

October 26, 2009

The Jefferson County Board of Commissioners convened in regular session on Monday October 26, 2009 at 1:00 p.m. Present were Commissioners Richard Malm, Roy Dunnaway, Lynn Luck, Jan Hayes, County Counselor and County Clerk, Linda M. Buttron.

Lynn moved that the minutes of October 19, 2009 be approved as presented. Roy seconded. All voted in favor of the motion. Vouchers were reviewed and approved by the Counselor and the Board. The Board signed a travel request for Planning & Zoning. The chairman also signed the annual agreement with Security Benefit Life Insurance Company for the Section 125 Cafeteria plan for County employees. A grace period amendment for the flexible spending plan for medical expenses was signed, (allows for a 2 ½ month grace period after the end of the plan year in which to turn in claims for reimbursement under the plan.)

Francis Hubbard, Road and Bridge met with the Board. The Board signed utility easements. Francis clarified that he has permission to solicit bids for the backhoe with outright purchase as a preference, but that the purchase was not approved by the Commissioners at last week's meeting. Francis discussed the road accessing Max Dick's property. Further research will be done before a decision is made with regard to the request made by Mr. Dick at last week's meeting. Francis discussed a property owner placing a gate across an open county road in the northwest part of the County. Jan will research whether or not it is legal to put a gate on a road. Richard asked that Francis create written safety procedures for the department.

Kenny Blair, Cook Flatt & Strobel met with the Board for the purpose of opening the bids for the bridge projects. With regard to the bid letting for bridge repair of Bridge No. 14 (Little Slough) and replacement of a box culvert on 3<sup>rd</sup> street, sealed bids were received from: Wildcat Construction Co.-Topeka, Reece Construction Inc.-Scandia, PCI Roads LLC-Minnesota, Ebert Construction Co.-Wamego, Inc., Mill Valley Construction, Inc.-Shawnee Mission, Meadows Construction Co., Inc.-Tonganoxie, Midwest Construction Co. Inc.-Holton, Kings Construction Co., Inc.-Oskaloosa. The sealed bids were opened and were as follows: 3<sup>rd</sup> street box culvert-King's Construction-\$31,000; Midwest Construction-\$60,100; Meadow's Construction-\$42,630; Ebert Construction-\$61,110. The engineer's estimate was opened and read.

The estimate was \$49,914 for this project. Bridge No. 14-Reece Construction-\$289,120.27; Mill Valley Construction-\$200,131.70; Ebert Construction-\$313,547.90; Wildcat Construction-\$227,361.75; PCI Roads-\$222,016.93. The engineer's estimate was opened and read. The estimate was \$187,065 for this project. Kenny & Francis will review the bids and return to the Board next week for a recommendation.

The Board discussed curb and gutter specifications in the road standards resolution with Kenny. In general he recommended that specifications be engineered as each project is presented for consideration.

Eloise Tichenor, Planning & Zoning Administrator met with the Board. Eloise presented a plat for final review. The plat was for Williams Acres located on approximately 7.2 acres in the SE1/4 of Section 6, Township 10S, Range 17E. Lynn moved that the final plat be accepted as presented. Roy seconded. All voted in favor of the motion. The plat was signed. Eloise asked for clarification of the Commissioner's intent with regard to the change in Kansas law and protest petition requirements for mining operations, (discussed in a previous meeting.) The Board discussed their views on the issue. Lynn stated that she felt the Board should charter the law and require a unanimous vote on such cases. Roy and Richard felt that the County should abide by the statute as amended. Eloise reviewed the Schnacker rezoning case with the Board. Mr. Schnacker will be coming before the Board next week with a request to build his own home on the far lot to the east of the subdivision before the completion of the interior road.

Service awards were signed for Tony Domann, Appraiser's Office Field Appraiser for ten years of service and for Kendra Kennedy, Corrections Officer for ten years of service. Tony was present to receive his award.

Darryl Graves, Lawrence met with the Board. Darryl lives in the southeast part of the County. Darryl came before the Commissioners in June 2008 with regard to heavy traffic traveling the back way to the rock quarry along 3<sup>rd</sup> street to Rice road. The trucks slides off the road regularly, require lots of rock and create ruts. He asked the Board to consider banning commercial traffic on that stretch of road forcing the traffic to use the blacktop road provided. Darryl discussed a deal made between himself, George Pogge (former Road and Bridge Superintendent) and Wayne Ousdahl to allow Darryl to take the stone from the 3<sup>rd</sup> street bridge for personal use, (preserving the

historical value of the stone). Francis Hubbard stated that no signed agreement had been found and that using the rock as riff raff was in the bids opened earlier in this meeting. Lynn spoke with regard to Hamm's intent with regard to the use of 3<sup>rd</sup> street. Hamm's indicated to Lynn that they do not want people to use 3<sup>rd</sup> street. The Sheriff stated the he needs a resolution adopted by the Board to enforce a law keep trucks from using 3<sup>rd</sup> street. The Board discussed possible remedies for the problem with the heavy trucks. Lynn asked that Francis do a traffic count on the road the first part of November.

Caleb Stegall, County Attorney met with the Board. The discussion centered around which office should handle "child in need of care" cases. Jan stated that a County resolution passed in 1996 establishing the duties of the County Counselor caused the cases to be handled by the County Attorney's office. Caleb stated that attorney general's opinion and Kansas statute requires those cases be the responsibility of the County Counselor. Lynn asked what the savings would be if the duties of the County Counselor were combined with the County Attorney's office. Caleb stated that there would be savings in the efficiencies of having one office and combined staff. Caleb stated that his firm would provide a "turn key "solution for County Counselor's services for a contract amount not to exceed \$50,000. Richard asked if they would dedicate one attorney to be at the Commission meetings. Caleb stated that he would if that is what the Board requires. Jan asked if "child in need of care" cases would be done in the Perry office or in the County Attorney's office. He stated that it would be the Commissioner's decision where the files physically reside. Caleb asked about whether or not Diversion money can be rolled into another year. Linda stated that as the funds are in the general fund, whether or not they would roll into the reserve fund would depend on cash basis and budget law requirements for moving funds into reserve funds.

Susan Newell, 911 Director met with the Board. She reported that the UPS and the generator funded from grant funds is installed and running correctly. Susan discussed new generation 911 (referred to as NG911). This technology includes such things as texting a 911 call and other future technological advances.

Linda discussed using KWORCC's guidelines to establish a safety committee and its functions. The Board indicated by consensus that a resolution be drafted using those guidelines and be presented for their consideration.

Linda and Jan also discussed whether or not to include a policy in the Employee Handbook regarding an introductory period for new employees. The Board indicated by consensus that if such a policy were included it should allow the department head to set the introductory period based on the requirements and needs of the department.

There being no further business to come before the Board they adjourned to meet in regular session on November 2, 2009.

ATTEST:/s/Linda M Buttron, County Clerk /s/Richard Malm, Chairman