

SEWARD COUNTY BOARD OF COMMISSION

DATE: December 16, 2013

TIME: 5:30 p.m.

CALL TO ORDER: Chair Linenbroker

PLEDGE OF ALLEGIANCE: Chair Linenbroker

INVOCATION: Rex Petty (Liberal Ministerial Alliance)

LOCATION: 515 N. Washington
Commission Chambers
Liberal, KS 67901

PRESENT

COMMISSIONERS: Ada Linenbroker
Jim Rice
Doug LaFreniere
Randy Malin
CJ Wettstein

COUNTY ADMINISTRATION: April Warden

CLERK'S OFFICE: Stacia Long

COUNTY COUNSEL: Dan Diepenbrock

CITIZEN COMMENTS: State Representative, Reid Petty commented in regards to support for Second Amendment Rights and encouraged the Commissioners to take down all the signs and not spend an extra \$100,000 of taxpayer money which in his opinion would go against the second amendment. He asked that the Commissioners consider allowing Concealed Carry in all buildings.

Tammy Southerland-Abbott said that she too encouraged the Commissioners to always be steadfast with the protection of our Citizens but also be quite resolved in how they spend our community's money. She referred to and thanked the Commissioners for passing Resolution 2013-4, a Resolution to preserve and protect the second amendment of the Constitution of the United States. She urged the Commissioners to remove the signs from all buildings and to refrain from spending tax dollars to fund the required metal detectors and entrance security.

1. APPROVE AGENDA: ADDITION/DELETIONS

Commissioner Malin moved to approve the agenda. Vice Chair LaFreniere seconded the motion; motion carried 5-0.

2. CONSENT AGENDA

ITEMS	DATE	AMOUNT	NUMBERS
Minutes	December 2, 2013	N/A	N/A
Payroll	December 9, 2013	\$308,004.18	N/A
Payroll (Sage/OK)	December 9, 2013	\$ 18,126.17	N/A
Vouchers	December 16, 2013	\$420,384.45	153923-154210
Crossing Permits	2013-18 & 19		
Abates	\$31,072.42		
Escapes	\$35,769.79		

REQUISITIONS

DEPARTMENT	ITEM	VENDOR	AMOUNT	LINE ITEM
Jail	TS monitor	KSA Industrial Doors	\$5,132.00	3-330-31100-481
Event Center	PTAC Heat & Air Unit	Luck Refrigeration	\$1,029.50	3-100-38800-279
Rural Fire EQ	3 Motorola Radios	Motorola	\$\$4,496.40	3-225-32410-279

Commissioner Rice moved to approve the Consent Agenda. Commissioner Malin seconded the motion; motion carried 5-0.

3. NEW EMPLOYEES

None present.

4. X-TREME FITNESS UPDATE & REQUEST

Mr. Abbott was not present for this item.

Vice Chair LaFreniere moved to table the item till the next meeting. Commissioner Malin seconded the motion; motion carried 5-0.

5. UNCOLLECTABLE/RECEIVABLES WRITE-OFFS

Health Department

Commissioner Wettstein moved to approve the write-off of receivables for the Seward County Health Department that were incurred before January 1, 2012 in the amount of \$4,971.48.

6. ROAD & BRIDGE EQUIPMENT BIDS

Motor Grader

As published in the High Plains Leader & Times on Monday, December 2, 2013 and Monday, December 9, 2013. At 2:00pm on Thursday, December 12, 2013, bids for 1 Motor Grader were opened and read allowed in the County Clerk's Office. Two bids were turned in for consideration.

1. Berry Tractor \$253,400.00 no trade allowance
2. Foley Equipment \$237,467.06 no trade allowance
 \$162,867.06 with trade

Tony Herrman recommended the bid be awarded to Foley Equipment with the trade.

Commissioner Rice moved to accept the bid from Foley Equipment in the amount of \$162,867.06 with trade in. The funds are to come from the Road & Bridge Equipment fund. Commissioner Malin seconded the motion; motion carried 5-0.

Truck

As published in the High Plains Leader & Times on Monday, December 2, 2013 and Monday, December 9, 2013. At 2:00pm on Thursday, December 12, 2013, bids for 1 4X4 Truck were opened and read allowed in the County Clerk's Office. Three bids were turned in for consideration.

1. Chrysler Corner \$25,500.00
2. Stu Emmert's \$28,549.00 - \$1,000 trade allowance
3. Foss Motor \$24,879.00 - \$1,021 trade allowance

Herrman recommended the bid be awarded to Foss Motor in the amount of 23,858.00. He advised that the trade in was a 1995 C2500 with 243,000 miles.

Commissioner Rice moved to approve the bid from Foss Motor Company in the amount of \$23,858.00 out of the Road & Bridge Equipment Fund. Commissioner Malin seconded the motion; motion carried 5-0.

7. GAL CONTRACTS

Commissioner Wettstein moved to approve the Annual Guardian Ad Litem Professional Legal Services Contracts with Christine Larson, Lynn Koehn and Barbara Nash. Vice Chair LaFreniere seconded the motion; motion carried 5-0.

8. GREAT PLAINS DEVELOPMENT DUES

Commissioner Wettstein moved to approve the 2013 County Membership to Great Plains Development in the Amount of

\$4,665.60. Vice Chair LaFreniere seconded the motion; motion carried 5-0.

9. CONCEAL CARRY IN COUNTY BUILDINGS

Two years ago, prior to the law change, the County began discussions with Judge Ambrosier and staff to address security needs in the County Courthouse. A committee met to develop a plan to meet security needs. At budget planning, the County Commissioners allocated \$100,000 in the budget to start the process implementation of adequate security measures for the Seward County Courthouse which houses the County's Judicial Offices of District Court, County Attorney's Office, Juvenile Corrections and Cimarron Basin Community Corrections.

As per the conceal carry law HB 2052 the County submitted a plan to the Attorney General for an extension for the Seward County Courthouse. Judge Ambrosier, District Court Clerk, County Commissioner, County Administrator and Sheriff McBride met in an open work session to review the status of all county buildings, hear recommendations, and have discussion as to how the County would like to proceed in meeting the state law regarding Conceal Carry. Discussions from the work session were to exempt all County Buildings, with the exception of the Law Enforcement Center and Seward County Courthouse.

After much discussion on this issue, the following motion was made.

Commissioner Wettstein made a motion regarding the concealed carry of firearms in county buildings in accordance with HB 2052, and to Adopt Resolution 2013-16 that will permit concealed carry in all buildings except for the following:

County building known as Seward County Courthouse, located at 415 N Washington Ave, Liberal Kansas.

And

County Building known as Seward County Law Enforcement Center, Located at 501 N Washington Ave. Liberal, KS

Vice Chair LaFreniere seconded the motion;

The item was then discussed further.

It was pointed out that it is the Authority of the Sheriff to decide to limit concealed or unconcealed carry into the Law Enforcement Center. It is also the authority of the Chief District Judge of the 26th Judicial District to decide to limit in the Courtrooms at the Courthouse.

Diepenbrock said he feels that the County was treading on new territory, but the State Statute clearly defines adequate security Measures.

Legal Counsel, Dan Diepenbrock said a decision regarding concealed carry was of the utmost urgency because it is the last regular scheduled meeting for the Commission for 2013. With the December 31st deadline, he suggested that an attempt be made to adopt a resolution to address this issue.

Diepenbrock then read an excerpt from Resolution 2013-16 which was amended from its original form, to read as follows.

WHEREAS, it is in the desire and intent of the board to comply with and timely implement the mandates of H.B. 2052 by adoption of this resolution.

NOW THEREFORE, IT IS RESOLVED, as follows:

Section 1:

A person licensed to carry a concealed firearm in accordance with Kansas law shall be permitted to carry in all county buildings.

Section 2:

Nothing in this resolution shall limit the ability of the Seward County Sheriff's Office from prohibiting concealed or unconcealed carry into any secure area of the Law Enforcement Center located at 501 North Washington Avenue, Liberal, Kansas, as determined by the Sheriff of Seward County.

Section 3:

Nothing in this resolution shall limit the ability of the Chief District Judge of the 26th Judicial District from prohibiting concealed or unconcealed carry into courtrooms or ancillary courtrooms at the courthouse located at 415 North Washington Avenue, Liberal, Kansas, if other means of security are utilized, in compliance with H.B. 2052.

Section 4:

Nothing in this resolution shall limit the ability of the board from restricting by implementation of personnel policies a county employee's concealed carry of firearms on county property.

Commissioner Wettstein moved to approve Resolution 2013-16 as read by Legal Counsel. Vice Chair LaFreniere seconded the motion; motion carried 5-0.

To see Resolution 2013-13 in its entirety, see page 9.

10. KANSAS NATURAL RESOURCES COALITION

After discussion on this item, April Warden, County Administrator was directed to research exactly how much the county has paid to the KNRA and how much we owe. She will bring it back before the commissioners in a later meeting.

11. SPRINGFIELD CEMETERY

Commissioner Wettstein advised that he was approached by the landowner where Springfield Cemetery is located. The Landowner said that he would be willing to mow and maintain the grass around the Cemetery if the County would be willing to purchase the seed and plant it. Commissioner Wettstein estimated the cost to be approximately \$1,000.00 to seed a 7 acre corner.

This item was tabled for further research. The Clerk was asked to research what township the cemetery is located in and to see if they have a budget to possibly fund this project.

12. COUNCIL ON AGING BOARD APPOINTMENTS

There are three openings on the COA Board, and four applications have been received. To simplify the process, each commissioner was given a ballot with all four names and asked to vote for three. The ballot is signed by each commissioner and will become a part of the Official Minutes.

- Mary Lloyd 5 votes
- Elmer (Toby) Hale 2 votes
- Karen Rinehart 4 votes
- Darrell Long 4 votes

Commissioner Wettstein moved to appoint Mary Lloyd, Karen Rinehart and Darrell Long to the COA Board with the terms set to expire on December 31, 2016. Commissioner Malin seconded the motion; motion carried 5-0.

13. JEDC BOARD APPOINTMENTS

There is 1 vacancy on the JEDC Board (Three year term). Two applications were turned in for consideration. A ballot was given to each of the Commissioners and will be included in the Official Minutes. The Commissioners were asked to vote for one.

- Michael Brond 5 votes
- Jack Taylor 0 votes

Commissioner Wettstein moved to appoint Michael Brond to the JEDC Board with the term set to expire on December 31, 2016. Vice Chair LaFreniere seconded the motion; motion carried 5-0.

14. RURAL FIRE BOARD APPOINTMENTS

The Rural Fire Board has five one-year positions for appointment. Five applications were received.

Commissioner Rice moved to appoint the following applicants to the Rural Fire Board for a term set to expire December 31, 2014:

**Rustin Wettstein
John Lee
Greg Freelove
Christine Standard
Rodney Lewis**

Commissioner Malin seconded the motion; motion carried 5-0.

15. PLANNING & ZONING BOARD APPOINTMENTS

There are two open vacancies on the Planning & Zoning Board. There is one vacancy from the Liberal area and the other from the Kismet area. No applications were received for the Liberal area position, leaving the vacancy unfilled. We only received the appointment of Gary Wyrick from the City of Kismet to be confirmed by the Seward County Commission to the P&Z Board.

Commissioner Wettstein moved to re-appoint Gary Wyrick from Kismet to the Planning & Zoning Board for a term set to expire December 31, 2016. Commissioner Malin seconded the motion; motion carried 5-0.

16. EXECUTIVE SESSION

Legal

Commissioner Malin moved to recess into executive session for consultation with our attorney which would be deemed privileged in the attorney client relationship under K.S.A. 75-4319(b)(2) for 25 minutes, to include Sheriff Bill McBride for a portion, Dan Diepenbrock, County Counsel, and April Warden, County Administrator, to reconvene in the Commission Chambers at 7:20 p.m. Vice Chair LaFreniere seconded the motion; motion carried 5-0.

The meeting recessed into Executive Session at 6:55pm.

Sheriff McBride left Executive Session at 7:05pm

The meeting resumed at 7:20pm

No action was taken as a result of the Executive Session.

17. ADMINISTRATION COMMENTS

April Warden, County Administrator, presented an update to the Commission.

18. COMMISSION COMMENTS

Each of the commissioners had an opportunity to report on liaison meetings they had attended during the last two weeks.

19. SUGGESTION CARDS

There were no suggestion cards.

ADJOURN

Commissioner Rice moved to adjourn. Commissioner Malin seconded the motion; motion carried 5-0.

The meeting adjourned at 7:30 p.m.

Ada Linenbroker, Chairperson
Seward County Commission

Stacia D. Long
Seward County Clerk

RESOLUTION 2013 - 16

A RESOLUTION IN ACCORDANCE WITH H.B. 2052 PERTAINING TO THE CONCEALED AND UNCONCEALED CARRY OF FIREARMS IN COUNTY BUILDINGS

WHEREAS, by enactment of H.B. 2052, the Kansas legislature has mandated that effective July 1, 2013, the concealed carry of firearms in county buildings cannot be prohibited unless "adequate security measures" are in place;

WHEREAS, H.B. 2052 does not limit the ability of law enforcement agencies from prohibiting concealed or unconcealed carry into any secure area as determined by said agency;

WHEREAS, the Chief Judge of a judicial district may prohibit concealed carry by any person into a courtroom or ancillary courtrooms within the district if other means of security are utilized;

WHEREAS, the Board of Seward County Commissioners ("the board") duly exempted Seward County from H.B. 2052 until January 1, 2014, by so notifying the Attorney General by letter in accordance with H.B. 2052;

WHEREAS, it is in the desire and intent of the board to comply with and timely implement the mandates of H.B. 2052 by adoption of this resolution.

NOW THEREFORE, IT IS RESOLVED, as follows:

Section 1:

A person licensed to carry a concealed firearm in accordance with Kansas law shall be permitted to carry in all county buildings.

Section 2:

Nothing in this resolution shall limit the ability of the Seward County Sheriff's Office from prohibiting concealed or unconcealed carry into any secure area of the Law Enforcement Center located at 501 North Washington Avenue, Liberal, Kansas, as determined by the Sheriff of Seward County.

Section 3:

Nothing in this resolution shall limit the ability of the Chief District Judge of the 26th Judicial District from prohibiting concealed or unconcealed carry into courtrooms or ancillary courtrooms at the courthouse located at 415 North Washington Avenue, Liberal, Kansas, if other means of security are utilized, in compliance with H.B. 2052.

Section 4:

Nothing in this resolution shall limit the ability of the board from restricting by implementation of personnel policies a county employee's concealed carry of firearms on county property.

ADOPTED this 16th day of December, 2013 by the Board of County Commissioners of Seward County, Kansas.

THE BOARD OF COUNTY COMMISSIONERS

Ada Linenbroker, Chair

ATTEST:

Stacia D. Long, County Clerk