchases are usually made through Fisher Scientific. Robinson stated that he would like to order more portable radios and batteries. \$12,500.00 has to be spent for Law Enforcement, the other \$17,000.00 can be spent for other purposes.

Herb Pemberton moved to appoint Doug Barlet as the voting delegate to the Northeast Regional Homeland Security Council. Jim Ferrante seconded the motion. The motion passed 2-0. Doug Barlet abstained.

Robinson also stated that we are still working on addressing for the lake developments, we have grant money available for that purpose. The Commission will discuss the proposed addressing with Robinson next week.

Herb Pemberton asked Mary Grosshart to present information on a petition for a bridge on Vail Road. Grosshart has a

petition with 50 signatures requesting a bridge on Vail Road. The signatures include people that live in the area, emergency personnel, Commissioners, etc. Herb Pemberton moved to allow the Commission to sign a letter supporting the request for a bridge and approve sending the petition along with the letter from the Commission to KDOT and to Shawn Cowing in Senator Brownback's Office. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante informed the audience that he needs to appoint someone from Dist. #3 to the Planning Commission. Ferrante asked anyone interested in the position to contact him.

The Clerk informed the Commission that a probationary Firefighters was injured on a call last week. KWORCC will cover the individual but suggested that before Firefighters are allowed to respond to calls, they should have all their information entered in our payroll system. The Clerk will discuss the issue with the County Counselor.

The Clerk presented information from the Counselor concerning the policies that have been passed and a lease agreement with Mid-America Nutrition for the meal delivery van. The Counselor listed the following opinions concerning the policies: 1. These policies are "personnel policies" since they regulate the behavior of employees in the carrying out of their county functions, 2. Personnel policies do not apply to elected officials, since they are not employees; thus, elected County officials should not be required to sign these policies, 3. These policies apply to the employees of the Sheriff's department to the extent that they are not in conflict with applicable Federal and State laws and regulations, and 4. County personnel policies do not apply to the employees of the County Attorney's office. The Clerk will add the Counselor's policy comments to the policy files. The Commission will review the lease for next week.

The Clerk presented samples of vehicle log books. The Clerk will check with Department Heads about ordering log books.

At 11:06 AM the Chairman asked for public comment. Steve Riley stated that a pile of rock and dirt has been setting on the right of way on 1700 Road, west of Iliff Road for over 30 days. The Commission will talk to Harry Wisdom about cleaning up the rock and dirt. Bernita Robbins stated that she is opposed to going to 5 Commissioners because of the expense. Robbins also thinks that people should get a chance to vote on the proposed airport. Jean Vaughn asked about bids, does Gary Thompson review the bid specs.? Vaughn also asked why the time frame information was not listed in the requirements. The Commission will tell the Counselor what they want in the bid specs. Vaughn also asked about Eddie Andersen being in charge of the fire station, was he ever hired to do the job?

Larry Robinson stated that he met with Larry Heim, Public Assistance Coordinator, Kansas Emergency Management Dept. last Friday to discuss submitting requests for reimbursement from FEMA.

John Maloney asked about the bidding process for chemicals. Does the Counselor need to review the bid specs. for chemicals?

At 11:23 AM at the request of John Maloney, Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and John Maloney attended the executive session.

At 11:28 AM the executive session ended.

At 11:29 AM Jim Ferrante moved to extend the above listed executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:34 AM the executive session ended. No action taken.

Jim Ferrante stated that he has a copy of the 2005 and 2006 financial reports and the budget starting Oct. 1, 2007 for the Mid-America Nutrition Program. Ferrante stated that the financial reports look good. Jim Ferrante also met with Marilyn Augur concerning the rental and cleaning of the Nutrition Sites. Mid-America Nutrition Program will let the Van Driver bring the rental checks to the County. We will also continue to contract for cleaning of the buildings. Jackie Taylor asked about insurance for events at County buildings. Jim Ferrante called Gary Thompson. Gary Thompson stated that we require a signed waiver and the person renting the building needs to have their own insurance. The Clerk will talk to KCAMP for more information.

At 12:01 PM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission attended the executive session.

At 12:06 PM the executive session ended. No action taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Wednesday, September 5th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 5, 2007

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

Jim Ferrante had one correction to the minutes. Herb Pemberton moved to approve the minutes of the last regular meeting as amended. Doug Barlet seconded the motion. The motion passed 3-0.

Steve Catron informed the Commission that one of the dump trucks needs a new transmission. Catron has prices from 3 dealers for rebuilt transmissions: Midway Ford, \$2,586.00; Truck Pro, \$2,600.00; and Inland Truck Parts, \$2,725.00. The Solid Waste Dept. has a used truck that might have a good transmission and Jim Smart has a truck with a used transmission for \$1,250.00. Herb Pemberton moved to tentatively approve using the transmission from the landfill if Catron thinks it will work and to purchase the transmission from Jim Smart if the landfill truck transmission won't work. Doug Barlet seconded the motion. The motion passed 3-0.

Catron also reported that he is working on the Parker Fire Pumper and should have it back together this afternoon. The truck may also have a diesel leak, Catron will check out that problem also.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-248. Herb Pemberton seconded the motion. The motion passed 3-0.

Dan Morris informed the Commission that he talked to Houston Construction about the roofs on the shop buildings. Houston could start work approximately 2 ½ weeks after receiving the bid and the job would take approximately 4 days. Jim Ferrante moved to approve the bid from Houston Construction in the amount of \$12,427.00. Herb Pemberton seconded the motion. The motion passed 3-0. Herb Pemberton moved to allow the Chairman to sign the contracts with Houston Construction. Doug Barlet seconded the motion. The motion passed 3-0.

Joe Maloney informed the Commission that he received new bids from Excel Drywall (Caleb Sutterby) with three different options. Herb Pemberton moved to allow Excel Drywall to repair the compactor sites for \$1,360.00, replacing the sheetrock with plywood. Doug Barlet seconded the motion. The motion passed 3-0.

Joe Maloney informed the Commission that Terracon recommends 2 restrictive covenants on the landfill. The Counselor will contact Terracon for more information.

Maloney stated that he hadn't talked to the Counselor yet about letting the fuel delivery person deliver fuel after hours. The Counselor stated that we should have a waiver of liability from the delivery person. The Counselor will draft a waiver.

Undersheriff Dave Striegel informed the Commission that the Sheriff's office has hired Paula Cannon as a Full Time Dispatcher @ \$10.48 per hour, Rita Rhodes as a Part Time Dispatcher @ \$9.17 per hour, Claude Warren as a Full Time Deputy @ \$11.04 per hour, Wes McClain as a Full Time Deputy @ \$11.04 per hour, and Christopher Hughes as a Full Time Jailer @ \$10.19 per hour. Doug Barlet asked if the roof is leaking after the repairs. Striegel stated that no one has reported any leaks and he hasn't seen any leaks.

At 9:29 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and John Maloney attended the executive session.

At 9:39 AM the executive session ended.

At 9:39 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:54 AM the executive session ended.

At 9:54 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:59 AM the executive session ended. No action taken.

Andy Mayhugh asked the Commission to approve hiring Gary Armentrout as the Certified Wastewater Treatment Operator for the Centerville Sewer District. Jim Ferrante moved to replace Jayson McMaster with Gary Armentrout as the Certified Wastewater Treatment Operator for the Centerville Sewer District and to sign the necessary contracts. Herb Pemberton seconded the motion. The motion passed 3-0.

Marilyn Augur addressed the Commission concerning the drug and alcohol testing requirements with the Consortium. The Commission agreed with all the updates to the policies. The Clerk will be listed as the secondary contract for the drug & alcohol testing. Jim Ferrante moved to approve the draft policy and stated that the Commission has reviewed and concurs with the contents of the Linn County General Public Transportation Anti-Drug and Alcohol Misuse Prevention Policy. Doug Barlet seconded the motion. The motion passed 3-0.

At 10:22 AM Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to enter into and sign the contract with Mid-America Nutrition Program, Inc. for use of the buildings for the nutrition program. Doug Barlet seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

Jim Ferrante moved to approve and sign the equipment lease with Mid-America Nutrition Program, Inc. for the nutrition delivery van. Doug Barlet seconded the motion. The motion passed 2-1. Herb Pemberton voted no.

At 10:43 AM the Chairman asked for public comment. Les Morse discussed the tanker at Station 930. The tanker was repaired at Lowe's Autobody and the tank was installed by John Black & Paul Hamilton. Morse stated that the tanker still leaks 500 gallons of water out of the tank and some of the fittings are leaking. Morse also stated that a partial load of water causes a driving hazard. Morse asked what can be done to fix the truck. The Commission asked Morse to give them an estimate on fixing the truck. Morse also stated that about 10 months ago, the Commission terminated the Fire Chief and charges were made against him. The Counselor stated that no criminal charges were ever filed. Morse also stated that 4 Deputies have told him that there is still mold in the Sheriff's Office and that the Sheriff's Office is still leaking. Doug Barlet stated that Jerry Bedgood and Dave Striegel both stated that the building is no longer leaking. The Counselor stated that the Commission is considering additional testing for mold. The Counselor stated that the Commission is not making any statement concerning mold in the jail at this time.

Larry Robinson addressed the Commission concerning addressing lake developments and centerline mapping. Robinson introduced Bruce Schneider from R&S Digital. R&S Digital is working on the addressing for the lake developments. Schneider explained the issues and problems with addressing in lake developments. The Commission agreed that the readdressing needs to be done but are concerned about the lake developments being private property, can we force the developments to readdress? Schneider stated that we could have a meeting with all the lake developments to explain the need for readdressing.

Terry Sercer apologized for missing last week's meeting and presented the 2006 Audit Report. Sercer explained waiving GAAP and gave an unqualified opinion (highest opinion available) on the County's financial statements. Jim Ferrante asked if it would be possible to do a GAAP Audit. Sercer said it could be done, but it would be very expensive.

Gelonda Casey from FEMA discussed the Hazard Mitigation Grant Program due to the flooding. Doug Barlet moved to allow the Chairman to sign a waiver request for a Hazard Mitigation Plan to allow for assistance from FEMA. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton to approve the following pays/special pays: General, \$217,020.93; Employee Benefit, \$42,273.40; Appraiser, \$9,888.79; Rural Fire, \$11,867.10; Road and Bridge, \$99,509.27; 911 Telephone Tax, \$2.75; DARE, \$1,623.90; Special Alcohol, \$5,200.00; Crime Victim Assistance, \$856.98; and Elderly, \$10,493.22; and also Employee Benefit, \$31.20; and Road & Bridge, \$408.00. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that he received a renewal quote from Harris Financial Services for the Airport Liability

Insurance. The quoted premium was \$2,000.00, no change from last year. The Commission agreed to have the Clerk inform Harris Financial to proceed with the renewal.

Jim Ferrante moved to appoint Herb Pemberton as the voting delegate for the KWORCC annual meeting. Doug Barlet seconded the motion. The motion passed 3-0.

Doug Barlet left the Commission meeting. The Clerk informed the Commission that no County employees applied for the Fire Chief/Emergency Management Coordinator position. The Commission agreed to advertise for the Fire Chief/Emergency Management Coordinator position. Doug Barlet returned to meeting.

At 12:34 PM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues relating to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission attended the executive session.

At 12:49 PM the executive session ended. No action taken.

At 12:49 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes for the preliminary discussion of the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission attended the executive session.

At 12:54 PM the executive session ended.

At 12:55 PM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission attended this portion of the executive session.

At 1:00 PM the executive session ended. No action taken.

The Commission discussed taking bids to finish the La Cygne Fire Station. The Commission discussed using money from the Windfall account this year to finish the La Cygne Station and reducing the amount used from the Windfall account next year for the Prescott Station. Herb Pemberton moved to go out for bids for the concrete, sewer line, oil trap, water line, and heating system to finish the La Cygne Station. Doug Barlet seconded the motion. The motion passed 3-0. Pemberton is planning on donating a 6" fire hydrant to place in front of the new station.

Herb Pemberton stated that he thinks we need a new building in Prescott instead of adding on to the existing Prescott Fire Station. Doug Barlet and Jim Ferrante agreed that a new building would be better.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, September 10th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 10, 2007

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

Jim Ferrante had one addition to last week's meeting. Herb Pemberton moved to approve the minutes of the last regular meeting as amended. Doug Barlet seconded the motion. The motion passed 3-0.

Dan Morris would like to replace a 1991 Ford F150 pickup at Dist. #1. Herb Pemberton moved to allow Morris to go out for bids for a new ¾ ton pickup. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-249 thru 251. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for August 2007.

Jim Ferrante moved to send the letter and petition concerning a bridge on Vail Road to Nancy Boyda, Pat Apple, and Shirley Palmer. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that they need to designate a voting delegate for KAC by Oct. 26th.

The Commission reviewed invoices for several bills. Herb Pemberton moved to approve the following pays/special pays: General, \$60,861.21; Appraiser, \$4,309.36; Rural Fire, \$1,596.53; Road & Bridge, \$127,804.03; 911 Telephone Tax, \$7,604.63; DARE, \$199.47; and Elderly, \$16,387.66. Doug Barlet seconded the motion. The motion passed 3-0.

Doug Barlet moved to allow the Chairman to sign the contract with Excel Drywall for the Mound City and La Cygne compactor buildings. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson presented an Agreement & Waiver for Moto Power Farm Service for delivering fuel at the landfill. Doug Barlet suggested one change, Gary Thompson will amend the waiver.

At 9:37 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session to discuss legal issues (attorney/client privilege) with the County Counselor until 10:00 AM. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and Clerk attended the executive session.

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

Andy Mayhugh presented Zoning Case #Z0707192 requested by James Weers. The Planning Commission recommended approval by an 8-0 vote with the following findings: 1) The proposed use fits the character of the neighborhood, 2) The proposed rezoning conforms to the Linn County Comprehensive Plan, 3) The proposed use will not detrimentally affect nearby properties, and 4) The proposed use will not detrimentally impact existing infrastructure. Jim Ferrante moved to adopt Resolution #07-33 amending zoning on a specific property to A/R and amending the official zoning map. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-33:

RESOLUTION 07-33

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 did on August 21st, 2007, hold a public hearing on Case Z0707192 (Weers), said case being duly published on July 25th, 2007 in the Official County Newspaper, and after consideration of the application and the adopted Linn County Comprehensive Land Use Plan, recommended approval of the application to the Linn County Commissioners by a vote of 8-0, finding that:

1. The proposed use fits the character of the neighborhood,
2. The proposed rezoning conforms to the Linn County Comprehensive Plan,
3. The proposed use will not detrimentally affect nearby properties, and
4. The proposed use will not detrimentally impact existing infrastructure.

WHEREAS, on the 10th day of September, 2007, Case Z0707192(Weers) was heard before the Board of County Commissioners, Linn County, Kansas, proposed for property 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 findings of the Planning Commission, the issues presented and the Comprehensive Land Use Plan of Linn County, Kansas, it is the desire of the Commissioners of Linn County, Kansas, to affirm the findings of the Linn County Planning Commission and 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:

Located in Section 23, Township 19, Range 22, Linn County, Kansas - Beginning in the SW corner of the SE 1/4, thence North 1323.14', thence East 608.5', thence South 1322.86', thence West 898.9 to the Point of Beginning, containing 19.4 acres more or less.

Shall be and is hereby changed to the classification of **AIR - 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 10th day of September, 2007, and shall become effective upon publication in the Official County Newspaper.



ATTEST
David Lamb
David Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS

Linn County, Kansas

Jim Ferrante
Chairman
Herb Pemberton
Vice Chairman
Doug Barlet
Member

Mayhugh needs to postpone the flood plain amendment until next week.

Mayhugh then presented Lot Split #07-220 requested by Richard and Lisa Aikins. Doug Barlet moved to approve Lot Split #07-220 as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante informed the audience that he has been trying to get Embarq to waive long distance charges within the County. Embarq has not agreed to waive long distance charges, but will allow us to have an 800 number so that people can call the Courthouse and the schools. Embarq will be in town on Oct. 16th in the F & M Bank Community Building to answer public questions.

At 10:14 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 5 minutes for the preliminary discussion on the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

Jim Ferrante asked Undersheriff Dave Striegel how things are going with the new hires at the Sheriff's Office. Striegel stated that so far everything is going well. Jim Ferrante asked about the bills for hot deli meals for prisoners, why would we need them if we have a cook on duty? Striegel explained that the cook has been taking vacation and she also fills in as a jailer when we are short.

At 10:22 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 3 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

At 10:26 AM Herb Pemberton moved to take a break until 10:45 AM. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante read the rules for the public comment section of the Commission meeting. Jim Ferrante also stated that the

Commission does not have to respond to questions during the public comment section. The Chairman then asked for public comments. None were given.

The Clerk asked who was going to do the evaluations for the Dept. Heads, Mel Bolling, the Road Foreman, etc. Jim Ferrante suggested that the Commission should do the evaluations for the Road Foreman and Dept. Heads, and Dennis and Andy should do the evaluations for Mel Bolling.

At 10:52 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 10:57 AM the executive session ended. No action taken.

Rod Corn, Pat Kazter, and Darren Lawrenz from Olathe Medical System asked the Commission for an executive session to discuss trade secrets. At 11:10 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 30 minutes to discuss trade secrets of a corporation. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Counselor, Rod Corn, Pat Katzer, and Darren Lawrenz attended the executive session.

At 11:40 AM the executive session ended.

At 11:40 AM Jim Ferrante moved to extend the above executive session until Noon. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At Noon the executive session ended. No action taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, September 17th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

September 17, 2007

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

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

Steve Catron discussed the transmission for Unit #307. The transmission at the landfill won't work and the transmission from Jim Smart won't work. Catron has located a transmission that will work from Custom Truck for \$1,850.00. All the rebuilt transmissions come with a 90 day warranty. The other transmissions he found were Midway Ford, \$2,586.00; Inland Truck Parts, \$2,725.00, and Truck Pro, \$2,600.00. It would cost approximately \$1,800.00 to rebuild the existing transmission. Catron recommends buying the rebuilt transmission from Custom Truck for \$1,850.00. Jim Ferrante moved to approve purchasing the rebuilt transmission from Custom Truck for \$1,850.00 plus core. Herb Pemberton seconded the motion. The motion passed 2-0. Catron also stated that he has the overheating problem fixed on the Parker fire truck.

John Byington reported on Road Dept. spending and updated the Commission on recent projects. The repairs have been done on Wall Street Road and No. 9 Road. The repairs were needed because of the railroad companies hauling rock to repair their tracks after the flood. The Commission asked Byington to give the information to Larry Robinson to try to get reimbursement from FEMA.

Dan Morris presented a request to bury telephone cable from Embarq located at 2400 & Hadsell Road. Jim Ferrante moved to approve the permit to bury telephone cable as requested by Embarq. Herb Pemberton seconded the motion. The motion passed 2-0.

Joe Maloney informed the Commission that Excel Drywall started working on the compactor buildings this weekend. Maloney also informed the Commission that he has been working on 2006 reports concerning the amounts of solid waste, recycling, etc. handled by the Solid Waste Dept. Maloney stated that in 2006 we hauled 4057 tons of solid waste, received 48 tons of compost, recycled 107 tons of paper, 140 tons of cardboard, 1.2 tons of aluminum, received 300 tons of scrap iron, recycled 1.5 tons of batteries, 4.5 tons of plastic, received 120 tons of tires, 1000 tons of CD, and processed 6.493 tons of household hazardous waste. Jim Ferrante asked Maloney to provide written copies of the information.

The Clerk informed the Commission that he received the bill for the airport liability insurance. The Clerk also informed the Commission that he received a letter from Sheriff concerning the rate of pay for David Striegel. Striegel has been the acting Undersheriff since June 26, 2007. Sheriff Stites asked the Clerk to increase Striegel's pay to the Undersheriff level. Giving credit for years of service, Striegel's pay would increase to Range 10, Step K, \$18.29 per hour. The Clerk stated that he believes that the Sheriff can make the salary adjustment without approval from the Commission. Gary Thompson agreed that the Sheriff was within his rights to give the increased pay. Striegel's pay will be increased on the next payroll.

Gary Thompson presented the waiver for Eldon Lanham for delivering fuel to the landfill after hours. Gary Thompson will give the waiver to Joe Maloney to secure the signature from Eldon Lanham.

Andy Mayhugh presented Resolutions #07-31 & #07-32 concerning Floodplain Management. The Planning Commission and the U.S. Dept. of Agriculture have approved Resolution #07-31. Resolution #07-32 is the resolution that is published, incorporating by reference Resolution #07-31. Herb Pemberton moved to adopt Resolutions #07-31 & #07-32. Jim Ferrante seconded the motion. The motion passed 2-0. Following is a copy of the title and signature pages of Resolution #07-31 and a copy of Resolution #07-32:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

FLOODPLAIN MANAGEMENT RESOLUTION
60.3(b)

RESOLUTION #07-31

A RESOLUTION SETTING FORTH MINIMUM PERFORMANCE STANDARDS FOR
NEW CONSTRUCTION OR SUBSTANTIALLY IMPROVED STRUCTURES IN AND NEAR
FLOODPRONE AREAS OF LINN COUNTY, KANSAS

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A. STATUTORY AUTHORIZATION

1. Approval of Draft Regulations by Kansas Chief Engineer Prior to Adoption

The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on September 4, 2007.

2. Kansas Statutory Authorization

The Legislature of the State of Kansas has in K.S.A. 12-741 et seq. and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of County Commissioners of Linn County, Kansas, ordains as follows:

SECTION B. FINDINGS OF FACT

1. Flood Losses Resulting from Periodic Inundation

The special flood hazard areas of Linn County, Kansas are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. General Causes of the Flood Losses

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial-Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial-damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

ARTICLE 9 CERTIFICATE OF ADOPTION

This Floodplain Management Resolution for the community of Linn County, Kansas.

PASSED AND ADOPTED by the Board of County Commissioners of Linn County, Kansas.

This 17th day of September, 2007.



Attest:

David Lamb
David Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Jim Ferrante
Jim Ferrante, Chairman
Herb Pemberton
Herb Pemberton, Vice-Chairman

Doug Barlet
Doug Barlet, Member

Before the Board of County Commissioners
Linn County, Kansas

Resolution # 07-32

A RESOLUTION TO REVISE AND UPDATE THE LINN COUNTY, KANSAS FLOODPLAIN
MANAGEMENT REGULATIONS BY REPEALING RESOLUTION #96-11 AND
INCORPORATING BY REFERENCE NEW FLOODPLAIN MANAGEMENT REGULATIONS
BASED ON THE MODEL RECOMMENDED BY FEMA AND THE KANSAS DEPARTMENT OF
AGRICULTURE.

WHEREAS, in accordance with Kansas Statute, Linn County, Kansas, regulates and manages floodplain development through its floodplain development regulations found in Resolution #96-11; and

WHEREAS, in accordance with state and federal law, all such floodplain zoning regulations must be approved by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources and must coordinate with the requirements and regulations of the National Flood Insurance Act of 1968 as amended; and

WHEREAS, the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources and the officials of the Federal Emergency Management Agency (FEMA) Region VII have recommended that Linn County, Kansas, revise its floodplain management regulations and adopt new regulations based upon the recommended model floodplain management regulations;

WHEREAS, upon the recommendation of the Linn County Planning Commission, the Governing Body has determined that is in the best interest of Linn County, Kansas, to revise and update the Linn County, Kansas, floodplain management regulations by repealing the current floodplain management regulations used and enforced by Linn County, Kansas, and adopting and incorporating by reference new regulations based upon the recommended model floodplain management regulations;

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS:

SECTION 1.

That County Resolution #96-11 is hereby repealed.

SECTION 2.

That the Linn County, Kansas, Floodplain Management Resolution is hereby amended by the adoption by reference of new Resolution #07-31 which reads as follows:

INCORPORATION OF FLOODPLAIN MANAGEMENT RESOLUTION. Pursuant to the provisions of K.S.A. 12-3009, 12-3010 and 12-3301, there is hereby incorporated by reference for the purpose of providing floodplain zoning regulations within the County of Linn County, Kansas, all of the regulations contained in that document thereafter known and referred to as the Floodplain Management Resolution for the County of Linn County, Kansas, also known as County Resolution #07-31, which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the

Kansas Department of Agriculture, Division of Water Resources.

No fewer than three copies of the Floodplain Management Resolution #07-31 for the County of Linn County, Kansas, shall be marked or stamped Official Copy of Resolution #07-31 of Linn County, Kansas, and such copies shall be filed with the County Clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from the county courthouse. All County officials requiring the use of the Floodplain Management Resolution for the County of Linn County, Kansas, shall be supplied, at the expense of the County, such number of official copies of such Resolution as may be deemed expedient by the Governing Body.

SECTION 3.

This resolution shall take effect and be in force as of the date of its passage, approval publication as provided by law.

PASSED AND ADOPTED by the Governing Body, this 17th day of September, 2007.

Jim Ferrante
Jim Ferrante, Chairman
Herb Pemberton
Herb Pemberton, Vice-Chairman

Doug Barlet
Doug Barlet, Member

Attest: David Lamb
David Lamb, County Clerk



At 9:48 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to a non-elected employee. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and County Appraiser Steve Thompson attended the executive session.

At 10:03 AM the executive session ended. As a result of the executive session, Herb Pemberton moved to increase Randall (Kip) Lankton's pay to Range 5, Step E, \$11.52 per hour. Jim Ferrante seconded the motion. The motion passed 2-0.

The Commission stated that they would like to get reports from the Sheriff on the number of prisoners in custody per day. The Clerk will ask the Sheriff to make the reports to the Commission.

Jim Ferrante to approve the following pays/special pays: General, \$105,440.02; Employee Benefit, \$60,142.53; Appraiser, \$9,726.57; Rural Fire, \$4,396.85; Road and Bridge, \$38,486.42; 911 Telephone Tax, \$1,054.74; Crime Victim Assistance, \$856.97; and Elderly, \$6,707.66; and also General, \$2,000.00. Herb Pemberton seconded the motion. The motion passed 2-0.

At 10:13 AM Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 2-0.

At 10:30 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 2-0. The Commission, Clerk, & Counselor attended the executive session.

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

At 10:46 AM the Chairman asked for public comments. None were given.

Jim Ferrante read a thank you card from individuals in Centerville, thanking the County for paving the roads in Centerville. Jim Ferrante also read a letter he received from KDHE confirming receipt of and approving the agreement with Gary Armentrout as Wastewater Operator for the Linn County Sewer District #1. The Commission then discussed taking bids to level the floor at Bunker Hill.

Gary Thompson informed the Commission that Larry Robinson received a request to vacate a road and explained the procedures that would need to be followed. The Commission asked Robinson for copies of the information to review for next week's meeting.

At 11:00 AM the Commission opened bids for propane service. Bids received were: Ferrellgas, \$1.479 per gallon; New Horizon Farm & Home Cooperative, \$1.50 per gallon; and Heartland Propane, \$1.699 per gallon. Herb Pemberton moved to approve the low bid from Ferrellgas in the amount of \$1.479 per gallon. Jim Ferrante seconded the motion. The motion passed 2-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, September 24th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

September 24, 2007

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

Jim Ferrante suggested 2 additions to last week's minutes. Herb Pemberton moved to approve the minutes of the last regular meeting as amended. Jim Ferrante seconded the motion. The motion passed 2-0. Doug Barlet abstained.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-252. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to approve the Sheriff's Monthly Fee Report for August 2007. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk reminded the Commission that they need to designate a Voting Delegate for the annual KAC meeting by Oct. 26th. The Clerk also reminded the Commission that he needs to know how many people will attend the SEK County Officials Meeting in Franklin County by October 1st.

Dan Morris informed the Commission that he needs to purchase 2 bundles of ½" rebar and 2 bundles of 5/8" rebar for \$7,525.20 plus shipping. Herb Pemberton moved to allow the purchase as requested. Doug Barlet seconded the motion. The motion passed 3-0.

Morris then presented bids for a new F250 pickup for Road District #1. Bids received were: Cox Motor Co., \$17,867.00; and Beckman Ford, \$17,976.13. Herb Pemberton moved to purchase the truck from Cox Motor Co. for \$17,867.00. Doug Barlet seconded the motion. The motion passed 3-0. Bids were also opened for selling the old pickup from Road District #1. Bids received were: Cox Motor Co., \$300.00, Beckman Ford, \$250.00, and Jackie Pribble, \$567.89. Doug Barlet moved to accept the bid from Jackie Pribble for \$567.89. Herb Pemberton seconded the motion. The motion passed 3-0. We will need to declare the old truck surplus property.

John Black asked if we could buy another truck for Road District #2. We would need to take bids on the old truck and surplus it. Doug Barlet moved to buy another F250 from Cox Motor Co. with the same specs. as the District #1 truck for \$17,867.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Black also presented an estimate from Foote Construction to repair a bridge over mine creek that was damaged in the flood. Doug Barlet asked if FEMA would help cover some of the cost. Larry Robinson stated that FEMA is aware of the problem but he did not have a cost estimate when it was turned in to FEMA. The estimate we have from Foote Construction is a minimum of \$15,000.00. Robinson stated that we can turn it in to FEMA for reimbursement. Herb Pemberton suggested waiting to see if FEMA will cover the repairs. Larry Robinson stated that FEMA will wait and reimburse us for actual expense. Jim Ferrante moved to allow Foote Construction to proceed with the repair of the bridge in the 25000 block of 1175 Road for \$15,040.00. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury water line requested by RWD #2 located on Scott Road. Doug Barlet seconded the motion. The motion passed 3-0.

At 9:31 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected employees. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Marilyn Augur attended the executive session.

At 9:41 AM the executive session ended.

At 9:42 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:47 AM the executive session ended.

At 9:47 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Larry Robinson attended this portion of the executive session.

At 9:57 AM the executive session ended.

At 9:58 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Steve Thompson attended this portion of the executive session.

At 10:03 AM the executive session ended.

At 10:03 AM Herb Pemberton moved to extend the above executive session for 5 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:08 AM the executive session ended. As a result of the executive session, Steve Thompson announced that Kip Lankton has given his two weeks notice. Thompson will post the position to County employees for a week.

Larry Robinson informed the Commission that the Fire Board recommends hiring Mike Van Vlack, and Dan Nasalroad at Station 950, Angela Morse at Station 930, Derek Early, James Folsom, and Joshua Goodrich at Station 960, and Marie Krupco at Station 970 as probationary firefighters. Robinson also informed the Commission that Jim Whitworth resigned from Station 950. Jim Ferrante moved to hire the following as probationary firefighters: Mike Van Vlack, Dan Nasalroad, Angela Morse, Derek Early, James Folsom, Joshua Goodrich, and Marie Krupco. The firefighters will be on 6 month probation (3 months unpaid) and must take a physical before responding on calls. Herb Pemberton seconded the motion. The motion passed 3-0. Jim Ferrante moved to accept resignation of Jim Whitworth from Station 950. Herb Pemberton seconded the motion. The motion passed 3-0.

Robinson also informed the Commission that the Fire Board opened bids for the tankers last Thursday night. They are meeting again tonight at Station 900 at 7:00 PM to review the bids. The Fire Board will then make a recommendation to the Commission.

Robinson gave the Commission information on a request to vacate a road for their review.

Joe Maloney asked the Commission to hire Tracy Saavedra as a substitute compactor operator to fill in at the Centerville compactor. Jim Ferrante moved to hire Saavedra as a substitute compactor operator at \$6.00 per hour. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the agreement and waiver and to allow the Chairman to sign the agreement with Eldon Lanham for delivering fuel after hours at the Solid Waste site. Herb Pemberton seconded the motion. The motion passed 3-0.

John Maloney asked the Commission about sending a letter to a property owner about a nuisance. Maloney will send another letter listing a deadline for cleanup. Maloney also asked about the bill for the cleanup on the Koehn property. The Clerk stated that he has given the information to Jennie Carbon to add to the tax roll.

Jim Ferrante read a letter from USDA, Farm Service Agency thanking John Maloney for his assistance in determining compliance with state noxious weed laws on CRP contracts.

At 10:30 AM Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Dennis Arnold informed the Commission that they are planning the groundbreaking for late October for IPC. IPC would also like to have something in writing that the County would drain the barrow pit on the Industrial Park if they need to have it drained. Arnold also asked the Commission to make a motion stating that the County will pay for extending the gas line into the Industrial Park. Jim Ferrante moved to bore or cut the road into the Industrial Park for the gas company to install a gas line if needed by IPC. Herb Pemberton seconded the motion. The motion passed 3-0.

Dennis Arnold and the Commission discussed the grant for the airport/landing strip.

Bill Van Kirk addressed the Commission concerning the SB14 Grant Application for the 6th Judicial District Community Services. Doug Barlet moved to approve the plan as submitted and to authorize the Chairman to sign the application. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:15 AM the Chairman asked for public comment. Roberta Childers commented on Mid-America Nutrition Program. Childers asked why people are so politically motivated over this program? Why are people still stirring the pot? Childers would like to see the comments on the nutrition program put to rest. Mary Grosshart informed the Commission that she will attend a Silver Haired Legislature meeting in Topeka on Oct. 1st, 2nd, and 3rd.

Jim Ferrante moved to terminate the employment of the cooks, site managers, and substitute site managers as of Sept. 30, 2007 due to the outsourcing of the nutrition program. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante read a letter from Jarod Waltner, Kansas Legislative Research Department concerning Disaster Relief and Recovery. Waltner asked if anyone from Linn County would like to either speak with the Disaster Relief and Recovery Special Committee in Topeka on Oct. 4th or submit a written statement to the committee concerning the response and recovery to the flood disaster. The Commission asked Larry Robinson to send a written statement to the committee.

Jim Ferrante also stated that he received a call from Laura Hyer, Bourbon County Emergency Management Coordinator, concerning sharing an Emergency Management Coordinator. The Commission agreed that we would rather have our own Coordinator.

Jim Ferrante stated that he looked at the floor at Bunker Hill with the Custodians. Jim Ferrante is planning on contacting Ron Nation about ideas for repairing the floor.

At 11:38 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, October 1st. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

October 1, 2007

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

Jim Ferrante had one addition to last week's minutes. Jim Ferrante moved to approve the minutes of the last regular meeting as amended. Herb Pemberton seconded the motion. The motion passed 2-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2006-254. Herb Pemberton seconded the motion. The motion passed 2-0.

Herb Pemberton moved to reschedule the next regular Commission meeting to Tuesday, October 9th, due to the Columbus Day holiday. Jim Ferrante seconded the motion. The motion passed 2-0.

Dan Morris informed the Commission that he needs to run electrical power to a building at the Road District #1 shop. Morris has two bids, the low bid is from Page Electrical Contracting for \$1,343.75. Jim Ferrante moved to approve the bid from Page Electrical Contracting in the amount of \$1,343.75. Herb Pemberton seconded the motion. The motion passed 2-0.

Harry Wisdom presented a permit to bury telephone cable requested by Embarq located at 1250 Road & Cassida Road. Jim Ferrante moved to approve the permit to bury as requested. Herb Pemberton seconded the motion. The motion passed 2-0.

Dennis Arnold discussed the CDBG application and hearing for the Prescott Fire Station. Linda Weldon will publish the notice of public hearing in this week's paper. The public hearing will be Oct. 15, 2007 at 11:30 AM.

Gary Thompson presented a revised equipment lease with Mid-America Nutrition Program. Jim Ferrante moved to sign the revised lease with Mid-America Nutrition Program for the meal delivery van. Herb Pemberton seconded the motion. The motion passed 2-0.

At 9:39 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:54 AM the executive session ended. No action taken.

Andy Mayhugh presented Zoning Case #Z0607191 (Chambers) requesting rezoning 155 acres from the I-2 (Heavy Industrial) District to the A – Agricultural District. The Planning Commission recommended denying the application by a 6-0 vote due to the applicant not showing up for 2 consecutive Planning Commission meetings when the case was scheduled. The Commission can 1) approve the recommendation of the Planning Commission and deny the application. If the application is denied, the applicant cannot reapply for 1 year, 2) Overturn the recommendation of the Planning Commission and approve the application, or 3) Send the application back to the Planning Commission with a written statement as to why it was sent back. Mayhugh recommends sending the application back to the Planning Commission. Herb Pemberton suggested sending the application back to the Planning Commission. Herb Pemberton moved to send the application back to the Planning Commission along with a written statement as to why it was sent back. The reason would be to give Chambers one more chance to meet with the Planning Commission to discuss their application. Jim Ferrante seconded the motion. The motion passed 2-0.

Andy Mayhugh also presented Lot Split #07-221 (Stahl) requesting the creation of a 20 acre lot with a remainder of 99.89 acres. Jim Ferrante moved to approve Lot Split #07-221 and to accept the accompanying Grant of Easement. Herb Pemberton seconded the motion. The motion passed 2-0.

Larry Robinson presented a proposed statement to send to the Kansas Legislative Research Department concerning disaster relief in Linn County. The Commission agreed to send the statement.

Larry Robinson presented the Fire Board's recommendation for purchasing 2 new tankers. The tankers will be paid for with a 50/50 CDBG. The Fire Board reviewed bids from Hays Fire Equipment, Deep South Fire Trucks, Inc., and Midwest

Vehicle Professionals. After reviewing the bids, the Fire Board recommends purchasing 2 Kenworth tankers from Deep South Fire Trucks, Inc. for a total of \$234,808.00. Larry Robinson also presented a copy of Doug Barlet's recommendation. Doug Barlet recommends the same truck with different options, total price \$253,108.00. Jim Ferrante asked Russell Beth for his opinion. Beth suggested taking the Fire Board's recommendation. The truck recommended by the Fire Board would meet the requirements. Mr. Graves from Hays Fire Equipment asked where they would get service on this truck, there are no dealers in the area. Graves also suggested having someone look at a Deep South truck before approving a purchase. The Commission agreed to wait until next week to make a decision.

At 10:33 AM Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 2-0.

The Commission talked to Linda Weldon, SEKRPC by telephone concerning requirements for the proposed grant for the Prescott Fire Station. Weldon stated that we need to contact an architect to complete a preliminary report. The public hearing is scheduled for Oct. 15th at 11:30 AM and we need to advertise to hire an architect for the project. Weldon suggested hiring Rick Zingre to do the preliminary report. Jim Ferrante moved to hire Rick Zingre, Zingre & Associates, PA to do the preliminary report for \$50.00 per hour, not to exceed \$2,300.00. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante moved to allow Linda Weldon to advertise for an architect for the project. Herb Pemberton seconded the motion. The motion passed 2-0.

Herb Pemberton to approve the following pays/special pays: General, \$107,436.66; Employee Benefit, \$60,321.20; Appraiser, \$11,155.81; Rural Fire, \$2,816.59; Road and Bridge, \$193,342.03; 911 Telephone Tax, \$1.83; Crime Victim Assistance, \$856.98; and Elderly, \$5,268.32. Jim Ferrante seconded the motion. The motion passed 2-0.

At 11:00 AM the Chairman asked for public comments. Ed Saymn asked who would pay for the airport, the City or the County. Dennis Arnold stated that our contribution would be in-kind, we would not put any cash into the grant. Saymn also asked about the length of the runway. Arnold stated that we would like to have a 4000 foot runway, but we might only be able to get a 3000 foot runway through the grant. The City would own the ground, and the County would have an option to purchase the ground later.

Herb Pemberton stated that we need to replace the wood on the bench outside the annex. The Clerk will talk to Jerry Bedgood about it.

At 11:14 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, and Counselor attended the executive session.

At 11:21 AM the Clerk left the executive session.

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

Dennis Arnold introduced Matt McAllister from IPC. McAllister also introduced Dirk McClure, Mike Slotter, and Dan Doran. IPC is planning on breaking ground in late October. Jim Ferrante moved to enter into the agreement with IPC for the sale of real estate. Herb Pemberton seconded the motion. The motion passed 2-0.

Herb Pemberton moved to authorize the Chairman to execute the deed to the property in the Industrial Park for IPC. Jim Ferrante seconded the motion. The motion passed 2-0.

Herb Pemberton moved to go out for bids for the concrete work, sewer lines, water lines, and heating for the La Cygne Fire Station. Jim Ferrante seconded the motion. The motion passed 2-0. The Clerk will advertise for bids.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Tuesday, October 9th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

October 9, 2007

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

Herb Pemberton moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 2-0. Doug Barlet abstained.

Jim Ferrante informed the audience that Embarq will be in Mound City on Tuesday, Oct. 16 from 9:00 AM to 2:00 PM to meet with the public at the F&M Bank Community Center for Embarq Customer Information Day.

The Clerk informed the Commission that Dee George has resigned as Deputy Election Officer. The position will be posted for County Employees this week.

The Clerk also informed the Commission that Pat Apple wants to set up a meeting with the Commission, Shirley Palmer, the La Cygne Council, and KDOT to discuss the proposed bridge on Vail Road and improvements to K152 east and west of La Cygne. Doug Barlet suggested having the meeting on Nov. 2nd. Jim Ferrante suggested a morning meeting. The Clerk will contact Senator Apple and the La Cygne City Clerk to set up the meeting.

Larry Robinson informed the Commission that Nels Thompson, KDEM, is working on FEMA costs in Linn County. He is still gathering information. Larry Robinson has met with FEMA and KDEM concerning road repairs. FEMA will not reimburse us for FAS roads. The Counselor has contacted the Railroad concerning reimbursement.

Robinson also informed the Commission that the Parker Pumper (Truck #942) needed some additional repairs. A line was broken under the truck and water got into the transmission. The truck did pump at a recent fire without losing prime and without overheating. The truck is back in service but still may need additional repairs.

Joe Maloney gave the Commission a letter from Terracon explaining why they billed us for additional work. Herb Pemberton moved to approve the amendment of the Terracon contract and payment of the additional \$1,800.00. Doug Barlet seconded the motion. The motion passed 3-0.

John Byington addressed the Commission concerning the Road Oil and Cover Material line items. Much of the cost should have come out of Cover Material, not Road Oil. Byington would like to use the All District line items to do repairs on Logan Road & Tiger Road. The Commission agreed to allow Byington to use the All Dist. line item for that purpose. Herb Pemberton asked Larry Robinson and John Byington if we were still working on the contract with KCPL on 2200 Road. Gary Thompson is waiting on information from KCPL for the contract. John Byington asked about accepting new roads from KDOT. Byington did not budget for any work on those roads and did not plan on needing to do any work for 3 years. We have not accepted the roads yet. We need to inspect the roads before accepting anything from KDOT.

At 9:55 AM at the request of Marilyn Augur, Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Marilyn Augur, and Steve Thompson attended the executive session.

At 10:05 AM the executive session ended.

At 10:05 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:07 AM Steve Thompson and David Lamb left the executive session and Gary Thompson entered the executive session.

At 10:10 AM the executive session ended.

At 10:10 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the

motion. The motion passed 3-0. The Commission, Counselor, and Marilyn Augur attended this portion of the executive session.

At 10:15 AM the executive session ended.

At 10:15 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:20 AM the executive session ended. No action taken.

Jerry Bedgood presented an estimate from the Fagan Company for boiler repairs in an amount not to exceed \$3,400.00. The repairs need to be done so the system will pass inspection, before it can be used. Doug Barlet moved to hire the Fagan Company for up to \$3,400.00 and to allow the Chairman to sign the acceptance agreement. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet asked if the Maintenance Dept. could do repairs and maintenance at the Fire Stations. They can if they are notified of a problem.

Andy Mayhugh presented Lot Split #07-222 requested by Clifford & Misty Stahl to create a 10 acre tract around an existing home. Herb Pemberton moved to approve Lot Split #07-222 as requested and to accept the accompanying grant of easement. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission discussed the bids on the Fire Tankers. Jack Graves, Hays Fire Equipment addressed the Commission concerning the bids from Deep South Fire Equipment. Graves stated that the bids from Deep South are lacking information. Doug Barlet suggested requesting additional information from Deep South concerning their warranties.

At 10:49 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, Larry Robinson, and Russell Beth attended the executive session.

At 10:59 AM the executive session ended.

At 11:00 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:10 AM the executive session ended. As a result of the executive session, Doug Barlet explained that none of the bids meet all of the specs. The Commission has decided to review all the bids with the help of the Fire Board, and ask some of the companies for additional information, in order to make the best decision for the County.

At 11:12 AM the Chairman asked for public comment. Albert Wright stated that the gentleman that was here (Jack Graves, Hays Fire Equipment) seems to be the only one to provide all the information and the service center is in Hays, KS. Mrs. Wright thanked the Commission for fixing the bench outside of the Commission Room. Doug Barlet stated that similar trucks from Hays Fire Equipment would cost around \$270,000.00. Tommy Tuggle asked about having all companies rebid for the Fire Tankers. The Commission stated that would be an option, but time is a concern.

At 11:17 AM Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the quarterly payment to Mid-America Nutrition Program in the amount of \$12,375.00. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk gave the Commission a copy of the Qualifications Statement to prepare a Preliminary Architectural Report for a new Fire Station in Prescott from Zingre & Associates, PA.

Herb Pemberton moved to approve the following pays/special pays: Employee Benefit, \$601.85; and Elderly, \$5,726.37; and General, \$154,535.38; Appraiser, \$6,799.88; Rural Fire, \$2,413.96; Road and Bridge, \$137,426.29; 911 Telephone Tax,

\$2,301.47; Crime Victim Assistance, \$81.10; and Elderly, \$9,213.58. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk & Commission discussed the cash balances, income, and expenses on Fire, Road & Bridge, and Elderly Budgets. The Road & Bridge and Fire Budgets are running low on income and we need to watch the expenses in those departments.

At 11:54 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues (Fire/Emergency Management applications) related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. Doug Barlet abstained. Jim Ferrante, Herb Pemberton, and Gary Thompson attended the executive session.

At 12:09 PM the executive session ended. As a result of the executive session, Jim Ferrante announced that the Commission will interview 3 applicants for the Fire/Emergency Management position next week.

At 12:10 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:25 PM the executive session ended. No action taken.

With nothing further on the agenda Doug Barlet moved to adjourn until 9:00 AM Monday, October 15th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

October 15, 2007

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

Doug Barlet suggested one change to last week's minutes. Herb Pemberton moved to approve the minutes of the last regular meeting as amended. Doug Barlet seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve a permit to bury water line requested by K and L Backhoe Service located at 18761 E 1600 Road. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson asked the Commission for permission to purchase two sets of turnout gear for firefighters. The cost is \$1,700.00 to \$2,000.00 per set. Herb Pemberton moved to approve purchasing 2 sets of turnout gear for approximately \$1,800.00 per set. Doug Barlet seconded the motion. The motion passed 3-0.

Robinson also informed the Commission that he received an estimate for repairs on Truck #942, but he doesn't think it needs to be repaired at this time.

John Byington and the Commission discussed the proposed project on the Power Plant Dam road. Byington stated that we need to get the agreement finished with KCPL so he can get started on the planning for the project. Byington also asked about cover material for next year. He needs to let the quarries know what we will need for next year. Byington and the Commission also discussed the problems we have had getting cover material from Nation Rock. Doug Barlet stated that he would like to have information on how much it costs for us to haul from other quarries.

Herb Pemberton moved to approve a permit to bury water line requested by RWD #2 located on 1100 & Wattles Road. Doug Barlet seconded the motion. The motion passed 3-0.

John Black asked the Commission about trading Skid Loaders. Doug Barlet moved to trade for a new Skid Steer Loader for Dist. #2 for \$25,768.00 (\$28,909.47 including interest on a lease-purchase agreement). Herb Pemberton seconded the motion. The motion passed 2-1. Jim Ferrante voted no.

Dennis Arnold informed the Commission that IPC's groundbreaking will be Nov. 1st at 1:00 PM. Arnold also asked the Commission for permission to place a marketing ad in the Kansas Economic Developers Directory for 1 year for \$1,450.00. Doug Barlet moved to allow Arnold to place the ad. Herb Pemberton seconded the motion. The motion passed 3-0.

Arnold also informed the Commission that he applied for and received a \$30,000.00 grant for Midwest Glycol.

Andy Mayhugh presented Zoning Case #Z0607191 (Chambers). The Planning Commission recommended approval by a 6-0 vote with the following findings: 1) The application conforms to the adopted Comprehensive Plan, 2) The proposed use conforms to the uses nearby, 3) The proposed use conforms to the character of the neighborhood, and 4) The proposed use will not affect nearby properties. After discussing the findings, Jim Ferrante moved to affirm the findings of the Planning Commission, approve the Zoning change, and adopt Resolution #07-34. Herb Pemberton seconded the motion. The motion passed 3-0. Following is a copy of Resolution #07-34:

RESOLUTION 07-34

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 did on October 9th, 2007, hold a public hearing on Case Z0607191 (Chambers), said case being duly published on July 25th, 2007 in the Official County Newspaper, and after consideration of the application and the adopted Linn County Comprehensive Land Use Plan, recommended approval of the application to the Linn County Commissioners by a vote of 6-0, finding that:

1. The proposed rezoning conforms to the Linn County Comprehensive Plan,
2. The proposed use conforms to the existing uses nearby,
3. The proposed use conforms to the character of the neighborhood,
4. The proposed use will not detrimentally affect nearby properties.

WHEREAS, on the 15th day of October, 2007, Case Z0607191(Chambers) was heard before the Board of County Commissioners, Linn County, Kansas, proposed for property 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

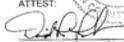
WHEREAS, after due consideration of the findings of the Planning Commission, the issues presented and the Comprehensive Land Use Plan of Linn County, Kansas, it is the desire of the Commissioners of Linn County, Kansas, to affirm the findings of the Linn County Planning Commission and to change, amend and modify the zoning classification of the real estate more fully described below, and to amend the official zoning map to reflect said change

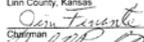
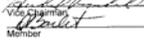
THEREFORE, be it resolved by the Board of County Commissioners of Linn County, Kansas, that the zoning classification of the following described real estate:

The Southeast ¼ of Section 9, Township 20, Range 25, Linn County, Kansas, except all that part lying West of the creek, (Containing 155.3 acres more or less)

Shall be and is hereby changed to the classification of "A" - Agricultural

This resolution was passed and approved by the Board of County Commissioners of Linn County, Kansas, by a majority vote of same on this 15th day of October, 2007, and shall become effective upon publication in the Official County Newspaper.

ATTEST:

David Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Chairman

Member

John Maloney informed the Commission that he will be attending the SEK County Officials meeting in Franklin County on Oct. 18th.

Herb Pemberton to approve the following pays/special pays: General, \$81,676.54; Employee Benefit, \$58,856.29; Appraiser, \$8,889.90; Rural Fire, \$3,795.61; Road and Bridge, \$102,004.31; 911 Telephone Tax, \$1,416.16; Crime Victim Assistance, \$856.98; and Elderly, \$14,990.02. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for September 2007. The Commission asked the Clerk to contact Bruce Holt and ask him to discuss park fees with the Commission.

Mary Grosshart, Silver Haired Legislator reported that she attended meetings in Topeka on Oct. 1st, 2nd, and 3rd. Grosshart asked the Commission to donate \$250.00 to the Silver Haired Legislature. Herb Pemberton moved to donate \$250.00 to the Silver Haired Legislature. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that the meeting with Pat Apple, Shirley Palmer, the La Cygne City Council, and KDOT has been scheduled for Friday, November 2nd, at 1:30 PM at the La Cygne Library. The meeting is scheduled to discuss a proposed bridge on Vail Road and to discuss improvements to Kansas Highway 152 east and west of La Cygne.

At 10:30 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:37 AM the Clerk left the executive session.

At 10:45 AM the executive session ended.

At 10:45 AM Herb Pemberton moved to extend the above executive session until 11:00 AM. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission and Counselor attended this portion of the executive session.

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

At 11:01 AM Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

At 11:16 AM the Chairman asked for public comment. Bernita Robbins addressed the Commission concerning the La Cygne fire station and KDOT. Robbins stated that we have a deed that says the property belongs to Linn County as long as the building is used for public purposes. Robbins asked why we can't use the existing building instead of the new building. The Commission asked the Counselor to check the information.

At 11:22 AM the Commission opened bids for the Fire Station at La Cygne. Herb Pemberton recused himself from the review of the bids. Bids received were from Bradley Air Conditioning & Heating for heating; Pemberton Excavating, Dave's Mobile Services, and Nation Contracting for concrete; and Ellis Plumbing, K and L Backhoe Service, and Pemberton Excavating for sewer & water. The Commission will review the bids and make a decision at a later time.

At 11:30 AM the Chairman opened the public hearing for the CDBG for the proposed Prescott Fire Station. Linda Weldon, SEKRPC informed the Commission that they are required to hold a public hearing for CDBG projects. Weldon explained all the agreements and Resolutions that need to be signed. The total project cost as proposed by the architect is \$367,003.00 for a 4000 square foot building. It would be a 50/50 grant. Ed Saymn asked if this is a turn key estimate. It is. Tommy Tuggle asked if the cost of the land was figured in. It was not. Tuggle stated that he knows someone that would donate the property. Steve Johnson stated that the bid is too high per square foot. Mary Wilson asked why this building is so expensive. Ed Saymn asked if the public will have access to the paperwork on this grant. It would be public information. Jean Vaughn asked if there have been any estimates on enlarging the existing building. Ed Andersen stated that the alley would have to be paved if we added on to the existing station. Tommy Tuggle asked if the Commission has compared the cost of a new building with the cost of adding on to the existing building. Mary Thomas asked if the County could find a use for the old building or if the building could be sold to help pay for the new building. Doug Barlet moved to adopt and sign Resolutions #07-35 & 07-36 and to approve and allow the Chairman to sign all necessary paperwork to apply for the grant. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #07-35 & 07-36:

LINN COUNTY, KANSAS
RESOLUTION NO. 07-35

RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2008 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE COMMISSIONER TO SIGN AND SUBMIT SUCH AN APPLICATION

WHEREAS, Linn County, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, Linn County, Kansas, intends to submit an application for assistance from the 2008 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby certifies that Linn County, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the 2008 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby authorizes Linn County, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the 2008 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

LINN COUNTY Rural Fire District #1 hereby dedicates \$ _____ in cash funds toward this project and \$ 0 in in-kind material and/or labor for same.

APPROVED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS, this 15th day of **OCTOBER**, 2007.

APPROVED 
JIM FERRANTE, CHAIRMAN

ATTEST 
DAVID L. LAMB, COUNTY CLERK


LINN COUNTY, KANSAS

Community Development Block Grant 13 2007 Community Facilities Application

LINN COUNTY, KANSAS
RESOLUTION NO. 07-36

A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS TO THE FIRE STATION TO BE FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, Linn County is applying for Small Cities Community Development Block Grant funds under the Community Improvement Category, as administered by the Kansas Department of Commerce; and,

WHEREAS, Linn County wishes to utilize this funding for the purpose of the construction of a fire station for RFD #1, as described in the Community Development Block Grant application submitted to the Kansas Department of Commerce; and,

WHEREAS, Linn County has determined that the annual operation and maintenance costs of the fire station are anticipated to be approximately \$ _____; and,

WHEREAS, The annual general operating budget has been determined to be adequate to fund the operation and maintenance of the fire station,

NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body of Linn County, Kansas, hereby assures the Kansas Department of Commerce that sufficient funds will be provided for the continued operation and maintenance of the above described fire station, that these operation and maintenance costs will be reviewed annually; and that the general operating budget will be adjusted, when necessary, to reflect and cover any increase in costs.

ADOPTED BY THE GOVERNING BODY OF LINN COUNTY, KANSAS THIS 15th DAY OF **OCTOBER**, 2007.

ATTEST:


David L. Lamb, County Clerk


LINN COUNTY, KANSAS

Community Development Block Grant 14 2007 Community Facilities Application

The Commission discussed the Fire Tanker bids. Jack Graves from Hays Fire Equipment and Danny Avera from Deep South Fire Trucks were present to discuss their trucks. The Chairman stated that each person will be given 5 minutes to speak. Jack Graves stated that Hays is a Kansas company and he described his company and what they sell. Graves also brought a truck for the Commission to look at. Hays will come and pick up trucks if they need to for repairs. Danny Avera, Deep South Fire Trucks gave the Commission information on his company and their trucks. Avera provided written warranty information on their trucks. Deep South will pick up trucks for repair if needed and will provide a replacement truck to use

while it is being repaired. Larry Robinson stated that the Fire Board met again Saturday night to review the bids again. The Fire Board moved to remain with the previous motion to purchase the trucks from Deep South. The trucks recommended by the Fire Board included air operated quick dumps, bench seat, hose storage, LED lights, 500 GPM PTO pump, and a mild steel tank for a total price (2 trucks) of \$253,108.00. The Fire Board passed the motion unanimously. Doug Barlet moved to approve the request of the Fire Board and approve the purchase of the 2 trucks from Deep South for \$253,108.00. Jim Ferrante seconded the motion. The motion passed 3-0.

Jim Ferrante moved to appoint Charles Simpson as a Planning Commission member for Dist. #3. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to reappoint Dave Jackson to the Planning Commission. Jim Ferrante seconded the motion. The motion passed 3-0.

At 12:27 PM Jim Ferrante moved to recess until 1:30 PM. Herb Pemberton seconded the motion. The motion passed 3-0.

At 1:30 PM the Board of Commission meeting reconvened to interview applicants for the Fire/Emergency Management position.

At 1:30 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session until 3:30 PM to discuss personnel issues (interviews) related to non-elected personnel. No action will be taken. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton, Fire Board Chairman Mike Gillespie, and the applicants attended the executive session.

At 3:30 PM the executive session ended.

At 3:30 PM Jim Ferrante moved to extend the above executive session until 3:50 PM. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 3:50 PM the executive session ended. No action taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, October 22nd. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

October 22, 2007

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

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

Doug Barlet moved to appoint Herb Pemberton as the voting delegate for the KCAMP and KAC annual meetings. Jim Ferrante seconded the motion. The motion passed 3-0.

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

Steve Hoeger, AMR reported that they are averaging 10 transports per week. AMR has been covering football games and had a fundraiser for Christmas toys for kids. AMR will participate in the KAC Conference in November. AMR has also hired a new Paramedic. Hoeger also reported that they have some water problems at Station 1.

Joe Maloney updated the Commission on projects he is working on. KDHE, Bureau of Waste Management has some new requirements for next year concerning reporting on all compactor sites.

John Maloney informed the Commission that he has sent 3 letters to a landowner concerning nuisance abatements. Maloney asked if the Counselor could start legal proceedings against the property. The Counselor asked Maloney to get him a copy of the deed to the property.

John Byington addressed the Commission concerning cover material needed for 2008 and the lack of availability from Nation Rock in previous years. Doug Barlet asked Byington about the cost of bringing cover material from another quarry. David Nation stated that he is not interested in making the cover material for next year.

Jim Ferrante moved to appoint Joe Hall to the Economic Development Committee. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:37 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 9:47 AM the executive session ended. No action taken.

Jim Ferrante reported that he met with Ron Nation to look at possible solutions to the Bunker Hill floor problems. Nation suggests cutting out the floor around the crack and reinforcing the area with rebar. The foundation also has a crack. Nation Contracting submitted a bid to repair the crack in the floor in the amount of \$4,800.00. Herb Pemberton moved to approve the bid. Jim Ferrante seconded the motion. The motion passed 2-1. Doug Barlet voted no.

At 9:58 AM Herb Pemberton excused himself from the meeting. Ed Andersen reviewed the bids for finishing the La Cygne Fire Station. Bids received were: Heating – Bradley Air Conditioning & Heating, \$4,407.66 plus \$3,509.04, Total \$7,916.70 for a 5 ton Air Handler & Heatpump, or \$5,115.24 plus \$390.00, Total \$5,505.24 for 6 Infrared Heaters & Wire Guards; Concrete – Pemberton Excavating, \$14,790.00; Dave's Mobil Services, \$21,750.00 (didn't list wire mesh); and Nation Contracting, \$14,790.00 (didn't list wire mesh); Water & Sewer – K and L Backhoe Service, Option 1 \$13,068.00, Option 2 \$13,127.00, or Option 3 \$13,035.00; Pemberton Excavating, \$13,726.50; and Ellis Plumbing, \$10,850.00 (didn't include cost of meters). Doug Barlet moved to table this item until we can get some questions answered on the bids. Jim Ferrante seconded the motion. The motion passed 2-0. Herb Pemberton returned to the meeting but abstained from voting.

At 10:20 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion

passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

At 10:31 AM Jim Ferrante moved to take a break until 10:45 AM. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson reported on the ownership of the current La Cygne Fire Station. Thompson presented copies of a 1984 Deed from KDOT to Linn County with reversion clause; a 2/16/06 letter from RWD #1 to KDOT (the Clerk found nothing in the Commission minutes from Dec. 2005, Jan. 2006, or Feb. 2006 concerning this issue); a 12/19/06 letter from KDOT to RWD #1 stating that the property has \$0 value to KDOT, a 1/9/07 letter from RWD #1 to KDOT agreeing to accept the property as described on a Quit Claim Deed; a 1/17/07 letter from Linn County Code Enforcement stating we would allow the transfer of the property as is to RWD #1; a 1/30/07 letter and Quitclaim Deed releasing KDOT's interest in the property to RWD #1 (reversionary interest is all they have at this point, so that is all that is transferred), so RWD #1 now owns the reversionary interest, if County ceases to use for public purposes, property goes to RWD #1. Also included was correspondence between Bernita Robbins and KDOT and between Bernita Robbins and John Sutherland. Herb Pemberton stated that he never said that the building owned by the water district. The Quitclaim Deed transfers the State's interest in the property to RWD #1, whatever that interest may be. Mike Ernst asked what the County will do with the building when the Fire Dept. moves out. Jean Vaughn asked if we can find out who talked to Mrs. Ernst. Ed Saymn asked if RWD #1 was leasing part of the building. Ed Andersen stated that they exchanged water and services for use of the building. Steve Johnson said that Herb stated that KDOT was selling the building and we had to get out. Herb Pemberton had been told that by someone on the Fire Dept. that KDOT was selling the building. The Graphic reporter asked why the Commission meetings aren't recorded. Herb Pemberton moved to start recording all meetings. Jim Ferrante seconded the motion. The motion passed 3-0.

(Before the minutes were approved at the Oct. 29, 2007 Commission meeting, Jim Ferrante asked that the following typed transcript be added to the minutes of this meeting. This transcript was taken from a recording of the Commission meeting by an undisclosed person, not from the Clerk's record of the Commission meeting.)

The following statements were taken from a tape recording ^{on} [redacted] October 22, 2007, Linn County Commission meeting.

Commissioner Herb Pemberton - At any time I didn't (uh) contact you (Water Board) or anybody that, that (uh) gave you permission that you could (uh) buy the building. I had no authority to do that. I didn't talk to anybody. The State never called me. Nobody called me. But I was accused of doing that in this open meeting by this lady right here, Mrs. Robbins. And (uh) Gary, what about that? That's, that's a false accusation.

Steve Johnson - You stated that we had to get out of that building. The State was selling it. We got told that clear back by the previous fire coordinator. We had to get out of this building.

Counselor Gary Thompson - Is that where you were told that? By the previous fire coordinator?

Herb - Yeah, yeah by the fire coordinator. I had no idea in '84 this, this transaction was done --in '84 by the Commissioners. Uh, the deed was written. Evidently, did the State know that there was a deed on this? Evidently not.

Gary - Sure. Yeah. The State knew that, that the '84 deed existed. Absolutely.

Herb - Wouldn't they explain that to the people that were trying to purchase the building before they tried to sell it? I'm confused here.

..... (Other comments by Counselor regarding quitclaim deed, etc.)
Who was Water District Chairman, [redacted] and Fire Coordinator at that time was discussed.

Commissioner Jim Ferrante - Eddie, do you want to speak to this? (Paragraph about Chairman of Water District approaching the Commission and Fire Coordinator about ownership or leasing this building.)

Eddie Andersen - Yes, when I first approached them [Commissioners] (uh), asked you what you were going to do with the building, I was told that you did not own the building or had any interest in the building at that time.

Jim - So, you approached (Correct me if I'm wrong.) You approached the Commission?

Eddie - Yes, I approached Commission and asked what you were going to do with the building.

Jim - When was that?

Eddie - Oh, it's been over a year ago I'd say. At that time I was told you guys did not own the building.

.....(Discussion on who was Commission Chairman in January, 2006) (Herb before Jan. 17, 2006 and Larry Hall after that date.)

Eddie - No, I don't remember the exact date. All I know is (uh) folks asked what they were going to do with it, and we was told that they did not own the building.

Jim - Who told you we didn't own it?

Eddie - The Commissioners. Right here. I'm pretty sure everybody agreed upon that at that time.

Jim - No, I wasn't involved. If I was it would have been right here in the minutes.

Jean Vaughn said that our CPA stated we should audit departments separately from the regular audit. Vaughn suggested auditing the Fire Dept. for 5 years. Mike Gillespie stated that in February of this year, the Auditor did audit the Fire Dept. Jim Ferrante stated that was only a cash flow audit, not a complete audit. Steve Johnson stated that we have a horrible

noxious weed problem in the County road ditches. Ed Self says the Federal Government says to spray Sericea Lespedeza with Remedy through June, then Escort after that. Remedy will kill the Sericia Lespedeza but Escort just keeps it from going to seed. Ed Saymn suggested using a weed wiping system in the road ditches instead of spraying.

At 11:27 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Doug Barlet seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 11:32 AM the executive session ended.

At 11:33 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

Doug Barlet moved to allow the Chairman to sign the Buyer's Order for the Skid Steer from Martin Tractor Company. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to do a complete audit on the Fire Dept. for the years of 2002 thru 2006. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet moved to solicit proposals for the audit. Herb Pemberton seconded the motion. The motion passed 3-0.

Gary Thompson presented a list of properties that are behind on their sewer payments for Sewer Dist. #1. Doug Barlet moved to declare the listed fees in default and have them placed on the tax roll. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:46 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:01 PM the executive session ended. As a result of the executive session, the Clerk announced that he is promoting John Copple to Deputy Clerk/Deputy Election Officer/System Administrator effective Nov. 1, 2007. Jim Ferrante moved to create a new position of Deputy Clerk/Deputy Election Officer/System Administrator in Salary Range 7. Herb Pemberton seconded the motion. The motion passed 3-0. Copple salary will be Range 7, Step B, \$11.88 per hour. The Clerk will post the new opening for Payroll Clerk/Backup System Administrator to County employees.

At 12:04 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 20 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton, and Gary Thompson attended the executive session.

At 12:15 PM Gary Thompson left the executive session.

At 12:24 PM the executive session ended.

At 12:25 PM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. Herb Pemberton, Jim Ferrante, and David Lamb attended this portion of the executive session.

At 12:35 PM the executive session ended.

At 12:36 PM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. Herb Pemberton, Jim Ferrante, and David Lamb attended this portion of the executive session.

At 12:46 PM the executive session ended.

At 12:46 PM Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. Herb Pemberton, Jim Ferrante, and Doug Barlet attended this portion of the executive session.

At 1:01 PM the executive session ended. No action taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until a special meeting at 9:00 AM Wednesday, October 24th to make a decision on hiring a Fire Coordinator. Jim Ferrante seconded the motion. The motion passed 2-0. Doug Barlet abstained.

Commission Chair

Attest:

County Clerk

October 24, 2007

The Board of Linn County Commission met in special session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; Doug Barlet, Member; and David Lamb, County Clerk.

The Clerk read the following Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2600
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Doug Barlet
Third District
Jim Ferrante

**NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS**

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 9:00 AM on Wednesday, October 24, 2007 in the Linn County Courthouse Annex, Mound City, KS 66056. The special meeting has been called to make a decision on hiring a Fire Chief/Emergency Management Coordinator and to take any necessary action concerning that decision.

DATED this 23rd day of October, 2007.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk
Carmen Self, County Treasurer
John Sutherland, County Attorney
Marvin Stasz, Sheriff
Kirsty Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Asgur, Nutrition / Transportation
John Maloney, Nixious Weed
Dennis Arnold, Economic Development
David Niles, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

At 9:00 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. Doug Barlet abstained. The Commission and Clerk attended the executive session.

At 9:10 AM the executive session ended. As a result of the executive session, the Chairman announced that Doug Barlet has withdrawn his application. The Commission will review the other applications again and no decision will be made today.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, October 29th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

October 29, 2007

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

The Commissioners had some amendments to last week's regular meeting. Jim Ferrante moved to approve the minutes of the last regular meeting and the October 24th special meeting as amended. Doug Barlet seconded the motion. The motion passed 2-0.

At 9:08 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jim Ferrante seconded the motion. The motion passed 2-0. The Commission, Clerk, and Steve Thompson attended the executive session.

At 9:18 AM the executive session ended. As a result of the executive session, Jim Ferrante moved to hire Danny Purinton as a temporary employee in the Appraiser's office at \$10.00 per hour. Doug Barlet seconded the motion. The motion passed 2-0.

Bruce Holt addressed the Commission concerning the rates at the Park. Holt stated that the Rural Water rates have increased around \$1,000.00 per month. Holt suggested a \$1.00 increase on the fees that include electric hookups to cover the cost of water. The sites that have electric hookups also have access to water. Jim Ferrante moved to adopt the new fees as requested effective Jan. 1, 2008. Doug Barlet seconded the motion. The motion passed 2-0.

County Treasurer Carmen Self presented the 3rd Quarter Interest Report, Delinquent Tax Reports, and Reconciliation of 2006 Taxes. 2007 3rd Quarter Interest was \$86,616.51, 2007 YTD Interest was \$299,601.13. Delinquent Real Estate Taxes as of 9/30/07 were \$533,753.48, Delinquent Personal Property Taxes were \$64,403.10. Self also discussed the revenue from the Motor Vehicle Dept. An increase from \$3.00 to \$5.00 per transaction was approved by the Legislature in 2006 and the Counties starting receiving the money in 2007. By Statute, the increased revenue is used to fund the Motor Vehicle Dept. and the Treasurer will receive some additional compensation for running the Motor Vehicle Dept.

Dan Morris informed the Commission that he needs 120 feet each of 12", 15", 18", and 24" culverts for a total of \$3,985.60 from Advanced Drainage System. Jim Ferrante moved to approve the purchase for \$3,985.60 as requested. Doug Barlet seconded the motion. The motion passed 2-0.

The Clerk informed the Commission that the amount of the grant received for Midwest Glycol was incorrectly listed as \$30,000.00 in the minutes of the Oct. 15, 2007 meeting. The actual amount of the grant is \$35,000.00.

The Clerk read a thank you letter from the Southeast Kansas Mental Health Center for the County's financial support for the 2008 budget.

The Clerk also informed the Commission that our contract for pest control runs out on December 31, 2007 and we need to take bids for next year's pest control service.

The Clerk then reminded the Commission of the groundbreaking ceremony for IPC on Nov. 1st at 1:00 PM in the Pleasanton Industrial Park.

The Clerk also reminded the Commission of the Special Meeting with the La Cygne City Council, KDOT, Pat Apple, and Shirley Palmer on Nov. 2nd at 1:30 PM in the La Cygne Library.

The Clerk informed the Commission that Donna Thomas is available to give flu shots to County employees on Nov. 6th from 3:30 to 4:30 PM in the Commission Room in the Annex. Jim Ferrante moved to approve paying for flu shots for full time County employees. Doug Barlet seconded the motion. The motion passed

2-0.

At 9:45 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Doug Barlet seconded the motion. The motion passed 2-0. The Commission attended the executive session.

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

At 9:58 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes for preliminary discussion on the acquisition of real estate. Doug Barlet seconded the motion. The motion passed 2-0. The Commission, Clerk, and Larry Robinson attended the executive session.

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

Doug Barlet announced that the Fire Dept. has received a 50/50 grant for wildland gear for \$9,500.00. Doug Barlet moved to allow the Fire Dept. to purchase the wildland gear as listed in the grant application. Jim Ferrante seconded the motion. The motion passed 2-0.

At 10:17 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss trade secrets of a corporation. Doug Barlet seconded the motion. The motion passed 2-0. The Commission, Clerk, and Rod Corn, Pat Katzer, and Darren Lawrenz from Olathe Medical Services attended the executive session.

At 10:32 AM the executive session ended. No action taken.

At 10:32 AM the Chairman asked for public comment. Bernita Robbins asked why the Treasurer gets \$5.00 for every vehicle that's processed and it's not considered part of her wages. Jean Vaughn asked how much John Copple's salary increased, when bids will be advertised for the Fire Dept. audit, and have Dept. Heads reported on auto usage? Ed Saymn commented on the specs. for the Fire Station at La Cygne, stating that the bidders should meet all specs. Saymn also asked about the State giving the quitclaim deed on the La Cygne property, why didn't the State give the County their rights to the building. Mr. Ernst stated that the contract with the State did not allow the County to charge for use of the building.

Doug Barlet stated that the bidders have the obligation to meet the specs., but we need to be sure that we are getting what we are paying for.

Jim Ferrante moved to reschedule the Nov. 12th regular meeting to Tuesday, Nov. 13th due to the Veteran's Day holiday. Doug Barlet seconded the motion. The motion passed 2-0.

With nothing further on the agenda Jim Ferrante moved to adjourn until 1:30 PM Friday, November 2nd. Doug Barlet seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

November 2, 2007

The Board of Linn County Commission met in special session at 1:30 PM in the La Cygne Library, 209 N. Broadway, La Cygne, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; Doug Barlet, Member; David Lamb, County Clerk; and Gary Thompson, County Counselor.

Following is a copy of the Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2685
Fax: 913-795-2889

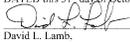


COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Doug Barlet
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 1:30 PM on Friday, November 2, 2007 in the La Cygne Library, 209 N. Broadway, La Cygne, KS 66040. This will be a joint meeting with the La Cygne City Council, KDOT, Pat Apple, and Shirley Palmer to discuss K152 Highway and a bridge on Vail Road and to take any necessary action concerning those items. The Commission and the La Cygne City Council may also discuss the use of the new fire station at La Cygne and take any necessary action concerning the use of that building.

DATED this 31st day of October, 2007.


David L. Lamb,
Linn County Clerk



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

Krisy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augur, Nutrition / Transportation

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

State Representative Shirley Palmer opened the meeting and introduced State Senator Pat Apple. Palmer stated that she received several letters and a petition concerning a bridge and highways in Linn County. Palmer also introduced Mike Stringer, Hugh Bogle, and Kristy Kelley from KDOT. Ann Emerson from Senator Brownback's office, State Representative Jene Vickrey, and Priscilla Peterson from KDOT were also in attendance.

Pat Apple started the discussion by explaining where the requested bridge would be located on Vail Road (at approximately 1850 Road) and why the bridge is needed for emergency vehicles, local residents, and farm equipment. Possible solutions would be building a bridge and around ¼ miles of road. Mike Stringer stated that it would cost approximately \$2.6 million to build a bridge and upgrade the road. Ann Emerson asked how many people this would affect. The Commission estimated 50 to 100 people. Mary Grosshart and Larry Robinson both stated that the advance discussions of the 69 Highway project didn't cover access roads. Mike Stringer asked for a letter from the County stating the County's support for this issue and showing the need for this bridge. Flooding would be one of the issues that could show the need for the bridge. The County also needs to submit a floodplain map to KDOT.

The discussion then changed to K152 Highway. The highway is prone to flooding east and west of La Cygne. When the flood happened this summer, the only way in and out of La Cygne was to the north. When that road crosses into Miami County, it becomes a gravel road. West of La Cygne, the water was approximately 6 feet deep on the highway. The highway east of La Cygne floods more often, but usually doesn't stay under water as long. KDOT also requested letters from the County concerning K152 Highway east and west of La Cygne. East of La Cygne the problem is mainly drainage. West of La Cygne approximately 4 miles of road would have to be raised at a cost of \$6.5 million.

The Commission and the La Cygne Council then discussed the usage of the new fire station in La Cygne. La Cygne City Attorney John Sutherland handed out a proposal from the La Cygne Fire Dept. The City Council has not approved the entire proposal yet. Following is a copy of the proposal:

ATT: John Sutherland & Gary Thompson

- 1) All utility hook-ups that are left: city fire
 - A) water
 - B) Sewer & grease pit
- 2) Pay monthly utilities:
 - A) water/sewer
 - B) Electric

Note: everything is electric
No gas in building
- 3) City Fire would be allowed two bays on north side of building & gear on west wall parallel to trucks.
- 4) City will provide household items: tissue paper, soap, cleaning supplies, etc.
- 5) City will provide funds for materials for two offices and one bathroom in sectioned off side of buildings. Firefighters will build the rooms like dividing wall, one city, one rural. Office.
- 6) Term of lease agreement would be 5 years to be automatically renewed at end of term unless renegotiated upon 60 day notice.
- 7) City would pay for the concrete apron on north side of building where the city trucks would be parked two bays.
- 8) City Chief and Rural Chief would negotiate the usage if training facility and use of facility for P.R. events.

John Sutherland suggested a six month termination clause that was not included in the proposal from the Fire Dept. Scott Stainbrook asked the Commission for feedback on the proposal. Doug Barlet stated that there are issues such as insurance that need to be addressed. Gary Thompson recommended waiting for a proposal from the City Council. The Commission did not disagree with anything on the proposal from the Fire Dept. The County will furnish copies of the bid specs. and bids for concrete, sewer, and water to the City.

The Commission tentatively agreed to meet with the La Cygne Council again on Nov. 14th, at 6:30 PM in the La Cygne Library.

Jim Ferrante moved to recess and reconvene at the new Fire Station. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission meeting reconvened at the new Fire Station. The Commissioners looked at the station and discussed how everything would be arranged in the station. The City and Rural Firefighters from La Cygne have constructed a wall that separates the truck bays from the rest of the building.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, November 5th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

November 5, 2007

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

Jim Ferrante asked to have Carmen Self come to next week's meeting to explain how much of the additional Motor Vehicle money she will receive and how much will be used to run the Motor Vehicle Department. Doug Barlet moved to approve the minutes of the last regular meeting as printed. Jim Ferrante seconded the motion. The motion passed 2-0. Herb Pemberton abstained.

Jim Ferrante moved to approve the following add/abate/refund orders: 2007-1 thru 22, 24 thru 29, and 32 thru 63. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante announced that the next regular meeting will be held on Tuesday, Nov. 13th due to the Veteran's Day holiday.

Joe Maloney discussed the plot plan for the landfill. The plot plan does not include the transfer stations around the County, only the site at Prescott is included. The Commission asked Maloney to give them updates every two weeks.

Andy Mayhugh presented Lot Split #07-223 (Weers) requesting the creation of a 3.433 acre lot. The survey will have to be amended to meet our frontage requirements. Jim Ferrante moved to accept the grant of easement and tentatively approve the lot split pending the amended survey. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk asked about the delinquent payments on Centerville Sewer District. The Counselor stated that Andy Mayhugh receives notification when payments are made. We just need Mayhugh to let us know when payments are made and then abate the amount off their taxes.

At 9:22 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Register of Deeds Kristy Schmitz attended the executive session.

At 9:28 AM the Clerk and Kristy Schmitz left the executive session.

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

At 9:36 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 9:51 AM the executive session ended.

At 9:52 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:07 AM the executive session ended.

At 10:10 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

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

At 10:28 AM the Chairman asked for public comment. Mr. Ernst stated that when the RWD put the roof on the building at La Cygne, there were no vent holes cut in the roof. If the furnaces are used, there will need to be vent holes cut for the exhaust. There is heat in the truck area of the station, but not in the office space. Jean Vaughn asked what the minimum size is on a lot split. The Counselor advised Mrs. Vaughn to ask Andy Mayhugh. Vaughn also asked if the minutes could be read publicly. The Counselor stated that he is not aware of any Commissions that read the minutes aloud at their meetings. The minutes are available on the County website after they are approved and anyone can request copies of the minutes from the Clerk. Jackie Taylor asked about Mercy Hospital building a new facility at Pleasanton. The proposed property is located within the City of Pleasanton, so the City is dealing with Mercy Hospital on utilities, etc.

At 10:34 AM Doug Barlet moved to take a 10 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton reported that the Commission met with KDOT, Pat Apple, Shirley Palmer, Ann Emerson, Jene Vickrey, and the City of La Cygne concerning a proposed bridge on Vail Road. At this time no money is available for the project, but KDOT will look into funding it. The other projects discussed with KDOT were K152 east and west of La Cygne.

Larry Robinson stated that he just received notice from KDOT that Tiger Road will be opened this week, but they are planning on closing 1100 Road and 850 Road at the same time. Underhill Road is not ready yet for the diverted traffic, Larry Robinson stated that this could cause problems. He is talking to KDOT about it.

The Clerk announced that Eric Sanders will be teaching a class for re-cert hours on Nov. 17th & 18th from 8:00 AM to 5:00 PM at the Parker Grade School. Any firefighters needing hours can attend the classes.

At 11:01 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss trade secrets of a corporation. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 11:16 AM the executive session ended.

At 11:17 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:32 AM the executive session ended. No action taken.

At 11:32 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jim Ferrante seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

At 11:38 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission and Counselor attended the executive session.

At 11:53 AM the executive session ended.

At 11:54 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton

seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:09 PM the executive session ended.

At 12:10 PM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:13 PM the Clerk entered the executive session.

At 12:15 PM the executive session ended. No action taken.

Jim Ferrante to approve the following pays/special pays: General, \$216,392.14; Employee Benefit, \$45,221.32; Appraiser, \$11,477.71; Rural Fire, \$3,361.59; Road and Bridge, \$87,404.37; Crime Victim Assistance, \$856.97; and Elderly, \$3,531.78. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Tuesday, November 13th. Doug Barlet seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

November 13, 2007

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

Dan Morris presented a permit to bury telephone cable requested by Embarq located at 8400 W 2000 Road. Jim Ferrante moved to approve as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet and Jim Ferrante each had one correction to last week's minutes. Jim Ferrante moved to approve the minutes of the last regular meeting and the November 2nd special meeting as amended. Doug Barlet seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for October 2007.

Jim Ferrante moved to approve the following add/abate/refund orders: 2007-65, 67, 68, 69, 71 thru 77, 79 thru 84, 86 thru 90, and 93 thru 130. Doug Barlet seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve the following pays/special pays: General, \$53,538.86; Appraiser, \$552.26; Rural Fire, \$11,975.21; Road and Bridge, \$48,886.34; Law Enforcement Trust, \$197.95; 911 Telephone Tax, \$3,356.46; and Elderly, \$3,652.58. Doug Barlet seconded the motion. The motion passed 3-0.

The Clerk presented the lease/purchase on Skid Steer for Road District #2. The Commission asked the Clerk to have Gary Thompson review the agreement before the next meeting.

The Commission agreed to have a meeting next week, Herb Pemberton will be out of town.

Commission reviewed the proposed lease agreement with La Cygne on the new fire building. There will be a special meeting tomorrow night at La Cygne. The Commission discussed various changes/clarifications with the proposed lease agreement. The Commission asked the Clerk to prepare a list of expenses for tomorrow's meeting. Doug Barlet questioned the use of the fire station as an emergency center, who would get priority if both entities needed to use the station. Doug Barlet also questioned not charging for assistance from the City or the County.

Harry Wisdom presented 2 permits to bury water lines. Jim Ferrante moved to approve the permit to bury water lines requested by Anderson County RWD #1 located at W. 1100 Rd. and County Road 1077. Herb Pemberton seconded the motion. The motion passed 3-0. Jim Ferrante also moved to approve the permit to bury water lines requested by Anderson County RWD #1 located at 9567 W. 1150 Rd. Doug Barlet seconded the motion. The motion passed 3-0.

At 9:34 AM Doug Barlet moved to recess from the Board of Commission meeting into executive session for 10 minutes for preliminary discussion on the acquisition of real estate. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission attended the executive session.

At 9:40 AM the Clerk entered the executive session.

At 9:44 AM the executive session ended. No action taken.

Jim Ferrante informed the Commission that Charlie Rowe, Pleasanton City Councilmember had asked to have the Commission approve using the County's equipment to dig a trench to install a water line under 1100 Road. Jim Ferrante moved to help the City of Pleasanton by using our trackhoe to dig a trench for the water and sewer line casings under 1100 Road. Doug Barlet seconded the motion. The motion passed 3-0.

At 9:48 AM the Chairman asked for public comment. Bernita Robbins asked how we are coming on the audit of the Fire Dept. Jim Ferrante talked to an accounting firm today and will follow up tomorrow. Robbins also stated that she thinks the City of La Cygne and the County using the fire building will be a big headache.

Marilyn Augur stated that Ron Nation will be able to repair the floor at Bunker Hill on the weekend of November 30th thru December 2nd. Augur has prices for tile, carpet, linoleum, etc. The Commission asked Augur to get more information from Randall Hardware concerning the linoleum. The Commission also asked Augur to get a bid for replacing the whole kitchen floor with linoleum.

At 10:04 Herb Pemberton moved to take a 15 minute break. Jim Ferrante seconded the motion. The motion passed 3-0.

At 10:24 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. Doug Barlet abstained. Jim Ferrante, Herb Pemberton, and the Clerk attended the executive session.

At 10:34 AM the Clerk left the executive session.

At 10:39 AM the executive session ended.

At 10:40 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton, and the Clerk attended this portion of the executive session.

At 10:55 AM the executive session ended.

At 10:56 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton, and the Clerk attended the executive session.

At 11:00 AM Doug Barlet entered the executive session and the Clerk left the executive session.

At 11:11 AM the executive session ended.

At 11:11 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton, and Doug Barlet attended this portion of the executive session.

At 11:19 AM Doug Barlet left the executive session and the Clerk entered the executive session.

At 11:21 AM the executive session ended. As a result of the executive session, Jim Ferrante announced that the Commission is offering the Fire Chief/Emergency Management position to Doug Barlet for \$52,000.00 per year and that Doug Barlet has accepted the offer. Jim Ferrante moved to hire Doug Barlet as the Fire Chief/Emergency Management Coordinator for \$52,000.00 per year. Herb Pemberton seconded the motion. The motion passed 2-0. Barlet will take a pre-employment physical and drug test and will be on standard six month probation.

Doug Barlet then announced his resignation as District #2 Commissioner.

Larry Robinson presented letters to KDOT for the projects discussed last week. The Clerk stated that Nancy Boyda's office also wants copies of the letters. Jim Ferrante moved to sign the 3 letters and send them to KDOT. Herb Pemberton seconded the motion. The motion passed 2-0. Copies of the letters will be sent to Nancy Boyda, Pat Apple, Shirley Palmer, and the City of La Cygne.

The Chairman announced that there will not be a meeting next week due to lack of a quorum.

Larry Robinson also presented the quarterly reports for the Wireless 911 Grant. Herb Pemberton moved to allow the Chairman to sign the report. Jim Ferrante seconded the motion. The motion passed 2-0.

Jim Ferrante to approve the following pays/special pays: General, \$70,948.61; Employee Benefit, \$45,676.75; Appraiser, \$9,029.41; Rural Fire, \$976.59; Road and Bridge, \$33,036.70; Crime Victim Assistance, \$856.98; and Elderly, \$2,199.77. Herb Pemberton seconded the motion. The motion passed 2-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 6:30 PM Wednesday, November 14th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

November 14, 2007

The Board of Linn County Commission met in special session at 6:30 PM in the La Cygne Library, 209 N. Broadway, La Cygne, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; and David Lamb, County Clerk.

The Clerk read the following Notice of Special Meeting:

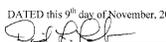
LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2699
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Doug Barlet
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 6:30 PM on Wednesday, November 14, 2007 in the La Cygne Library, 209 N. Broadway, La Cygne, KS 66040. This will be a joint meeting with the La Cygne City Council to discuss the use of the new fire station at La Cygne and take any necessary action concerning the use of that building.

DATED this 9th day of November, 2007.

David L. Lamb,
Linn County Clerk



David L. Lamb, County Clerk	Kristy Schmitz, Register of Deeds	John Maloney, Noxious Weed
Carmen Self, County Treasurer	Gary Thompson, County Counselor	Dennis Arnold, Economic Development
John Sutherland, County Attorney	Steven Thompson, County Appraiser	Daniel Yates, Rural Fire / Emerg. Mgt.
Marvin Sites, Sheriff	Marilyn Augur, Nutrition / Transportation	Andy Mayhugh, Zoning & Sanitation

La Cygne Mayor Keith Smith also called the City Council meeting to order and handed out copies of the proposed lease agreement.

The Mayor read through the lease agreement. Paragraph 1 reads that there will be space for 2 city vehicles on the north side of building, with the actual space allocation decided by County Station Fire and City Fire Chief. The City and County agreed on Paragraph 1. Paragraph 2 shows a 10 year lease, originally the discussion was 5 years. Jim Ferrante stated he prefers 5 years, the City wants 10 years because of money they are putting into finishing building. The City and County agreed on 10 years. Paragraph 3 discusses bids for finishing the station. Bids have already been discussed at Commission meeting. Should they be re-bid when the bids are already public? The City and County agreed to change the wording to "re-bid if necessary." The City and County agreed that the City will supply up to \$1,500.00 for materials for the bathroom and offices. The County will supply an additional \$500.00 if needed. In Paragraph 4, the City and County agreed to change disaster center to Emergency Operations Center. In Paragraph 5 the wording was changed from "paragraph 2 above" to "paragraph 3 above" to correct a typo. Paragraph 6 had no changes. In Paragraph 7 truck and apparatus was changed to truck and equipment. In Paragraph 8 truck was changed to truck(s). Jim Ferrante wants the City to pay rural fire tax. Doug Barlet asked if there is a distance limitation for City Fire trucks responding outside the City. The City does not want to limit the distance. Paragraph 9 had no changes. Paragraph 10 had no changes. In Paragraph 11 the City and County agreed to change Emergency Preparedness Coordinator to Fire Chief/Emergency Management Coordinator. Also EPC needs to be changed to FC/EMC. The City and County agreed to add a paragraph 12, discussing additions to building. Doug Barlet also discussed the need for an air exhaust system for the station. Jim Ferrante discussed having both Station Chiefs writing a report on needed maintenance to the building. The Commission and Council discussed the date the lease would start. The Commission and Council agreed to split the cost of the exhaust system up to \$2,000.00 each.

The Commission would like their Counselor to review the lease with the changes discussed tonight and then have a special meeting Friday morning at 9:00 AM to approve the lease.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Monday, November 26th. Herb Pemberton seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

November 16, 2007

The Board of Linn County Commission met in special session at 9:00 AM in the Commissioners' Meeting Room, Linn County Courthouse Annex, Mound City, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; and David Lamb, County Clerk.

The Clerk read the following Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 350, 315 Main
Mound City, KS 66056-0350
913-795-2868
Fax: 913-795-2869

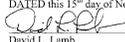


COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Doug Barlet
Third District
Jim Ferrante

**NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS**

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 9:00 AM on Friday, November 16, 2007 in the Linn County Courthouse Annex, Mound City, KS 66056. This special meeting has been called to discuss the use of the new fire station at La Cygne and take any necessary action concerning the use of that building.

DATED this 15th day of November, 2007.


David L. Lamb,
Linn County Clerk



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

Kristy Schmitz, Register of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Ausgur, Nutrition / Transportation

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

The Commission read through the entire document and discussed the changes that were made at the special meeting in La Cygne on November 14th.

Herb Pemberton moved to approve and sign the lease agreement with the City of La Cygne for the use of the new fire station (Station 950) in La Cygne with changes in paragraph 11, changing Linn County Emergency Management Coordinator to Linn County Fire Chief/Linn County Emergency Management Coordinator and changing EMC to FC/EMC. Jim Ferrante seconded the motion. The motion passed 2-0. Attached is a copy of the lease signed by the Commission Chairman. Two originals will also be signed by the La Cygne Mayor and then filed in the County Clerk's office and the La Cygne City Clerk's office.

LEASE AGREEMENT

THIS LEASE, made and entered into this 16th day of December, 2007, by and between the County of Linn, Kansas, hereinafter called County, and the City of La Cynne, Kansas, hereinafter called City.

WITNESSETH:

IT IS AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Description of Premises. County hereby leases to City such necessary and sufficient space within the Linn County Fire Barn in the Industrial Park, 814 Linnco Drive, La Cynne, Kansas, in which to house a duly outfitted fire truck and necessary equipment thereto to be provided by the City. The City will also be allowed an additional bay for the housing of another fire truck, or other firefighting apparatus, for a minimum of two bay allocation of space for the City on the north side of the building and space for gear on west wall parallel to vehicle bays. The actual allocation of specific space will be determined by the Linn County District Fire Chief in charge of Fire Station #950 in cooperation with the Fire Chief for the City of La Cynne.
2. Term. The initial term of this Lease shall be for Ten (10) years, commencing on the date that the County officially accepts said Fire Barn as being completed and that the lease would be automatically renewed at the end of the term unless renegotiated upon 60 day notice prior to the termination of the initial term of the lease.
3. Consideration. (a) The City will provide the necessary materials and necessary labor in which to complete utility hookup installation at the Fire Barn which is to include water, sewer and grease pit installation.
(b) The City will pay for the concrete aprons that are to be installed as designated by the current building plans and specifications (Low bid submitted at \$14,790.00). Should the original bidders refuse to honor the bids previously submitted to the County for the concrete aprons, the City will re-bid the project as per the specifications required by the building plans and arrange for payment.
(c) The City will be responsible for providing household items such as paper towels, toilet paper, cleaning supplies, etc.
(d) The City will provide materials for construction of a bathroom and two offices up to the amount of \$1,500.00. Should this construction cost more than \$1,500.00, the County will provide funds up to an additional \$500.00 for a total maximum cost of \$2,000.00 for this bathroom/office construction.
4. Utilization of Premises: It is agreed by the parties that the use of the City's portion of the above described property shall be restricted to the storage and maintenance of fire fighting equipment, including a fire truck(s) and necessary apparatus, and may be designated to serve as a Emergency Operations Center during an officially declared emergency. The abandonment of the use of the leased premises by the City for a period of more than six (6) months for fire prevention and control shall cause a termination of this lease.

5. Expense of Construction and maintenance of Firehouse. The County shall bear the expense of all site work, construction and other improvements, including labor, materials and services, which are performed or supplied in the erection and construction of said firehouse on the premises herein, except for those services to be provided by the City in paragraph 3 above. The County shall also be responsible for all general maintenance for the building.

6. Utility Service payments. City shall be responsible for payment when due of all utility service charges accruing or payable in connection with said Fire Barn during the period in which the City utilizes the Fire Barn during the term of this lease which is to include the water, electric and phone (one line) service charges.

7. Insurance. County shall provide general liability, fire and extended insurance coverage for the premises, including any improvements constructed thereon as well as all County equipment, and the City shall be responsible for providing separate insurance on the City's fire truck(s) and equipment located within the said Fire Barn. City will provide the County with proof of insurance coverage annually.

8. Utilization of City's Fire Truck(s). The Fire Chief of the City, or the Assistant Fire Chief in the Chief's absence, shall have the authority to direct the utilization of the City's fire truck(s) to be stationed in the said Fire Barn. This authority shall include the utilization of the fire truck(s) to be used in responding to emergencies outside of the city limits of the City. Further, the City will not charge the County for emergency fire assistance and the County will not charge the City for emergency fire assistance.

9. Termination by Formation of Special Taxing Area or District for Fire Protection. In the event a special taxing area or district for fire protection purposes is established which includes all of the City, or should the City disband its fire protection organization and join an other entity for fire protection, this agreement shall terminate upon the establishment of such a change in fire protection organization.

10. Mutual Cooperation and Benefit. This agreement is being entered into by the County and City with the intent to better serve the citizens of Linn County with the best possible fire protection services possible. The County and City state herein that by the mutual cooperation and utilization of services they can provide the greatest benefit and best delivery of services to the citizens of this county.

11. Disagreement between City Fire Chief and Rural Fire Station Chief. Should a disagreement arise between the City Fire Chief and the Rural Fire Station Chief #950 in charge of this Fire Barn which cannot be resolved between these respective Fire Chiefs, the matter shall be submitted to the Linn County Fire Chief/Linn County Emergency Management Coordinator (FC/EMC) for mediation and final decision in a format to be decided upon by said FC/EMC. The decision by the FC/EMC shall be binding as to matters concerning the Fire Barn. No matters shall be submitted to the FC/EMC which could result in a decision which would violate the terms of this contract. Only the County Commissioners and the City Council could enter into

negotiations which would modify the terms of this contract which would have to be reduced to writing.

12. Further expansion of the Fire Barn: Should either party to this contract wish to expand the Fire Barn Station, the parties must re-negotiate any necessary new terms in order to provide for an expansion. Any new terms or modifications of this contract necessary to accommodate for an expansion would have to be reduced to writing upon agreement of the parties.

13. Exhaust ventilation system. If it is necessary to install an exhaust ventilation system in the Fire Barn, the City will provide one-half of the funds in which to install the exhaust ventilation system up to a maximum contribution from the City of \$2,000.00.

IN WITNESS WHEREOF, on this day and year first above written, the parties hereto have executed the lease.



COUNTY OF LINN, KANSAS

Jim Ferrante
Chairman- Linn County Commissioners

Mayor - City of La Cynne, Kansas

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, November 26th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

November 26, 2007

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

Herb Pemberton moved to approve the minutes of the last regular meeting and the November 14th & November 16th special meetings as printed. Jim Ferrante seconded the motion. The motion passed 2-0.

Dan Morris, Road District #3, presented requests for two water line burial permits from Diversified Contractors. The permit requests are for 8739 West 1525 Road and 1600 feet south of the intersection of 1900 Road and Hadsall Road. Morris recommends approval. Jim Ferrante moved to approve the burial permits. Herb Pemberton seconded the motion. The motion was approved 2-0.

Jim Ferrante moved to approve a water line burial permit for the Kansas Department of Transportation on K7 / East 875 Road. Herb Pemberton seconded the motion. The motion was approved 2-0.

Doug Barlet stated that he started work as fire chief this morning. Barlet presented an agreement with the North Central Regional Planning Commission, as fiscal agent for the Northeast Kansas Regional Homeland Security Council. The agreement approves Linn County's acceptance of equipment for a Personnel Accountability System. Barlet said the system includes tags issued for fire trucks, law enforcement vehicles and some county road equipment. In an emergency, the tags would be scanned to track the availability and capabilities of equipment and personnel. The agreement also approves Linn County's acceptance of equipment for an Interoperable Communications and Radio system. Barlet said the system would allow the fire department to communicate with the highway patrol or other departments that might respond to an emergency situation. Herb Pemberton moved to allow the chairman to sign the agreement. Jim Ferrante seconded the motion. The motion was approved 2-0.

Barlet also told the commission that he is planning a meeting to restart work on the foreign animal disease program. The meeting is tentatively planned for December 3 at Bunker Hill in Mound City. Barlet said the public is invited to attend.

Barlet requested permission to advertise for bids to sell an old metal water tank removed from a fire truck at the Prescott station. Herb Pemberton moved to declare the tank surplus property and to allow Barlet to advertise for bids. Jim Ferrante seconded the motion. The motion was approved 2-0.

Barlet presented a proposed contract to install new doors at the Blue Mound fire station. He proposed replacing the walk-in door and putting up a new 12 x 12 door, with 1-year warranty. Barlet said he would like to use funds that are available this year to get the project done. The commission asked Gary Thompson to review the contract, and asked Barlet to bring it back next week for consideration.

At 9:17 a.m. Jim Ferrante moved to go into executive session for 10 minutes for personnel reasons. Herb Pemberton seconded the motion. The motion was approved 2-0. Jim Ferrante, Herb Pemberton and Doug Barlet attended the session. The session ended at 9:27 a.m. No action was taken as a result of the session.

The Commission signed the payroll sheets for the November 15th payroll.

Jim Ferrante moved to approve a water burial permit for Rural Water District #2 at 4530 Lee Road. Herb Pemberton seconded the motion. The motion was approved 2-0.

Larry Robinson presented a proposal to adjust maps for police districts, fire station districts, ambulance response districts, and fire rescue districts. Robinson informed the commission that the boundaries vary depending on the service, and that the boundaries are used to determine the Emergency Service Number (ESN) associated with each 911 emergency telephone call received by the Sheriff's Department. The ESN tells the dispatcher what services to notify as first response. Second response units are determined

manually by the dispatcher. Robinson said that the boundary adjustments were needed to update maps that were drawn in the 1990s, when 911 service was initiated in Linn County. The adjustments are generally fairly small, and reflect the impact of the new four-lane US Highway 69 corridor on access routes. Robinson also explained that once the ESN files are updated that data will be added to the Master Street Addressing Guide, then the changes can be applied to the 911 system. The updates are all part of the county's grant application for 911 wireless services, and must be completed by December 31st. Jim Ferrante asked if all appropriate personnel had reviewed the proposed changes. Robinson said they had. Jim Ferrante also asked if testing would be done before the changes went live. Robinson said there's a constant revision in our 911 system every day now, and that it is tested on every 911 call that is received. Robinson said he is informed of any 911 call where there are problems and he reviews those to make adjustments and/or changes. Herb Pemberton moved to approve the updates. The motion was seconded by Jim Ferrante. The motion was approved 2-0.

Robinson said he had a phone message from someone who wanted to improve a private driveway entrance from a county road, and the caller understood that maintenance of the driveway would be turned over to the county after one year. Robinson explained that unless it is a subdivision, the county does not provide that service.

Robinson said he had received a request to vacate a road in the Marais de Cygne area south of Highway 152 and east of Highway 1095. Robinson said he would need to find out who all the property owners are in that area. Herb Pemberton said the road is about one-half to three-quarters of a mile east of Highway 1095. Pemberton said there are six or seven property owners that would be affected, and suggested that the road should be posted as minimum maintenance. Robinson said the road meets the county's requirements for minimum maintenance.

Herb Pemberton asked Robinson if cameras had been purchased for surveillance on who is damaging county road signs? Robinson said two cameras had been purchased and another camera is on order. The cameras have not been installed yet. Jim Ferrante asked if any action had been taken on the people responsible for taking down road signs in the Parker area. Robinson said a witness had come forward, then had withdrawn, and it would be hard to prosecute without a witness.

Gary Thompson said he had reviewed and recommended signing the agreement between Linn County and the Kansas Department of Wildlife and Parks regarding services at the Critzer reservoir. Thompson explained that KDWP grants the county money for the lake and the county agrees not to charge people to fish there. Jim Ferrante asked if Linn County would be required to make any more contributions on the lake. Don George, KDWP, said he can't foresee the future, but expected that this would handle the majority of the project. The county's contributions to date have been in labor and equipment. Herb Pemberton moved to allow the chairman to sign the agreement with KDWP. Jim Ferrante seconded the motion. The motion was approved 2-0. Herb Pemberton asked how long it would be before public fishing is allowed. Don George said KDWP had put hundreds of thousands of fish in the reservoir this spring, prior to the flooding. KDWP will go back in 2008 to restock, and it would be 2009 at the earliest, and more likely 2010, before public fishing is allowed.

John Maloney told the commission that he is continuing to work on nuisance abatements. Jim Ferrante asked Maloney to put together a report of cases on which he is working, and the status of each. Gary Thompson asked that Maloney notify him, also, and Thompson will add updates of his own work on each case.

Maloney asked if the Commission wanted him to continue pursuing trash reports. Maloney explained that in instances where trash is being thrown on private property and then is blowing onto neighboring property that it is not a part of the county's nuisance abatement program to attempt to resolve the issues. Gary Thompson said that if someone dumps trash in their own back yard and then the wind blows it onto other property it is up to the two property owners to sort that out. If it comes onto the county right-of-way, or if it meets the definition of nuisance in county codes, then it becomes county business. Thompson explained that if it doesn't meet the definition of nuisance and it's not encroaching on county right-of-way, it's simply a matter of one property offending another property owner, and that's not something the county would get

involved with.

Marilyn Augur provided an update on Bunker Hill floor repairs. She presented a bid to install linoleum in the kitchen and dining room areas. Repair work on the concrete is supposed to start this Friday and be finished the week after that. Herb Pemberton moved to approve the bid of Randall Hardware to replace linoleum, tile and cove base at a price of \$2,035.08, including labor and materials. Jim Ferrante seconded the motion. The motion was approved 2-0.

Herb Pemberton moved to approve a bid of \$5,505.24 for Bradley Air Conditioning and Heating to install the overhead infrared heating system in the La Cygne fire station building. Jim Ferrante seconded the motion. The motion was approved 2-0. Gary Thompson will prepare a written contract and the county clerk's office will notify Bradley.

At 10:25 a.m. Herb Pemberton moved to go into executive session for legal reasons (attorney/client privilege) for five minutes. Jim Ferrante seconded the motion. The motion was approved 2-0. Pemberton, Ferrante and Thompson attended the session, which ended at 10:30 a.m. No action was taken as a result of the session.

At 10:30 a.m. Jim Ferrante moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion was approved 2-0.

Jean Vaughn asked about progress on the fire department audit. Jim Ferrante said he has three accounting firms. The next step is to send letters to those three firms and to publish a notice for bids. Gary Thompson said that the commission will set a deadline for having the audit completed and ask bidders to provide a timeframe of how long it will take them to do the work. Thompson said that when bids are opened the commission will have a pretty good idea of how long it will take to get the audit completed. Ferrante said he will draft a letter to the three accounting firms this week.

Jean Vaughn asked where all the money came from for the new fire chief's salary. Jim Ferrante said we did not have enough money there, so it's coming from other funds within the rural fire department and out of contingency to cover this year and the coming year.

Bernita Robins asked about updates on the computer, vehicle and cell phone policy, and the impact of that policy on raises. Jim Ferrante said he had received a final copy of the policy, that the policy has nothing to do with the performance reviews or salary increases, and that the commission will have to go back and have employees re-sign the policy with the additions. Herb Pemberton said the cost of living raises have nothing to do with the policy. Pemberton also said the commission wants employee performance reviews to be completed by each department head, but those reviews are not part of a cost of living raise. Gary Thompson explained that what the commission said was that it might not follow through on cost of living increases if department heads did not get the reviews done.

Dennis Arnold presented an agreement among the Kansas Center for Entrepreneurship, Network Kansas, Startup Kansas and Linn County. The agreement represents a \$35,000 grant for Midwest Glycol. Arnold said the grant is to help with the Midwest Glycol facility, and is a pass-through grant with all money going to Midwest Glycol. Linn County has to agree to monitor the company. Gary Thompson said the agreement represents that Linn County is saying Midwest Glycol is using the money in the way they say they are, so Arnold will have to stay on top of it. Herb Pemberton moved to allow Arnold to sign the Kansas Center for Entrepreneurship award agreement. Jim Ferrante seconded the motion. The motion was approved 2-0.

At 11:00 a.m. Jim Ferrante moved to go into executive session for five minutes for issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton, Gary Thompson and Dennis Arnold attended the session. The session ended at 11:05 a.m. No action was taken as a result of the session.

Herb Pemberton moved to allow the chairman to sign a lease purchase agreement with Baystone Financial

Group for Skidsteer equipment. Gary Thompson has reviewed the agreement. Jim Ferrante seconded the motion. The motion was approved 2-0.

At 11:08 a.m. Jim Ferrante moved to go into executive session for legal issues (attorney/client privilege). Herb Pemberton seconded the motion. The motion was approved 2-0. Jim Ferrante, Herb Pemberton and Gary Thompson attended the session. The session ended at 11:23 a.m.

At 11:23 a.m., Jim Ferrante moved to extend the executive session for 15 minutes. Herb Pemberton seconded the motion. The motion was approved 2-0. The same people attended the session. The session ended at 11:38 a.m.

At 11:38 a.m., Jim Ferrante moved to extend the executive session for 15 minutes. Herb Pemberton seconded the motion. The motion was approved 2-0. The same people attended the session. The session ended at 11:53 a.m.

After the executive session, Herb Pemberton moved to purchase the building currently occupied by the Extension Office and currently owned by Heartland Rural Electric for \$40,000. Jim Ferrante seconded the motion. The motion was approved 2-0. Ferrante said that Linn County provides funding to the Extension Office each year and most of that money goes to pay rent on the building.

Jim Ferrante reported that an electrical problem in the appraiser's office had been repaired at a cost of \$488.00.

At 11:58 Jim Ferrante moved to go into executive session for five minutes to discuss non-elected personnel matters. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton and John Copple attended the session. At 12:00 p.m. Copple left the session. The session ended at 12:03 p.m.

As a result of the executive session, Jim Ferrante moved to increase Dennis Arnold's salary from \$39,906.96 to \$41,303.70, an increase of 3.5 percent, based on Arnold's job performance. Herb Pemberton seconded the motion. The motion was approved 2-0. Pemberton said the money for the increase was included in the budget.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 a.m. Monday, December 3rd. Herb Pemberton seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

November 27, 2007

The Board of Linn County Commission met in special session at 2:00 PM at 9 Corporate Woods, Suite 450, Overland Park, Kansas. Those present were Jim Ferrante, Chairman; Herb Pemberton, Vice Chairman; and Sam Logan, KCAMP Attorney.

The Chairman read the following Notice of Special Meeting:

LINN COUNTY, KANSAS
P.O. Box 360, 315 Main
Mound City, KS 66056-0360
913-795-2668
Fax: 913-795-2889



COUNTY COMMISSIONERS
First District
Herb Pemberton
Second District
Doug Barlet
Third District
Jim Ferrante

NOTICE OF SPECIAL MEETING
BOARD OF LINN COUNTY COMMISSIONERS

You are hereby notified that a special meeting of the Board of Linn County Commissioners has been called and will be held at 2:00 p.m. on Tuesday, November 27, 2007 at 9 Corporate Woods, Suite 450, Overland Park, Kansas. The meeting is to discuss legal issues with an attorney representing Linn County in pending legal action and is expected to be conducted in executive session. No action will be taken at this meeting.

December 27 day of November, 2007.

Jim Ferrante
Linn County Clerk Deputy

David L. Lamb, County Clerk
Carmen Bell, County Treasurer
John Sutherland, County Attorney
Marvin Sitka, Sheriff
Kirsty Schmitz, Registrar of Deeds
Gary Thompson, County Counselor
Steven Thompson, County Appraiser
Marilyn Augus, Nutrition / Transportation
John Maloney, Noxious Weed
Dennis Arnold, Economic Development
David Yates, Rural Fire / Emerg. Mgt.
Andy Mayhugh, Zoning & Sanitation

At 2:03 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session until 3:15 PM to discuss legal issues (pending litigation) with legal council. Herb Pemberton seconded the motion. The motion passed 2-0. Jim Ferrante, Herb Pemberton, and Sam Logan attended the executive session.

At 3:15 PM the executive session ended. No action taken.

With nothing further on the agenda Jim Ferrante moved to adjourn until 9:00 AM Monday, December 3rd. Herb Pemberton seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

December 3, 2007

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

Herb Pemberton moved to approve the minutes of the last regular meeting and the November 27th special meeting as printed. Jim Ferrante seconded the motion. The motion passed 2-0.

Jim Ferrante moved to approve the following add/abate/refund orders: 2007-131, 135 thru 148, and 150 thru 156. Herb Pemberton seconded the motion. The motion passed 2-0.

Herb Pemberton moved to adopt Resolution #07-37, appointing Doug Barlet as the Emergency Management Coordinator for Linn County. Jim Ferrante seconded the motion. The motion passed 2-0. Following is a copy of Resolution #07-37:

RESOLUTION #07-37
 A RESOLUTION APPOINTING AN EMERGENCY MANAGEMENT COORDINATOR:
 BEFORE THE BOARD OF COUNTY COMMISSIONERS
 OF LINN COUNTY KANSAS

WHEREAS, Linn County is in need of an Emergency Management Coordinator, and
 WHEREAS, Douglas R. Barlet is qualified to serve as Linn County's Emergency Management Coordinator,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINN COUNTY, KANSAS, that Douglas R. Barlet is hereby appointed to the office of the Linn County Emergency Management Coordinator, effective November 26, 2007. Douglas R. Barlet shall have any and all duties and powers that come with the position.

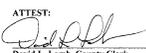
APPROVED AND ADOPTED THIS 3rd DAY OF DECEMBER, 2007.

BOARD OF COUNTY COMMISSIONERS,
 LINN COUNTY, KANSAS


 Jim Ferrante, Chairman


 Herb Pemberton, Vice-Chairman

 Member

ATTEST:

 David L. Lamb, County Clerk

Doug Barlet addressed the Commission concerning the specs. for the doors on the Blue Mound Fire Station. Jim Ferrante moved to allow Doug Barlet to take bids for the doors on Station 970. Herb Pemberton seconded the motion. The motion passed 2-0. Barlet also informed the Commission that he has an estimate for the wiring at Station 950. It will cost approx. \$2,500.00 for the materials only. Barlet then informed the Commission that the Fire Board recommends terminating the employment of two Firefighters from Station 920 due to lack of participation. Herb Pemberton moved to terminate the employment of Jason Jackson and Wes McClain from Station 920 due to lack of participation. Jim Ferrante seconded the motion. The motion passed 2-0.

At 9:20 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and Doug Barlet attended the executive session.

At 9:25 AM the executive session ended.

At 9:25 AM Herb Pemberton moved to extend the above executive session for 10 minutes. Jim Ferrante seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor and Joe Maloney attended this portion of the executive session.

At 9:35 AM the executive session ended. As a result of the executive session, Jim Ferrante moved to authorize paying Neal Wright for 8 hours as a Substitute Compactor Operator at Centerville at \$6.52 per hour and to authorize Joe Maloney to look for a Substitute Compactor Operator. Herb Pemberton seconded the motion. The motion passed 2-0.

Jim Ferrante moved to enter into an agreement with Doug Barlet concerning Barlet's work hours. Herb Pemberton seconded the motion. The motion passed 2-0.

John Black informed the Commission that a motor on his spreader threw a rod. He can get a motor from Deem's Equipment for \$2,000.00. Herb Pemberton moved to approve purchasing the motor from Deem's Equipment for \$2,000.00. Jim Ferrante seconded the motion. The motion passed 2-0.

Dan Morris presented a permit to bury fiber optic cable requested by List & Clark Construction located at 2200 & Yancy Road. Herb Pemberton moved to approve the permit as requested. Jim Ferrante seconded the motion. The motion passed 2-0.

John Maloney informed the Commission that he will be in Yates Center for a Weed Director's meeting on Dec. 11th.

Joe Maloney asked the Commission to resign an agreement with Terracon Consultants, Inc. The document had already approved and signed by the Commission, but Terracon can't find the original document. The Commission resigned the document and Maloney will send it to Terracon.

Maloney also presented the restrictive covenant agreement for the Waste Tire Monofill and CD Landfill. The Commission asked Maloney to give the documents to the Counselor for review.

Maloney also informed the Commission that he needs a set of 10 tires for the roll-off truck. Maloney can get the tires from Cross Midwest for \$3,852.00. Jim Ferrante moved to approve purchasing the tires from Cross Midwest for \$3,852.00. Herb Pemberton seconded the motion. The motion passed 2-0.

Maloney then discussed E-Waste with the Commission. There is a Lake Region meeting tomorrow at 9:00 AM in the Commission room. Maloney stated that all televisions will have to be digital by February 2009, so there will probably be a lot of televisions being disposed of by that time.

Steve Hoeger, AMR introduced Charles Foat. Mr. Foat is the Director of the National College of Technical Instruction Central Region and the Chairman of the Region 5 EMS Council. Mr. Foat discussed grant money (over \$500,000.00) available for EMS for the region and State and for rural or frontier Counties. 50% of the funds are available to rural and frontier Counties. Linn County is listed as a rural or frontier County. The grant funds are available for AED's, education, equipment, etc. The grant applications are due by Jan. 2, 2008.

Herb Pemberton moved to enter into the restrictive covenant on the CD Landfill and Waste Tire Mono Fill and to allow the Chairman to sign the document. Jim Ferrante seconded the motion. The motion passed 2-0.

At 10:07 AM Herb Pemberton moved to take a 10 minute break. Jim Ferrante seconded the motion. The motion passed 2-0.

At 10:21 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and Steve Thompson attended the

executive session.

At 10:31 AM the executive session ended. No action taken.

At 10:32 AM the Chairman asked for public comment. Bernita Robbins asked about the Fire Dept. audit. Jim Ferrante stated that he called 3 accounting firms last week, 1 is not interested and the other 2 haven't called back yet. Robbins also asked about the employee evaluations. Most have been turned in.

Larry Robinson presented a copy of the Unofficial Detour Agreement with KDOT for the 69 Highway project. Robinson asked about replacing the sign truck. Robinson and Josh Marshall have the specs. worked up for a new truck. The Commission agreed to let Robinson go out for bids.

At 10:46 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 12 minutes to discuss personnel issues related to non-elected employees. Jim Ferrante seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, Andy Mayhugh, and Dennis Arnold attended the executive session.

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

Andy Mayhugh presented Zoning Case #Z1007193 (Compton). The Planning Commission recommended approval by a 7-0 vote with the following findings: 1) The proposed change will not negatively affect nearby properties, 2) Allowing the change keeps more land in one large agricultural tract, 3) The proposed change conforms to the Comprehensive plan, and 4) The proposal will not burden existing infrastructure. After discussing the findings, Jim Ferrante moved to adopt the findings of the Planning Commission, approve the Zoning change, and adopt Resolution #07-38. Herb Pemberton seconded the motion. The motion passed 2-0.

Mayhugh then presented CUP #0807322 (Catholic Radio Network) for a 350' FM Radio Tower. The Planning Commission recommended approval by a 4-3 vote with the following findings: 1) The proposed use will conform to the character of the neighborhood, 2) The zoning and uses nearby are similar, 3) The property is suitable for its proposed use, 4) The proposed use conforms with the nearby uses and densities, 5) The proposed use will not negatively effect nearby properties to any great degree, and 6) The proposed use will have positive impact on the public safety and welfare; and the following conditions: 1) The tower guide wires shall be set-back as to not interfere with the future right-of-way width of 1525 Road, 2) The tower shall provide for co-location of additional antenna, 3) If the tower is not used for a period of one year, it shall be removed, and 4) Prior to construction, letter from the FCC and the FAA shall be provided to the Linn County Planning and Zoning Department to verify that all federal regulations are being met. After discussing the conditions and findings, Jim Ferrante moved to affirm the findings of the Planning Commission, issue CUP #0807322, and adopt Resolution #07-39. Herb Pemberton seconded the motion. The motion passed 2-0. Following are copies of Resolutions #07-38 and #07-39:

RESOLUTION 07-38

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. 12-750, the Linn County Planning Commission did on November 13th, 2007, hold a public hearing on Case Z1007193 (Compton), said case being duly published on October 24th, 2007 in the Official County Newspaper, and after consideration of the application and the adopted Linn County Comprehensive Land Use Plan, recommended approval of the application to the Linn County Commissioners by a vote of 7-0, finding that:

1. The proposed change will not negatively affect nearby properties;
2. Allowing the change keeps more land in one large agricultural tract;
3. The proposed change conforms to the Comprehensive Plan;
4. The proposal will not burden existing infrastructure.

WHEREAS, on the 3rd day of December, 2007, Case Z1007193 was heard before the Board of County Commissioners, Linn County, Kansas, proposed for property 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 findings of the Planning Commission, the issues presented and the Comprehensive Land Use Plan of Linn County, Kansas, it is the desire of the Commissioners of Linn County, Kansas, to affirm the findings of the Linn County Planning Commission and 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

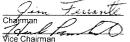
A 5 acre tract located in Section 06, Township 21, Range 22, Linn County, Kansas more particularly described as follows:
Beginning at the SE corner of the N 1/2 of the SE 1/4 of said Section 06, thence W 720', thence N 600', thence E 700', thence S 900' to POB. Containing 5 acres, more or less subject to survey.

Shall be and is hereby changed to the classification of: **AR - Agriculture/Residential**

This resolution was passed and approved by the Board of County Commissioners of Linn County, Kansas, by a majority vote of same on this 3rd day of December, 2007 and shall become official upon publication in the Official County Newspaper.

ATTEST:

David Lamb, County Clerk

BOARD OF COUNTY COMMISSIONERS
Linn County, Kansas

Chairman

Vice Chairman
Member

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 3rd day of December, 2007.


Attest:

David Lamb - Clerk

Before the Board of County Commissioners
Linn County, Kansas
Resolution # 07-39
A RESOLUTION APPROVING CONDITIONAL USE PERMIT #0807322 (Catholic Radio Network) TO PERMIT THE INSTALLATION AND OPERATION OF A RADIO TOWER IN THE A - AGRICULTURAL ZONE

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

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

WHEREAS, the Linn County Planning Commission did, on September 17th, 2007, publish a notice of a public hearing to consider Conditional Use Permit #0807322 pursuant to K.S.A. 12-757(b); and

WHEREAS, the Linn County Planning Commission did hold a public hearing on November 13th, 2007 to consider said Conditional Use Permit for the installation and operation of a Radio Tower in the A - Agricultural Zone on property described in Section 1; and

WHEREAS, the Planning Commission after review and consideration of all plans, reports and testimony did, by a 4-3 vote, recommend approval of said Conditional Use Permit based on the following findings and subject to the conditions as listed in Section 2;

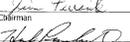
1. The proposed use will conform to the character of the neighborhood;
2. The zoning and uses nearby are similar;
3. The property is suitable for its proposed use;
4. The proposed use conforms with the zoning use and densities;
5. The proposed use will not negatively affect nearby properties to any great degree;
6. The proposed use will have positive impact on the public safety and welfare.

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

SECTION 1: Conditional Use Permit #0807322 is hereby issued on the following described property:
In Section 12, Township 21, Range 22, Linn County, Kansas; Beginning at the NE corner of the NW 1/4 of said Section 12, thence E 90', S 700', E 630', S 1858.55', W 494.21', S 790.99', W 1342.55', N 722.65', W 720.65', N 836', E 1355', N 1807', E 710' TO POB

SECTION 2: Conditional Use Permit #0807322 (Catholic Radio Network) is issued for the property to be used as proposed in the submitted plans and materials and subject to the following conditions:

1. The tower guide wires shall be set-back as to not interfere with the future right-of-way width of 1985 Road.
2. The tower shall provide for co-location of additional antennas.
3. If the tower is not used for a period of one year, it shall be removed.
4. Prior to construction, letter from the FCC and the FAA shall be provided to the Linn County Planning and Zoning Department to verify that all federal regulations are being met.


Chairman

Vice Chairman
Member

Jim Ferrante moved to reappoint Cheyenne Beisiegel to the Tri-Ko, Inc. Board of Directors for a 3 year term beginning Jan. 1, 2008. Herb Pemberton seconded the motion. The motion passed 2-0.

The Clerk read a request from the Southeast Kansas Mental Health Center, Coordinated Transit District #10 for a letter of support for grant funds from the Kansas Department of Transportation. The Clerk will prepare the letter of support and bring it to the Commission next week for signatures.

The Clerk advised the Commission that he received a bill from Nation Contracting for the repair work on the Bunker Hill floor. The work was completed this weekend. The Clerk also advised the Commission that a link has been added to the County website for Employment Opportunities. Departments can list job openings on the site and include job descriptions and applications.

Jim Ferrante moved to reschedule the Dec. 24th regular meeting to Dec. 21st and to close County offices on Christmas Eve. Herb Pemberton seconded the motion. The motion passed 2-0.

Jim Ferrante suggested forming a committee to work on eliminating Noxious Weeds. Commissioner Ferrante suggested having John Maloney and volunteers on the committee. The Commission will discuss the suggestion next week.

Jim Ferrante moved to approve the following pays/special pays (11/30/07 Payroll): General, \$68,234.28; Employee Benefit, \$58,588.79; Appraiser, \$8,226.97; Rural Fire, \$4,317.98; Road and Bridge, \$31,681.62; Crime Victim Assistance, \$856.97; and Elderly, \$2,148.82. Herb Pemberton seconded the motion. The motion passed 2-0.

Herb Pemberton moved to approve the following pays/special pays (November Bills): General, \$116,827.33; Appraiser, \$3,005.73; Rural Fire, \$4,960.07; Road and Bridge, \$75,115.76; 911 Telephone Tax, \$1,469.72; DARE, \$784.95; Special Alcohol, \$300.00; and Elderly, \$2,559.62. Jim Ferrante seconded the motion. The motion passed 2-0.

At 11:36 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, Andy Mayhugh, and Dennis Arnold attended the executive session.

At 11:51 AM the executive session ended.

At 11:52 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The same people attended this portion of the executive session.

At 12:02 PM the executive session ended.

At 12:02 PM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, Counselor, and Marilyn Augur attended this portion of the executive session.

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

At 12:14 PM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 2-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:17 PM Andy Mayhugh entered the executive session.

At 12:24 PM the executive session ended. No action taken.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, December 10th. Jim Ferrante seconded the motion. The motion passed 2-0.

Commission Chair

Attest:

County Clerk

December 10, 2007

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

After reviewing the letter of appointment from the Governor, the Clerk administered the Oath of Office for Jason Sabine as District #2 Commissioner.

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-157 thru 159, and 161. Jason Sabine seconded the motion. The motion passed 3-0.

The Commission reviewed the YTD Park Report for November 2007.

Jim Ferrante moved to sign a letter of support for Coordinated Transit District #10. Jason Sabine seconded the motion. The motion passed 3-0.

Andy Mayhugh presented Lot Split #07-224 requested by Robert Zoller located on West 2250 Rd. Mayhugh stated that the Lot Split meets our requirements and he recommends approving the Lot Split. Jason Sabine moved to approve Lot Split #07-224 as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that the Fire Board has approved hiring Larry Maloney as a Firefighter for Station 910. Maloney will take a physical and will be on standard six month probation. Herb Pemberton moved to hire Larry Maloney as a Firefighter. Jason Sabine seconded the motion. The motion passed 3-0.

Barlet also informed the Commission that wildland firefighting gear has been ordered. It will be paid from a Forest Service Grant. Barlet stated that we are also receiving a grant for Emergency Management that will help pay for salaries for the past year. The grant amount is approximately \$3,470.00. Wes McClain has requested an appeal of his termination with the Fire Board. Station 950 has talked to Barlet about a shadow program. It would require allowing someone to ride in the vehicle with Barlet. Barlet will talk to Gary Thompson about a waiver of liability. Herb Pemberton moved to allow Barlet to contact Gary Thompson to see if it is legal for someone to shadow Barlet and ride in the County vehicle. Jason Sabine seconded the motion. The motion passed 3-0.

Barlet also informed the Commission that we need to have a hazardous mitigation plan in place in order for our citizens to receive FEMA grant funds for hazardous situations such as home buyouts in flood areas and building safe rooms. There is currently grant money available to hire a private company to write the plan. Barlet will check on what we need to do to receive the grant funds.

John Black informed the Commission that he needs to order some road salt. Wisdom also needs salt for District #3. Jim Ferrante moved to allow the Road Foremen to order road salt. Jason Sabine seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that LeAnn Davenport called and thanked the County for the help with the Pleasanton Cemetery.

At 9:23 AM at the request of Marilyn Augur, Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 3-0. The Commission and Marilyn Augur attended the executive session.

At 9:38 AM the executive session ended.

At 9:39 AM Herb Pemberton moved to extend the above executive session for 15 minutes. Jason Sabine seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:45 AM the Clerk entered the executive session. At 9:47 AM the Clerk left the executive session. At 9:50 AM Marilyn Augur left the executive session.

At 9:54 AM the executive session ended.

At 9:55 AM Jim Ferrante moved to extend the above executive session for 2 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission attended this portion of the executive session.

At 9:57 AM the executive session ended. No action taken.

At 10:02 AM the Commission opened bids for pest control for 2008. Bids were received from Coryell Termite & Pest Control and Purinton Pest Control. The Commission asked the Clerk to compare the bids with a third party.

At 10:13 AM Jason Sabine moved to take a 15 minute break. Herb Pemberton seconded the motion. The motion passed 3-0.

Larry Robinson informed the Commission that we received \$49,449.38 from FEMA for the flood. The money was split up to the departments that incurred the expenses: Emergency Management, \$900.00; Rural Fire, \$1,149.11; and Road & Bridge, \$47,400.27.

At 10:35 AM the Chairman asked for public comments. Ed Saymn stated that he heard that the Fire Coordinator received a raise of \$16,000.00. Saymn wants to know how we justify the amount of pay. Jim Ferrante stated that the amount of pay is a decision made on an individual basis. Jean Vaughn asked about the raise that Larry Robinson received for filling in as the Emergency Management Coordinator, has it been taken away. Not yet, but the Commission is taking care of it. Vaughn also asked about the Fire Dept. audit. Jim Ferrante stated that no firms have shown any interest yet. Mary Grosshart asked how someone could be considered for a job after they withdrew their application. Jim Ferrante stated that none of the applicants that were offered the job would take it for the lower pay, so then the Commission negotiated with the applicants.

Jim Ferrante discussed the interim of expense report. The Commission discussed the departments that are running low on cash and/or running over budget.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Monday, December 17th. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 17, 2007

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

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

Herb Pemberton moved to approve the following add/abate/refund orders: 2007-162 thru 166, and 168. Jason Sabine seconded the motion. The motion passed 3-0.

Jim Ferrante moved to approve the Sheriff's Monthly Fee Report for November 2007. Jason Sabine seconded the motion. The motion passed 3-0.

Dan Morris asked for permission to get a Casey's gas card for the County trucks. Doug Barlet would also like to get a card for the La Cygne Fire Station. CO-OP in La Cygne has quit selling gas. Herb Pemberton moved to allow Morris and Barlet to get Casey's gas cards. Jason Sabine seconded the motion. The motion passed 3-0.

Bruce Holt informed the Commission that he needs approximately 200 tons of rock for 25 campsites. Holt would like to get a purchase order for rock from Wade Quarries for \$1,800.00. Herb Pemberton moved to approve a purchase order to Wade Quarries for \$1,800.00. Jason Sabine seconded the motion. The motion passed 3-0.

Herb Pemberton suggested having a Christmas party for the employees at Noon on Thursday. Jayhawk Inn can cater the lunch for \$8.50 per plate. Herb Pemberton moved to have a Christmas lunch for the employees at Noon on Thursday, Dec. 20th. Jason Sabine seconded the motion. The motion passed 3-0.

Joe Maloney informed the Commission that the transmission went out on the 2005 Sterling truck. Maloney is waiting on an estimate for replacement of the transmission from Merle Kelley Ford. The truck is not covered by warranty. The Commission asked Maloney to check with Cox Motors and the manufacturer to see if the warranty could be extended because we did not have the truck for several months because it was having a bed installed before we could use it.

Maloney also discussed the E-Waste grant. We have been approved for a \$5,000.00 grant to purchase a 48 foot storage container for E-Waste. Jason Sabine moved to allow Maloney to order the storage container for \$3,475.00. Herb Pemberton seconded the motion. The motion passed 3-0.

John Black informed the Commission that he would like to get another spreader motor for \$1,925.00 from Deems Equipment. Jason Sabine moved to approve purchasing a spreader motor from Deems Equipment for \$1,925.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that he has a grant application for Emergency Management salaries for 2008. Herb Pemberton moved to allow the Chairman to sign the grant application. Jason Sabine seconded the motion. The motion passed 3-0. Barlet also asked for permission to travel out of town the next 2 days. The Commission agreed to allow Barlet to attend out of town meetings the next 2 days. Barlet then informed the Commission that we need to spend \$3,000.00 to close out the grant for the fitness equipment. Barlet also stated that the Centerville and Parker pumpers need repairs. The Commission suggested having the Road Dept. mechanics take a look at the trucks.

Doug Barlet asked to add software named "Read Iris" to the approved list of software. Jason Sabine moved to add "Read Iris" to the approved software list. Herb Pemberton seconded the motion. The motion passed 3-0.

At 9:36 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Counselor, and Barlet attended the executive session.

At 9:46 AM the executive session ended.

At 9:47 AM Jason Sabine moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 9:57 AM the executive session ended. No action taken.

Herb Pemberton stated that the sewer and water service is installed at the new fire station at La Cygne.

At 9:59 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

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

Marilyn Augur presented 2 purchase orders for approval: KCPL for \$9,000.00 for utilities and East Central Kansas Area Agency on Aging for \$11,000.00 for agency match dollars. Jason Sabine moved to approve the purchase orders as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:17 AM the Chairman asked for public comment. None was given.

At 10:18 Herb Pemberton moved to take a 15 minute break. Jason Sabine seconded the motion. The motion passed 3-0.

At 10:34 AM Jim Ferrante move to recess from the Board of Commission meeting into executive session for 5 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 10:39 AM the executive session ended.

At 10:40 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0.

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

At 10:45 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 11:00 AM ended. As a result of the executive session, the Clerk informed the Commission that he is hiring Debora Linder as the Payroll Clerk/Backup System Administrator. Herb Pemberton moved to approve paying Linder \$10.48 per hour, Range 5, Step A. Jason Sabine seconded the motion. The motion passed 3-0. Linder will take a pre-employment physical/drug test and will be on standard 6 months probation.

Jim Ferrante moved to approve the following pays/special pays: General, \$168,134.53; Employee Benefit, \$29,428.60; Appraiser, \$16,314.76; Rural Fire, \$5,818.42; Road and Bridge, \$65,183.87; Special Machinery, \$17,867.00; 911 Telephone Tax, \$20,072.27; Crime Victim Assistance, \$856.97; Elderly, \$8,867.84; and Zoning LEPP, \$216.67. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that Embarq should have the County 800 number ready by around the first of the year.

Herb Pemberton moved to allow Chairman to sign the contract with Bradley Air Conditioning & Heating for the heaters at the new La Cygne Fire Station. Jason Sabine seconded the motion. The motion passed 3-0.

Donna Thomas reported on the past year for the Health Dept. The Health Dept. brought in more money in grants than expected. The Health Dept. had income of \$90,000.00 through November of this year in grants and revenue. \$17,000.00 for services rendered, the balance was grant money. Thomas stated that we should receive a similar amount in grants next year. The Commission thanked Thomas for all her efforts and hard work. Jason Sabine moved to allow the Chairman to sign an application for a grant extension for a Bioterrorism Grant. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:14 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Donna Thomas attended the executive session.

At 11:29 AM the executive session ended.

At 11:30 AM Jason Sabine moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:37 AM Donna Thomas left the executive session.

At 11:40 AM the executive session ended. As a result of the executive session, Jason Sabine moved to increase Judy Patterson's rate of pay from \$9.00/hr. to \$10.50/hr., Vicki Brown's rate of pay from \$18.00/hr. to \$19.00/hr., and Donna Thomas's salary from \$45,000.00 to \$49,000.00 effective Jan. 1, 2008. The new salary amounts include any cost of living allowance that may be given to County employees. Herb Pemberton seconded the motion. The motion passed 3-0.

The Commission agreed that Jason Sabine will be the Chairman for next year. The Commission will officially reorganize at the 2nd meeting in January.

At 11:47 AM Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, Andy Mayhugh, and Counselor attended the executive session.

At 12:02 PM the executive session ended.

At 12:02 PM Jim Ferrante moved to extend the above executive session for 15 minutes. Jason Sabine seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:17 PM the executive session ended. No action taken.

With nothing further on the agenda Jason Sabine moved to adjourn until 9:00 AM Friday, December 21st. Herb Pemberton seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 21, 2007

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

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

Jason Sabine moved to approve the following add/abate/refund orders: 2007-169 thru 175. Herb Pemberton seconded the motion. The motion passed 3-0.

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

Herb Pemberton moved to approve a Cereal Malt Beverage License renewal for Michael M. Miller, dba Miller's Corner. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve the following pays/special pays: General, \$947.29; and Economic Development Grant, \$5,000.00. Herb Pemberton seconded the motion. The motion passed 3-0.

Dan Morris asked to purchase order \$10,000.00 for road rock from Wade Quarries. Herb Pemberton moved to approve a purchase order for road rock from Wade Quarries in the amount of \$10,000.00 for Road Dist. #1. Jason Sabine seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that the following Fire Board members' terms expire on 12/31/07: Mike Vrban, Eddie Andersen, and Mike Gillespie. Jim Ferrante moved to appoint Russell Beth to replace Mike Gillespie for a 3 year term on the Fire Board. Herb Pemberton seconded the motion. The motion passed 3-0. Jason Sabine moved to re-appoint Mike Vrban for a 3 year term on the Fire Board. Herb Pemberton seconded the motion. The motion passed 3-0.

The Fire Board of Trustees recommends sending 2 people to Salina for Firefighter's Relief Association training on the weekend of 1/19/08. Jason Sabine moved to allow 2 individuals from the Fire Dept. to attend FRA training in Salina. Herb Pemberton seconded the motion. The motion passed 3-0.

941 (Parker Mini-Pumper) has engine problems. Morse Auto is going to install a used engine, price of engine & installation is under \$1,000.00.

We will get a radio communication system for Emergency Management that allows communication with other entities, but we need to purchase another radio for that system for \$1,158.66. Jim Ferrante moved to allow the purchase of a new radio and equipment from K-Com for \$1,158.66 for Emergency Management. Jason Sabine seconded the motion. The motion passed 3-0.

Herb Pemberton stated that we need some gravel at the new La Cygne Fire Station. Doug Barlet also stated that the blacktop at Station 920 is deteriorating and Station 910 needs blacktop. Jim Ferrante stated that Station 970 and Station 930 need it also. Doug Barlet suggested using the reclaimed material from the power plant dam road.

Mel Bolling asked to transfer \$52,950.00 from Road All Dist. Capital Outlay to Road Special Machinery (to help pay for a new sign truck), and asked for a \$30,000.00 Purchase Order to WCA from Solid Waste for trash disposal. Jim Ferrante would like a line item for the truck purchase. Gary Thompson suggested just noting in the minutes what the money is for. Mel Bolling also asked for 2 Purchase Orders from Planning & Zoning for \$1,500.00 for concrete from Maschino and \$1,500.00 for culverts from J&J Metal for Critzer Lake project. Jason Sabine moved to approve the transfer of \$52,950.00 from Road All District to Road Special Machinery to help pay for a new sign truck. Herb Pemberton seconded the motion. The

motion passed 3-0. Herb Pemberton moved to approve a Purchase Order for \$30,000.00 from Solid Waste to WCA for trash disposal. Jason Sabine seconded the motion. The motion passed 3-0. Jim Ferrante moved to approve 2 Purchase Orders from Planning & Zoning, \$1,500.00 to Maschino's for concrete and \$1,500.00 to J & J Metal for culverts for the Critzer Lake project. Jason Sabine seconded the motion. The motion passed 3-0.

John Maloney asked to transfer \$16,000.00 from Noxious Weed to Noxious Weed Eradication (\$4,000.00 was budgeted). Jason Sabine moved to approve the transfer of \$16,000.00 to the Noxious Weed Eradication Fund. Herb Pemberton seconded the motion. The motion passed 3-0.

Joe Maloney informed the Commission that the warranty was expired on the Solid Waste truck but the rebuilt trans. from the other truck will work. Jason Sabine stated that he talked to Jessie Secrest about extended warranties and suggested buying extended warranties for our trucks.

At 9:43 AM at the request of Marilyn Augur, Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Marilyn Augur attended the executive session.

At 9:58 AM the executive session ended.

At 9:59 AM Jim Ferrante moved to extend the above executive session for 10 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:09 AM the executive session ended.

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

At 10:19 AM the executive session ended.

At 10:20 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Jason Sabine seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:25 AM the executive session ended.

At 10:25 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. Marilyn Augur left the executive session at this time.

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

Jason Sabine moved to sign a thank you letter to all County employees and to have Jackie publish the letter in the Linn County News. Herb Pemberton seconded the motion. The motion passed 3-0.

Carmen Self asked for a \$5,000.00 Purchase Order for postage for 2008 for the Treasurer's office. Jason Sabine moved to approve the Purchase Order as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

Kristy Schmitz asked Purchase Orders for \$338.97 for recording supplies from Lockwood, \$1000.00 for postage, and \$1,000.00 for office equipment from Navrat's. Jason Sabine moved to approve the Purchase Orders for the Register of Deeds as requested. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:37 AM the Commission opened bids for the doors on the Blue Mound Fire Station. Bids received were: Foote Construction, \$5,665.00; and BC Construction, \$6,923.97. Jason Sabine moved to approve the low bid from Foote Construction in the amount of \$5,665.00. Herb Pemberton seconded the motion. The motion passed 3-0. The Counselor will prepare a contract. Jason Sabine moved to approve a Purchase Order in the amount of \$5,665.00 to Foote Construction from the Rural Fire budget. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:39 AM Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Kristy Schmitz attended the executive session.

At 10:54 AM the executive session ended. As a result of the executive session, Jason Sabine moved to change Linda Pinneo's status to full time in the Register of Deeds office, Range 5, Step A (\$10.48 per hour). Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:54 AM the Chairman asked for public comment. Harold Bradley asked about the executive session, he would like the Commission to have all their executive session at the end of the meeting. Bradley also stated that he did not appreciate the comments from Counselor when he asked the Counselor a question. The Commission informed Bradley that it would be very difficult to have all the executive sessions at the end of the meeting, but they are considering using another office for their executive session so the public would not have to leave. The Commission also stated that the Commission runs the meeting and they do not have to follow the agenda. Bradley then asked about the Fire Station in Prescott. Do we need 3 trucks, do we have people to man them, how many fires have we had in Prescott? The Commission stated that we do need 3 trucks in Prescott and we do have people to man them. Bernita Robbins asked about the Fire Dept. audit. Jim Ferrante stated that he is still waiting on responses from accounting firms. Gary Thompson has not found anyone interested in doing the audit yet either. Robbins also asked who paid for the party yesterday. The Commission stated that the County paid for the Christmas dinner. Robbins stated that the taxpayers paid for it. Jackie Walker stated that there is a national publication named "Commerce Business Daily" where we could place an ad for the audit.

Jim Ferrante stated that the floor at Bunker Hill looks very good and the new gutters are installed and are working. Jim Ferrante would like to have the road crew bring in dirt to backfill around Bunker Hill. Jason Sabine moved to allow Dist. #3 to do some backfill around Bunker Hill. Herb Pemberton seconded the motion. The motion passed 3-0.

Mary Grosshart stated that people can contact the Clerk to be placed on agenda. Grosshart recommends eliminating public comment and have people get on the agenda.

The Clerk asked about the proposed COLA. Herb Pemberton stated that 3% is in budget, but nationwide the cost of living is higher, possibly 3 ½%. After discussion, Jason Sabine moved to give a 3% COLA to all employees effective 1/1/08, except the 3 employees from Health Dept. that just received raises, and the Fire Chief/Emergency Management Coordinator. Herb Pemberton seconded the motion. The motion passed 3-0.

Doug Barlet informed the Commission that he could not get the replacement engine for the Parker Mini-Pumper directly from Morse. It will cost approximately \$1,200.00 to purchase the engine and have it installed by Morse Auto. Jason Sabine moved to allow up to \$1,500.00 to repair Truck #941. Herb Pemberton seconded the motion. The motion passed 3-0.

With nothing further on the agenda Herb Pemberton moved to adjourn until 9:00 AM Monday, December 31st. Jason Sabine seconded the motion. The motion passed 3-0.

Commission Chair

Attest:

County Clerk

December 31, 2007

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

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

Jason Sabine moved to approve the following add/abate/refund orders: 2007-176 thru 181. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to approve a Cereal Malt Beverage License renewal for Jamie Chambers, Crossroads Café & Convenience. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to allow the Chairman to sign the agreement with Foote Construction for the Blue Mound Fire Station doors. Herb Pemberton seconded the motion. The motion passed 3-0.

The Clerk informed the Commission that there is a \$9,000.00 transfer from Rural Fire to Rural Fire Special Equipment included in the regular pay. We had budgeted a \$15,000.00 transfer but did not have enough cash to transfer the whole amount.

Jim Ferrante discussed the need to blacktop the parking lot at the Annex. The chip and seal is not holding up very well.

Herb Pemberton moved to approve Purchase Order #2007-13 in the amount of \$137,658.00 payable to Deep South Fire Trucks, Inc. from the Rural Fire Fund for the County share of 2 Fire Tankers. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine asked Barlet to have the Fire Board work on the Burn Resolution and the False Alarm fees.

Herb Pemberton moved to reappoint Eddie Andersen to the Fire Board of Trustees for a 3 year term. Jason Sabine seconded the motion. The motion passed 3-0.

Eddie Andersen presented a list of materials needed to finish the La Cygne Fire Station. Andersen does not have a cost estimate yet. The Commission asked Andersen to get cost estimates from at least 2 businesses.

At 9:27 AM at the request of Steve Thompson, Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Steve Thompson attended the executive session.

At 9:37 AM the executive session ended. As a result of the executive session, Jason Sabine moved to hire Dan Purinton as a full time Residential/Agricultural Field Appraiser & Office Clerk in the Appraiser's office effective 12/31/07, at Range 5, Step A, (\$10.48 per hour). Herb Pemberton seconded the motion. The motion passed 3-0. Purinton will take a pre-employment physical/drug test and will be on standard 6 months probation.

Jason Sabine moved to award the pest control bids for 2008 as follows: Purinton Pest Control will handle all the buildings in Mound City and the La Cygne Clinic and Coryell Pest Control will handle the rest of the buildings, each will receive \$15.00 per building per spraying. Herb Pemberton seconded the motion. The motion passed 3-0. The Counselor will prepare the contracts.

Jason Sabine moved to approve Purchase Order #2007-14 in the amount of \$15,000.00 payable to Richard M. Fisher, Jr. for Contract Attorney Fees, Purchase Order #2007-15 in the amount of \$15,000.00 payable to

Gilbert E. Gregory for Contract Attorney Fees, Purchase Order #2007-16 in the amount of \$15,000.00 payable to Jesse T. Randall for Contract Attorney Fees, Purchase Order #2007-17 in the amount of \$18,000.00 payable to John Domoney for Contract Attorney Fees, and Purchase Order #2007-18 in the amount of \$4,400.00 payable to Advantage Computers for server, scanners, software for imaging project, all from the General Fund for District Court. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to approve Purchase Order #2007-19 in the amount of \$300,000.00 payable to Linn County Treasurer's Benefit Trust from the Employee Benefit Fund for Health Insurance Claims. Herb Pemberton seconded the motion. The motion passed 3-0.

The Pleasanton City Council has asked for a special meeting with the Commission on Thursday at 6:00 PM at Pleasanton City Hall.

At 9:50 AM at the request of Marilyn Augur, Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Marilyn Augur attended the executive session.

At 10:00 AM the executive session ended.

At 10:00 AM Jim Ferrante moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 10:15 AM the executive session ended. As a result of the executive session, Jason Sabine moved to transfer Marilyn Augur to the position of Utility Clerk/Transportation Coordinator at a rate of \$14.01 per hour (Range 5, Step L), average 30 hours per week effective 1/1/08. Herb Pemberton seconded the motion. The motion passed 3-0.

At 10:18 AM Sheriff Stites presented bids for patrol cars. The only bids received were from Cox Motors: 4WD Pickup, \$28,359.00 and Police Interceptor (Car), \$24,090.00. The Commission asked Sheriff Stites and Jessie Secrest about extended warranties. Secrest will check on available warranties. Herb Pemberton moved to accept the bid from Cox Motors for one truck (\$28,359.00) and one car (\$24,090.00). Jason Sabine seconded the motion. The motion passed 3-0.

At 10:25 AM at the request of Sheriff Stites, Herb Pemberton moved to recess from the Board of Commission meeting into executive session for 10 minutes to discuss personnel issues related to non-elected personnel. Jason Sabine seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and Sheriff Stites attended the executive session.

At 10:35 AM the executive session ended. No action taken.

At 10:37 AM at the request of John Maloney, Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, Counselor, and John Maloney attended the executive session.

At 10:52 AM the executive session ended.

At 10:53 AM Jason Sabine moved to extend the above executive session for 15 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:06 AM John Maloney left the executive session.

At 11:08 AM the executive session ended.

At 11:08 AM Jim Ferrante moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended this portion of the executive session.

At 11:13 AM ended. As a result of the executive session, Jason Sabine moved to reclassify Mel Bolling as Office Manager and put that position in Range 8. Bolling's pay would be Range 8, Step G, \$14.68 per hour effective 1/1/08. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:14 AM Jim Ferrante moved to take a 15 minutes break. Herb Pemberton seconded the motion. The motion passed 3-0.

At 11:30 AM the Chairman asked for public comment. None was given.

Jim Ferrante moved to approve the following pays/special pays: General, \$201,753.60; Employee Benefit, \$61,022.83; Appraiser, \$13,546.96; Rural Fire, \$63,925.69; Road and Bridge, \$118,415.08; 911 Telephone Tax, \$1.84; Crime Victim Assistance, \$1,247.55; Elderly, \$7,428.61; and Zoning LEPP, \$216.67. Jason Sabine seconded the motion. The motion passed 3-0.

The Clerk presented Resolutions #07-40 thru #07-46.

Jason Sabine moved to adopt Resolution #07-40 canceling warrants that are over two years old. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt Resolution #07-41, 2008 Holidays. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton moved to adopt Resolution #07-42, 2008 Pay Dates. Jason Sabine seconded the motion. The motion passed 3-0.

Jason Sabine moved to adopt Resolution #07-43, 2008 Official Depositories for County funds. Herb Pemberton seconded the motion. The motion passed 3-0.

Jim Ferrante moved to adopt Resolution #07-44, 2008 GAAP Waiver. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to adopt Resolution #07-45, 2008 Salaries. Herb Pemberton seconded the motion. The motion passed 3-0.

Jason Sabine moved to adopt Resolution #07-46, 2008 Official Newspaper. Herb Pemberton seconded the motion. The motion passed 3-0. Following are copies of Resolutions #07-40 thru #07-46:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LINN COUNTY, KANSAS
RESOLUTION NO. 07-40

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

That the Board of County Commissioners, being the governing body of Linn County, Kansas, hereby declared, pursuant to KSA 10-815 that all the County warrants listed below are hereby canceled and set aside upon the records of the County. Such records shall show the date of cancellation and shall recite that such warrant is unpaid but canceled by reason of this resolution.

The County Warrants to be canceled are:

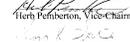
GENERAL FUND		
2/14/2005	#56548	Daniel L. Gaston \$ 15.92
3/14/2005	#57213	Star Valley Water \$ 12.45
5/31/2005	#58493	Kansas Dept. of Revenue \$ 50.00
6/13/2005	#58636	Kiplinger's Personal Finance \$ 10.00
6/13/2005	#58708	Davis J. Stiegel \$ 10.00
7/11/2005	#59201	Marvin Sthies \$ 10.00
8/08/2005	#59527	Darick E. Chapman \$ 10.00
10/11/2005	#60426	Conrad G. Creitz \$ 12.28
12/27/2005	#61607	Kiplinger's Personal Finance \$ 12.00
12/27/2005	#61611	Kansas Sheriff Association \$ 145.00
12/27/2005	#61693	Wingfoot Commercial Tire Serv. \$ 831.64
RURAL FIRE		
6/13/2005	#58758	Door System and Sales \$ 123.50
6/13/2005	#58761	Mike Gillespie & Station 940 \$ 50.00
11/14/2005	#61051	KS State Firefighters Assoc. \$ 50.00
ROAD & BRIDGE		
8/08/2005	#59344	Kansas Dept. of Revenue \$ 6.00
HOSPITAL BOARD		
3/14/2005	#57386	Jana Stange \$ 14.71
4/13/2005	#57954	Chase Card Services \$ 5.00
12/27/2005	#61787	American Family Insurance Group \$ 37.80
ELDERLY FUND		
9/12/2005	#60300	Jim's Food Fair \$ 8.72
10/11/2005	#60742	Julie's Thriftway \$ 14.31
PAYROLL		
1/14/2005	#46132	Jimmy Watts \$ 83.24
3/31/2005	#47021	Julie Wolland \$ 18.47
5/31/2005	#47765	Michael Gillespie \$ 18.47
6/30/2005	#48113	Tyler Brown \$ 18.47
8/15/2005	#48644	Laura Boone \$ 222.08
11/30/2005	#49782	Jimmy Watts \$ 18.47

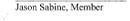
APPROVED AND ADOPTED THE 31st DAY OF DECEMBER, 2007.

ATTEST:

David L. Lamb, County Clerk


Jim Ferrante, Chairman


Herb Penbertson, Vice-Chairman


Jason Sabine, Member

RESOLUTION #07-41

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 2008:

January 1, Tuesday	New Year's Day
January 21, Monday	Martin Luther King, Jr. Day
February 18, Monday	President's Day
May 26, Monday	Memorial Day
July 4, Friday	Independence Day
September 1, Monday	Labor Day
October 13, Monday	Columbus Day
November 11, Tuesday	Veteran's Day
November 27 & 28, Thursday & Friday	Thanksgiving Day
December 25, Thursday	Christmas Day

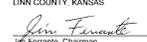
APPROVED AND ADOPTED THIS 31st DAY OF DECEMBER, 2007 FOR THE YEAR 2008.

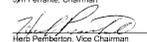
ATTEST:

David L. Lamb, County Clerk



BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS


Jim Ferrante, Chairman


Herb Penbertson, Vice Chairman


Jason Sabine, Member

RESOLUTION #07-42 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 2008:

PAYROLL	VOUCHERS (Due before Noon)	MONTH	VOUCHERS (Due before Noon)	COUNTY CLAIMS
January 15 January 31	January 8 January 24	January	January 31	February 11
February 15 February 29	February 6 February 22	February	February 28	March 10
March 14 March 31	March 7 March 24	March	April 3	April 14
April 15 April 30	April 6 April 23	April	May 1	May 12
May 15 May 30	May 6 May 23	May	May 29	June 9
June 13 June 30	June 6 June 23	June	July 2	July 14
July 15 July 31	July 8 July 24	July	July 31	August 11
August 15 August 29	August 8 August 22	August	August 27	September 8
September 15 September 30	September 8 September 23	September	October 2	October 14
October 15 October 31	October 7 October 24	October	October 30	November 10
November 14 November 28	November 6 November 19	November	November 19	December 1
December 15 December 31	December 8 December 23	December	December 17	December 29

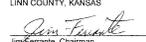
APPROVED AND ADOPTED THIS 31st DAY OF DECEMBER, 2007 FOR THE YEAR 2008.

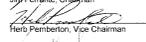
ATTEST:

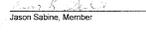
David L. Lamb, County Clerk



BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS


Jim Ferrante, Chairman


Herb Penbertson, Vice Chairman


Jason Sabine, Member

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

BE IT RESOLVED: That effective January 1, 2008 the following banks are designated as the Official Depositories for the County funds and that these and no other banks be utilized by the County Treasurer for such County deposits until this Resolution be succeeded: FARMERS & MERCHANTS BANK, FARMERS STATE BANK, LABETTE BANK, CITIZENS BANK, PRESCOTT STATE BANK. BE IT RESOLVED ALSO: That the Farmers & Merchants Bank of Mound City, Kansas be designated as the depository to be utilized by the Register of Deeds. APPROVED AND ADOPTED this 31st day of December, 2007 for year 2008.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Jim Ferrante, Chairman
Herb Pemberton, Vice Chairman
Jason Sabine, Member

ATTEST:
David L. Lamb, County Clerk

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, 2008 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 31st day of December, 2007 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, 2008. 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 31st day of December, 2007 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, 2008.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Jim Ferrante, Chairman
Herb Pemberton, Vice Chairman
Jason Sabine, Member

ATTEST:
David L. Lamb, County Clerk

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

Made this 31st day of December, 2007.

BE IT RESOLVED that the following wages be allowed for the year 2008:

Table with columns: FULL TIME EMPLOYEES, MONTHLY SALARY. Lists various roles such as County Commissioner, Sheriff, Treasurer, etc. with corresponding salary amounts.

Table with columns: UNDERSHERIFF, SHERIFF'S DEPUTY, JAILER, DISPATCHER, etc. Lists various law enforcement roles with salary amounts.

Table with columns: PART TIME EMPLOYEES, HEALTH DEPT. SEC. ASSISTANT, REG. OF DEEDS, CO. ATTORNEY, etc. Lists various part-time roles with salary amounts.

ATTEST:
David L. Lamb, County Clerk

Jim Ferrante, Chairman
Herb Pemberton, Vice Chairman
Jason Sabine, Member

*County Clerk salary includes 5% Election Officer salary.

**County Treasurer salary includes \$100.00 Investment Officer salary but does not include Motor Vehicle salary.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS

BE IT RESOLVED: That effective January 1, 2008 the "Linn County News" is designated as the official County newspaper for year 2008.

APPROVED AND ADOPTED this 31st day of December, 2007 for year 2008.

BOARD OF COUNTY COMMISSIONERS
LINN COUNTY, KANSAS


Jim Ferrante, Chairman


Herb Pemberton, Vice Chairman


Jason Sabine, Member

ATTEST:

David L. Lamb, County Clerk

Jason Sabine moved to set a special meeting with the Pleasanton City Council at 6:00 PM on Thursday, Jan. 3, 2008 at Pleasanton City Hall to discuss infrastructure and annexation, the County's roll in those issues, and to take any necessary action. Herb Pemberton seconded the motion. The motion passed 3-0.

Herb Pemberton suggested forming a committee to do a feasibility study on building a new jail.

Jason Sabine discussed items on the tabled items agenda. Sabine stated that he would like to get those items finished and off the tabled items list.

At 11:49 AM Jim Ferrante moved to recess from the Board of Commission meeting into executive session for 5 minutes to discuss personnel issues related to non-elected personnel. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 11:54 AM the executive session ended.

At 11:54 AM Jason Sabine moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 11:59 AM the executive session ended. No action taken.

At Noon Jason Sabine moved to recess from the Board of Commission meeting into executive session for 15 minutes to discuss legal issues (attorney/client privilege) with the County Counselor. Herb Pemberton seconded the motion. The motion passed 3-0. The Commission, Clerk, and Counselor attended the executive session.

At 12:15 PM the executive session ended.

At 12:15 PM Jason Sabine moved to extend the above executive session for 5 minutes. Herb Pemberton seconded the motion. The motion passed 3-0. The same people attended this portion of the executive session.

At 12:20 PM the executive session ended. No action taken.

Jim Ferrante announced that he is retiring and resigning as Commissioner effective Jan. 15, 2008.

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

Commission Chair

Attest:

County Clerk