

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF COUNTY COMMISSIONERS
ON December 3rd, 2018

The Board of Kingman County Commissioners met in the Commissioners' Meeting Room, Kingman County Courthouse, Kingman, Kansas on December 3rd, 2018. Those present:

John Steffen, Chairman
Fred Foley, Commissioner
Jerry Henning, Commissioner
Carol Noblit, County Clerk
John Caton, County Counselor

Visitors: Larry Landwehr; Carol Voran; John Riggins, Kirkham Michael; Clayton Pagenkopf, Cornejo & Sons; Mark Maurer, BG Consultants; Ron Cheney, BG Consultants; Clint Hibbs, BG Consultants; Tom Arpin, BG Consultants; Preston Moore, Nabholz/HMN; Adam Kuehl, Nabholz/HMN; Shawn Harding, Nabholz/HDM; Greg Boice, Nabholz/HDM; James McElhany, Nabholz/HDM; Ron Ferris, Nabholz/HDM; Roger Brown, LC/LK; Bill Reynolds, LC/LK; Tony Rangel, LC/LK; Rich Kerschen, LC/LK; Larry Stuart, LC/LK; Dennis Kerschen, LC/LK, Rob Davis, LC/LK; Kevin Heier, WDM; Michael Miller, WDM; Michael Frimel, WDM; Kirk Jurgensen, WDM and Joshua Kippenberger, WDM.

Staff: Becky Luntsford, County Treasurer; Stan Goetz, HR/Planning/Zoning/ Wastewater Director; Mark Schnittker, Courthouse Maintenance; Mendy Frampton, Kingman Expo Center Director; Cindy Chrisman-Smith, Health Nurse and Charles Arensdorf, Public Works Director.

Chairman Steffen called the regular Board of County Commissioners to order at 8:00 a.m.

MOTION: Commissioner Henning moved to approve the agenda as presented. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

Chairman Steffen asked if there was any public comment.

Larry Landwehr thanked the Commissioners for the opportunity to present.

EXECUTIVE SESSION: Commissioner Foley moved to go into executive session with Carol Noblit, County Clerk and John Caton, County Counselor at 8:13 a.m. to discuss individuals employee performance at pursuant to the exception under the Kansas Open Meetings Act for discussion of non-elected personnel matters of nonelected personnel in order to protect the privacy interests of the individuals to be discussed, and will return to open session in the Board meeting room at 8:20 a.m. Commissioner Henning seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 8:20 a.m. with no binding action taken.

EXECUTIVE SESSION: Commissioner Henning moved to go into executive session with Mark Schnittker, Courthouse Maintenance and John Caton, County Counselor at 8:22 a.m. to discuss individuals employee evaluation at pursuant to the exception under the Kansas Open Meetings Act for discussion of non-elected personnel matters of nonelected personnel in order to protect the privacy interests of the individuals to be discussed, and will return to open session in the Board meeting room at 8:50 a.m. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session with no binding action taken.

8:55 a.m. Stan Goetz, HR/Planning/Zoning/Wastewater Director was in to discuss the video that was filmed by an individual recently and if the County can post notices for no use of cameras. John Caton let them know that a notice should not be posted prohibiting video cameras.

Mr. Goetz submitted the minutes of the Planning/Zoning Commission Hearing that was held last Monday for the Helten's Zip Line requesting a variance on the height.

The Planning Commission would not recommend approving the variance because they would like to review the information more.

Mr. Goetz discussed the townships that would be involved with the Flat Ridge 3 to Flat Ridge 4 Road Agreement process.

Mr. Goetz submitted a building permit from the following:

1. Fred Puthoff

The County Clerk submitted a Cereal Malt Beverage License for the Roadside Inn for 2019.

MOTION: Commissioner Henning moved to approve the Cereal Malt Beverage License for the Roadside Inn. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners signed Road & Bridge vouchers in the amount of \$124,292.89.

The County Commissioners discussed a Dresden Twp vacancy.

EXECUTIVE SESSION: Commissioner Henning moved to go into executive session with Becky Luntsford, County Treasurer; Stan Goetz, HR/Planning/Zoning/Wastewater Director and John Caton, County Counselor at 9:35 a.m. to discuss individuals employee performance at pursuant to the exception under the Kansas Open Meetings Act for discussion of non-elected personnel matters of nonelected personnel in order to protect the privacy interests of the individuals to be discussed, and will return to open session in the Board meeting room at 9:50 a.m. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 9:50 a.m. with no binding action taken.

EXECUTIVE SESSION: Commissioner Foley moved to go into executive session with Mendy Frampton, Expo Center Director and John Caton, County Counselor at 10:00 a.m. to discuss individuals employee evaluation pursuant to the exception under the Kansas Open Meetings Act for discussion of non-elected personnel matters of nonelected personnel in order to protect the privacy interests of the individuals to be discussed, and will return to open session in the Board meeting room at 10:15 a.m. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 10:15 a.m. with no binding action taken.

EXECUTIVE SESSION: Commissioner Steffen moved to go into executive session with Mendy Frampton, Expo Center Director and John Caton, County Counselor at 10:15 a.m. to discuss individuals employee evaluation pursuant to the exception under the Kansas Open Meetings Act for discussion of

non-elected personnel matters of nonelected personnel in order to protect the privacy interests of the individuals to be discussed, and will return to open session in the Board meeting room at 10:20 a.m. Commissioner Henning seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 10:20 a.m. with no binding action taken.

Chairman Steffen read correspondence received from REAP.

MOTION: Commissioner Henning moved to not renew membership with REAP for 2019.

Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Clerk submitted the minutes for the November 26th, 2018 Commission meeting minutes for review and approval.

MOTION: Commissioner Foley moved to approve the November 26th, 2018 Commission meeting minutes. Commissioner Henning seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

10:49 a.m. Charles Arensdorf, Public Works Director was in with permits for the following:

1. Dreiling Construction-Cable replacement-north side of Section 34, Twp 27, Range 7 (White).
2. Dreiling Construction-Cable replacement-north side of Section 33, Twp 27, Range 7 (White).
3. Cox Communication-Cable placement-north side of Section 33, Twp 27, Range 6 (Galesburg).

Clayton Pagenkopf, Cornejo & Sons was in to discuss the winter shutdown of North Main. Mr. Pagenkopf let the Commissioners know that the shutdown will be from December 15th, 2018 to March 15th, 2018.

Commissioners let Mr. Pagenkopf know that they are disappointed with the time it took to decide what kind of rock to fill the openings. Mr. Riggins from Kirkham Michael let the Commissioners know that the rock used first was not a good rock so it was changed.

Commissioner Henning wanted to remind Mr. Pagenkopf that the Copeland intersection on the West side is rough. Mr. Pagenkopf said that it would be fixed when they come back.

MOTION: Commissioner Henning moved to approve the winter shutdown from December 15th, 2018 to March 15th, 2018 as long as the items they said would be done to close it down for the winter are done. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

Mr. Pagenkopf left the meeting at 11:11 a.m.

Steve Bachenberg, County Engineer was in to discuss the 21st Street grant received.

Mr. Bachenberg let the Commissioners know that the bridge inspections are coming up in January 2019 and he received a bid from Kirkham Michael to do the inspections. \$29,388.00

MOTION: Commissioner Foley moved to approve the bid from Kirkham Michael for bridge inspections for the amount of \$29,388.00. Commissioner Henning seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

Mr. Bachenberg eighth street bridge bid received from Kirkham Michael for engineering for \$12,500.00.

MOTION: Commissioner Henning moved to approve the engineering from Kirkham Michael for Bridge U.7.8 for \$12,500.00. Commissioner Foley seconded the motion. The motion was approved upon a unanimous vote of the County Commissioners.

EXECUTIVE SESSION: Commissioner Henning moved to go into executive session with Cindy Chrisman Smith, Health Nurse and John Caton, County Counselor at 11:40 a.m. to discuss individuals employee evaluation pursuant to the exception under the Kansas Open Meetings Act for discussion of non-elected personnel matters of nonelected personnel in order to protect the privacy interests of the individuals to be discussed, and will return to open session in the Board meeting room at 12:00 p.m. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 12:00 p.m. with no binding action taken.

The County Commissioners discussed the scoring for this afternoon interviews and that each interview will be held in executive session pursuant to the Kansas Open Meetings Act for discussion of data relating to the financial affairs or trade secrets of a business.

Chairman Steffen moved to recess the Board meeting until 1:00 p.m. at the Kingman Expo Center. Commissioner Foley seconded the motion. The motion was approved upon a unanimous vote of the County Commissioners.

Chairman Steffen reconvened the Board Meeting at 1:00 p.m. in the North Room of the Kingman Expo Center, Kingman, KS 67068.

EXECUTIVE SESSION: Commissioner Henning moved to go into executive session at 1:05 p.m. with BG Consultants, Mark Maurer, Ron Cheney, Clint Hibbs, Tom Arpin; Carol Noblit, County Clerk and John Caton, County Counselor to discuss trade secrets of a potential vender with the vendor pursuant to an exception under the Kansas Open Meetings act for discussion of data relating to the financial affairs or trade secrets of a business and that they will return to open session in the North Room of the Kingman Expo Center at 2:05 p.m. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 2:00 p.m. with no binding action taken.

EXECUTIVE SESSION: Commissioner Henning moved to go into executive session at 2:05 p.m. with Preston Moore, Nabholz/HMN; Adam Kuehl, Nabholz/HMN; Shawn Harding, Nabholz/HMN; Greg N Boice, Nabholz/HMN; James McEhany, Nabholz/HMN; Ron Ferris, Nabholz/HMN; Carol Noblit, County Clerk and John Caton, County Counselor to discuss trade secrets of a potential vender with the vendor pursuant to an exception under the Kansas Open Meetings act for discussion of data relating to the financial affairs or trade secrets of a business and that they will return to open session in the North Room of the Kingman Expo Center at 3:05 p.m. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 3:05 p.m. with no binding action taken.

EXECUTIVE SESSION: Commissioner Foley moved to go into executive session at 3:12 p.m. with Roger Brown, LC/LK Construction; Bill Reynolds, LC/LK Construction; Tony Rangel, LC/LK

Construction; Rich Kerschen, LC/LK Construction; Larry Stuart, LC/LK Construction; Dennis Kerschen, LC/LK Construction; Rob Davis, LC/LK Construction; Carol Noblit, County Clerk and John Caton, County Counselor to discuss trade secrets of a potential vendor with the vendor pursuant to an exception under the Kansas Open Meetings act for discussion of data relating to the financial affairs or trade secrets of a business and that they will return to open session in the North Room of the Kingman Expo Center at 4:12 p.m. Commissioner Henning seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 4:12 p.m. with no binding action taken.

EXECUTIVE SESSION: Commissioner Foley moved to go into executive session at 4:18 p.m. with Kevin Heier, WDM Construction; Michael Miller, WDM Construction; Michael Frimel, WDM Construction; Kirk Jurgensen, WDM Construction; Joshua Kippenberger, WDM Construction; Carol Noblit, County Clerk and John Caton, County Counselor to discuss trade secrets of a potential vendor with the vendor pursuant to an exception under the Kansas Open Meetings act for discussion of data relating to the financial affairs or trade secrets of a business and that they will return to open session in the North Room of the Kingman Expo Center at 5:18 p.m. Commissioner Henning seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.

The County Commissioners returned to regular session at 5:18 p.m. with no binding action taken.

Jason Jump, Kingman Leader-Courier expressed his concern with the executive sessions that were held by the County Commissioners. Mr. Jump let the Commissioners know that he talked with his legal counsel and they felt that the Executive sessions were not justified and he will be contacting the State for violation of the Open Meetings Act.

John Caton, County Counselor informed Mr. Jump that the County Commissioners acted on his advice to hold the interviews in executive session pursuant to Confidential Financial Data and trade secrets under the Open Meetings Act.

The County Commissioners discussed that they would take the information they received and review it and bring it back to the County Commission meeting on the 17th of December and compare their numbers for each vendor that interviewed.

MOTION; Commissioner Henning moved to adjourn the regular board meeting at 5:33 p.m. Commissioner Foley seconded the motion. The motion was approved upon the unanimous vote of the County Commissioners.