

The County Commissioners met in regular session on January 27, 2014 in the County Commissioners' Room. Present were Dale Pickel, Denise Sasse and Roger Allen, Commissioners. Also present was Clerk, Sharon Wolters.

Commissioners approved the minutes from the January 21, 2014 regular meeting.

Commissioners approved the agenda.

Commissioners reviewed the mail.

The chairman reviewed and signed the Treasurer's daily balance sheet envelopes. The clerk attested his signature.

Commissioners approved Payroll # 2 for \$95,650.40.

Commissioners approved voucher #29312-29361 from the following accounts:

General	24,089.36
Co. Health	568.72
Appraiser	36.46
Solid Waste	183.94
R O D Technology	1637.59
TOTAL	\$ 26,914.30

Wolters asked the commissioners to review a note on Health Care prescription reimbursements to be included with pay stubs. Commissioners reviewed and approved the notice.

Phillip Pennington, Road Supervisor, submitted his verbal resignation as road supervisor. Pennington stated that he has additional responsibilities outside of the county road supervisor job that create additional work for him and he does not feel that he can do both jobs in a responsible way. Pennington requested that he be allowed to continue as a road department employee. Sasse indicated that she felt she was willing to accept a verbal resignation at this time but wished to have a written one prior to deciding about future employment status.

Sasse asked Pennington for clarification on the following:

1. Specific reasons for resignation. Pennington indicated that the responsibility for supervising the department and his other commitments were too much for him to balance at this time.
2. Fees charged Rust for tree removal at the F & 180 Roads location. Pennington indicated that the dirt removal from water way was not a water maintenance issue. The county removed the dirt to get more dirt for filling the hole at this location.
3. Sasse asked about NCK Rock Quarry tickets for 2013 for ag lime rock for the F & 180 Road location. Pennington indicated that he was willing to personally take responsibility for any ag-lime rock that was hauled to the hole located at F & 180 Roads after January 1, 2014.
4. Sasse asked about the per ton cost of ag-lime. Pennington reported that it was \$7.00 per ton.
5. Sasse asked for the total cost of work completed at the hole located at 180 & F Roads. Pennington agreed to assist in compiling those figures for Sasse.

Initials RA DP DS

6. Sasse asked about details of why Pennington felt there was authorization for additional rock after January 1, 2014. Pennington indicated that he felt different commissioners individually gave differing advise.
7. Sasse asked why receipts for the pit were not done at this time. Pennington stated that he thought the auditors' instructions were to make sure all Federal Allotment applications and receipts were to be completed in the same year.
8. Sasse asked about cost of rock after January 1, 2014. Pennington repeated that he will ask NCK Quarry to send any bills for ag-lime that were delivered to the pit located at 180 & F Roads to him and not to the county.
9. Sasse asked about patching rock for 190 Road. Fritz and Pennington both indicated that the rock came from the rock stored at the mixing strip which was left due to changes in the completion of the C Road project.
10. Sasse asked if Pennington has completed the road department employee evaluations. Pennington said he has not completed them at this time.
11. Sasse asked Pennington what job he wants if he stepped down from the supervisory position. He would like to continue to be part of the rock crew.

Pennington stated that he has never pushed using the green rock because he was aware of the family connection with NCK Quarry owners. Sasse asked about the amount of rock taken from Pennington's rock pit in 2013. Sasse suggested that we should use other pits and asked about not using any more rock from this or closing the pit. Mogan asked the commissioners not to close the Pennington pit because it was closest to the road work being done in the east part of the county.

Pennington indicated that he has attempted to do the best possible job. He encouraged the commissioners to continue with the mapping project started and using J.R. Rice to continue to build maps for the county that will facilitate in more efficient emergency response information. He also encouraged the commissioners to review all decisions with the new rock foreman in the morning session after officially convening in session so that there would be no misunderstanding in what the commissioners wished to have done and how they wished to do it.

Sasse indicated that the quality of Pennington's work was not being questioned.

Pennington asked if they would accept his resignation. Pickel said he was willing to accept the resignation verbally. Sasse asked to have a written statement for the file. Pennington agreed to write a statement but stated that he wished to have the commissioners and the general public know that no employee misconduct was part of his decision to resign. Pennington stated that he felt that the employees have been working together.

Sasse reported that she visited the road barn recently and that she was told that additional rock was to be hauled to the F & 180 Rds. hole. Pennington stated that no additional green rock was planned; but, felt that the confusion was because he was off of work on the day she visited.

Roger Allen asked about the V Road project. Pennington stated that he believed the commissioners directed him to complete the V Road project before the commissioners had officially started a session one Monday. Sasse asked about timing for the V Rock project. Pennington indicated that the rock hauled on V Road was after January 1, 2014. Mogan stated that it was 13, 14 & 15th of January, 2014. Sasse asked for clarification on the price of rock. The price of \$22.00 per ton is for hauling and for the rock.

Allen thanked Pennington for his good work. Allen stated that he feels attending the State regional meetings is very important.

Initial RA DP AS

Pennington stated that he feels the commissioners need to allot time for viewing the roads. Sasse asked if there was any reason that the road viewing cannot be done on another day and if the road supervisor needs to be there. Allen stated that he is willing to view on another day but feels follow up on Monday afternoons allows for viewing complaints and taking action in the meeting later that day.

Sasse stated that she felt Pennington should have waited to collect additional information before starting projects.

Allen stated that he would like a list of project work and completion. Allen also discussed a request for 280 & Y Roads. Pennington discussed the location. Pennington said that Allen has visited with him.

Pennington reported that his philosophy was to get things done while they were fresh on his mind.

Pennington advised commissioners to continue removing the truss bridges on the bridge list to avoid costly inspections.

Allen asked about the five truss bridges that will be on the inspection list for this year. Pennington said the cost to the county will be high.

Allen asked about maintenance and replacement of traffic strips on the bridge located at 170 Road between Y & Z Roads.

Sasse also reported that the "Wolf Bridge" located on 230 Road needs maintenance similar to the bridge Allen mentioned.

Pennington recommended Mitch Fritz for his replacement as Road Supervisor because he is knowledgeable and has been excellent assistance as Blade Supervisor.

There was some additional discussion about cleaning the waterway and how the hole at 180 & F Roads should have been done. Fritz stated that there was never going to be enough dirt to fill the hole located on 180 & F Roads. Allen stated that he feels the hole has been adequately filled. Allen asked about working with the soil conservation people to correct the water flow at this location. Fritz felt that the east side of the road should still be higher to prevent additional damage.

Sasse asked about the power poles. Fritz stated that the power company has the responsibility for the poles.

Pennington reported that Dennis Nelssen thanked the county road department for completed road work. Sasse stated that she believes employees appreciate positive feedback and has made an effort to communicate positive work efforts to the county employees.

Pennington said that documentation for the record is very important and restated that he believes directions for road projects should be clearly outlined in the meeting each week. Allen asked Wolters if she was willing to create a road work request list as she had done for previous board of commissioners. Wolters agreed to prepare a road list which lists requests received for road work mentioned during the regular business session of the county commission.

Initials RA DP AS

Pickel asked about the bridge on X Road between 200 & 210 Roads. Pennington reviewed an e-mail from DeBoer concerning the bridge. Pennington said that he feels they should follow DeBoer's recommendation for this location.

Commissioners discussed the responsibility the county has for bridges which may be on roads that they wish to close.

Mogan asked about access at 250 & BB Roads.

Allen asked if a road department employee has viewed Lon Seaman's Road. Pennington indicated that he felt the location referenced was 280 Road between X & Y Roads.

Pennington thanked the commissioners for the opportunity he has had to supervise the road department. Commissioners thanked Pennington for his service. Pennington left the meeting.

Dave Tucker joined the meeting and discussed the following:

1. Tucker reported that Jim Wagner & Sons submitted a proposal for removing the hedge. The bid was to keep 60% of the hedge posts and allow the county to have 40% of the posts. **Allen made a motion and Pickel seconded it to hire Integrity Outdoors to remove the hedge** with the county retaining 40% of the hedge posts and Integrity Outdoors keeping 60% of hedge posts. Motion carried unanimously. Tucker agreed to contact Wagner and Kline to notify them that the bid from Wagner was accepted.
2. Tucker asked about coordinating the use of road department equipment at the landfill. Commissioners indicated that they will appoint a supervisor later today.
3. Tucker asked where the commissioners wish to locate the e-waste trailer. Commissioners initially agreed to put the trailer at the road barn. Allen suggested that we locate the trailer for a trial period at the landfill. Commissioners changed their decision and agreed to place the trailer at the landfill. Tucker agreed to contact Osborne County to tell them where to deliver the trailer.

Sasse suggested a temporary appointment of Mitch Fritz until the commissioners can determine how they wish to proceed.

Commissioners contacted Solid Rock Construction about the awning to clarify the type of awning including in the bid. Pickel stated that John Franklin said that a change in the awning construction could be done for approximately \$200.00.

Pickel made a motion and it was seconded by Allen to appoint Burke Phelps to a three year term to the Smith County Public Building Commission Board. Motion carried unanimously.

Commissioners reviewed an invitation to the KAC regional supper in Mitchell County held February 20, 2014. Allen indicated that he cannot attend and Pickel also indicated that he will not be able to attend. Commissioners did not wish to register anyone for the meeting at this time.

Kathy Hansen, Appraiser, joined the meeting and discussed an NRP extension given to Travis Conaway until the end of 2013. Hansen provided current pictures of the project. Commissioners did not wish to extend the NRP project at this time. Hansen agreed to notify the Conaway of the termination of the application.

Initials RA DP AS

Patrick Eastes, EMS Director, joined the meeting and discussed the following:

1. Eastes reported that the Kansas Board of EMS completed their annual inspection last week. Eastes reported that no exceptions were found.
2. Eastes provided quotes for computer updates and replacements. Commissioners reviewed the quotes. Sasse recommended that EMS use Dell as the vendor for the hardware and software including monitors as they were the lowest quote. Commissioners instructed Eastes to order the computers.

Laura Hageman, Health Nurse, discussed the roof repair at the health department. Hageman stated that the EMC Insurance company representative indicated that the roof was likely incorrectly applied. The insurance representative agreed to do some additional research and call back. Hageman also reported that new computers were installed at the health department office.

A motion was made by Sasse and seconded by Pickel to convene in executive session from 10:40 a.m. till 11:15 a.m. for attorney/client advice. Also in the session were Sharon Wolters, Clerk and Alan Rupe, Kutak Rock, per phone. Regular session reconvened at 11:15. No action was taken.

Mitch Fritz, Scott Brewer, Lynn Winslow and Brian Winslow joined the meeting. Brewer asked why the commissioners would contract for the county road department to complete work which can be done by local contractors. Brewer stated that he felt his business opportunities were being thwarted by the county. Brewer asked why the commissioners allowed the trees to be removed on private property located at 180 & F Roads. Sasse indicated that the dirt taken from the tree area will be used to fill the large pit at this location. Sasse reported that Road Supervisor, Phillip Pennington, and Mr. Rust asked about removing the trees at this location in an earlier commissioners' meeting. Mr. Rust stated that he will allow additional dirt from this area to be used for filling the hole if the county will remove the trees. Allen stated that he indicated to Mr. Rust in the earlier session that we do not like to do business that other local contractors can do. Allen stated that Mr. Rust said that he had checked with two local contractors and was not able to get a reasonable agreement. Brewer asked about the cost of filling the pit at this location. Brewer asked if the county has reviewed this project prior to this time. Commissioners indicated that the project has been reviewed many times since the initial damage occurred. Brewer stated that he did not know why county employees were allowed to work on weekends on this project. Fritz stated that the warm weather allowed the frost levels to be more suitable to complete the project. Brewer made some additional comments about the duties of the commissioners. Commissioners indicated that the county will be reimbursed from Federal Allotment funds for filling the hole at this location. Commissioners stated that they have had many requests, including a request from Prairie Land Electric to repair the road at this location. Brewer asked if they will treat all land owners the same in reference to removing trees for a lower price than commercial contractors can remove them. Fritz reported on the county's general practice to work with private landowners when additional dirt is needed for road projects. Brewer reported that he has spoken with Allen and that Allen told him Pennington was instructed to stop hauling rock after January 1, 2014. Brewer asked who will pay for the rock hauled to the 180 & F Road location after the commissioners gave instructions to stop. Sasse indicated that Pennington agreed to pay for the rock. Brewer asked how much the price of the rock will be. Fritz gave an amount of \$7164.22. Brewer stated that he feels he was given inaccurate information by Allen. Sasse instructed Brewer to come to all three of the commissioners as none of the commissioners as individuals can give authority for any county work. Some additional discussion about specifics of local contractors bidding took place. Sasse indicated that she has contacted one local bidder and he did not indicate that he felt he had a conflict with the county. Brian Winslow asked about a way to keep this from happening again. Sasse asked if there was a specific law the gentlemen felt had been violated. Brian Winslow indicated that he did not know of any law which was violated. Sasse stated that a repeat of this situation will likely not occur in the future because the hole which created the opportunity for tree removal will likely not happen again. Brewer continued to discuss road maintenance. Initials RA PP JS

Brewer also asked the commissioners about how much green rock they plan to use in the county. Brewer asked to see numeric evidence of the cost of rock used at this location. Allen discussed the county commissioners' decision to use green rock. Allen reported that the commissioners are continuing to make efforts to compare the two road surfaces longevity. Allen and Sasse stated that they have no future plans to have the road department complete any work in Smith County which can be done by local contractors. Brewer said the county used to allow county employees to do contract business with county equipment during off hours. Commissioners indicated that they do not allow county employees to use the county equipment for personal use. Allen agreed to look for the cost comparison previously received from Pennington; and, to provide Brewer with the information. Lynn Winslow stated that the general condition of the road shoulders was better than in the past. Brewer stated that he felt the commissioners should supervise the road supervisor. Sasse thanked Brewer for coming to the meeting. Fritz reported on our intention to complete road work after the spring weather arrives. Sasse reported on a motion that she made in an early meeting to see what could be done to correct the situation at F & 180 Roads location.

Fritz reported that the county intends to replace the berm on the road at the locations discussed and build it higher than in the past so the damage will not reoccur. Allen discussed burying the trees. Allen did not feel we made any agreement with Rust to bury the trees at the location of the hole.

Brian Winslow, Lynn Winslow and Scott Brewer left the meeting.

Fritz presented a written resignation from Pennington. After a few corrections a **motion was made by Sasse to accept the written resignation of Phillip Pennington as road supervisor.** It was seconded by Allen and passed unanimously. No decision was made on continued employment of Pennington at this time.

Commissioners contacted Roger Rust by phone. Commissioners informed Rust that they were not willing to burn the trees at the location of the large hole located at F & 180 Roads. Mr. Rust felt he had an agreement with the county to burn the trees. Commissioners indicated that they are willing to wave the \$5000.00 fee agreed upon in the earlier meeting with Rust in order to meet with expectations from local contractors and to ensure the contractors that commissioners did not intend to compete against local contracts. Sasse suggested that Rust use the \$5000.00 to hire a local contractor to complete any work he wishes to have done at the location.

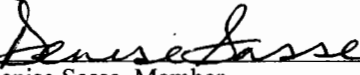
Commissioners discussed who will be available to fill the supervisor's job. Commissioners asked Fritz to serve as interim Road Supervisor until additional information can be collected. Commissioners reviewed the wage scale for the road department. Commissioners asked Fritz if he would take the interim position at \$15.00 per hour. Fritz agreed to act as interim for this wage.

Allen discussed bridge repair on X Road between 200 & 210 Roads. Commissioners reviewed Jerol DeBoer's suggestions for repair. Commissioners agreed to review the repairs after they can determine if the road is closed or still needs to be closed.

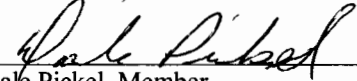
As there was no further business, the meeting was adjourned.



Roger Allen, Chairman



Denise Sasse, Member



Dale Pickel, Member

Attest:

Sharon Wolters, Clerk

These minutes are not official until signed by the county commissioners and attested to by the County Clerk.