

**LYON COUNTY COMMISSION MINUTES  
APRIL 29, 2010**

The Board of Lyon County Commissioners met in Action Session at 8:00 a.m. in the Commission Chambers with the following people in attendance:

Scott Briggs, Chairman  
Teresa Walters, Commissioner  
Marc Goodman, County Counselor

Rollie Martin, Vice Chairman  
Tammy Vopat, Lyon County Clerk  
Dan Slater, Controller

Others attending part of the meeting were:

Brandy Nance, Gazette Reporter  
Warren Chip Woods, County Engineer  
Dick Ross, Shop Supv., Road & Bridge  
Rick Frevert, Emergency Manager  
Dan & Jan Smoots, Fanestil's Meats  
Don Krueger, Attorney  
Jan Jeffries, ESB Financial  
K.B. Thomas

Fred Kurzen, Road & Bridge  
Jim Brull, Asst. County Engineer  
Russell Torrens, Noxious Weed Dir.  
Gary Eichorn, Sheriff  
Wayne Symmonds  
Chuck Samples, KVOE Reporter  
Laurie Hollembeak, HR Dir./Payroll

Call to Order

**Motion:** To Approve the Agenda as amended. Briggs/Martin 3-0

**Motion:** To Approve the Consent Agenda as follows: Walters/Martin 3-0

- A) Warrants Payable 4-30-10 in the amount of \$130,370.46.
- B) Payroll Payable 4-30-10 in the amount of \$228,119.88.
- C) Payroll Withholdings payable 4-30-10 in the amount of \$129,792.89.
- D) Minutes of the 4-22-10 meeting.

Reports

Dan Slater:

- Sales tax numbers are down, no explanation.
- Interest rates are showing improvement.
- Still working with Orion & CIC.
- Received a call from Holly French, regarding the PBC accounts for payment.

Tammy Vopat:

- We have received a request for a fence viewing at Road 110 and Road M.
- Clerk training went very well. Thank you to Deputy Linebarger for covering in my absence.
- I have been nominated for the Secretary position on the NEKCO Assoc. board.
- I will be attending the Clerks Conference in Topeka, May 4<sup>th</sup> – May 7<sup>th</sup>.

Deputy Linebarger, Election Deputy, Roxanne Ashlock and Election Deputy Asst., Heather Dill will also be attending the mandatory HAVA training on Thursday only.

Marc Goodman:

- Next Tuesday will attend JEDAC.

Commissioner Martin:

- Attended the Council on Aging meeting on Monday morning.
- May is “Older Americans Month”.
- The new bus for L-CAT is here, it was funded by the stimulus money.
- KDOT is installing the GPS system for the LCAT buses also funded by the stimulus money.
- Will attend the JEDAC meeting on Tuesday.
- Will attend the KCCA (Kansas County Commission Assoc.) Conference next week.
- Would like to inform the press, there will be no Study Session next Wednesday.
- Will attend the Lyon County Extension Board meeting on Wednesday, May 5<sup>th</sup>.
- Thank you to KDOT on the information given on the possibility of a Regional Public Transportation System.
- Thank you to the KDOT & BNSF officials for informative meeting while viewing the railroad crossing.
- Enjoyed traveling through the part of the county that I had not been through.

Commissioner Walters:

- Attended a meeting in Cottonwood Falls last Thursday regarding the Flint Hills Legacy Conservation Area.
- Saturday was the final Eggs & Issues session which ended with the City Commission.
- Plan to attend the program on how judges are selected; the program is co-sponsored by the League of Women Voter’s.
- I am on the nominating committee for the Flint Hills Technical College Board. In addition to replacing the officers, we have been asked to nominate an “at large” member and Dean Hollembeak asked us to consider someone in the area (neighboring counties), that the college serves, rather than only Emporia. If you know of someone who might be interested, let me know. We need to submit our nominations by the next meeting on May 10<sup>th</sup>.
- Next Tuesday and Wednesday will be attending the KCCA Conference in Junction City.
- Hetlinger’s clients are working at the zoo’s concession stand again, Monday – Friday 11:00 a.m. – 1:00 p.m.

Commissioner Briggs:

- Drove around the county and looked at the flood damage on Saturday.
- Will continue to work with KDOT and BNSF to resolve issues related to the road viewing.

- Thank you to all who attended the road viewing at the railroad crossing.

Chip Woods: The filters and maintenance cost will be approximately \$10,000. Also, a five year warranty is included.

**Motion:** Approve purchase of two (2) Caterpillar 12M motor graders from Foley Equipment for \$284,349.00 which includes the trade-in of D100, a 1997 Caterpillar 140H and D103, a 1993 Dresser 850, to be paid as follows: \$242,091.50 from Fund 0-17-00-0401-40 and \$42,257.50 from Fund 42. Briggs/Martin 3-0

Marc Goodman noted: bid accepted is not lowest, but within the percentage allowed variation, also bids are not of like equipment, but individualized.

Chip Woods reported that William Eubanks is requesting a culvert which will change the natural course of the water flow.

**Motion:** To move to Executive Session, Legal with Commissioners, Marc Goodman, Michael Halleran, Chip Woods and Jim Brull, to return at 8:50 a.m. Briggs/Walters 3-0

Meeting reconvened at 8:50 a.m., request for extension, to return at 9:05. Chip Woods and Jim Brull were excused from the meeting and Dan Slater joined the meeting at 8:50 a.m. Meeting reconvened at 9:10 a.m. with information.

Russell Torrens, Noxious Weed Director discussed the bids for the 2010 chemicals.

**Motion:** To Accept 2010 Chemical treatment season bid from Van Deist Supply Co., Iola, Kansas in the amount of \$145,640.16, to be paid from the Noxious Weed Department Fund 0-26-00-0307. Commissioner Briggs stated that Van Diest Supply Co. has low bid and no local company bid within the 5% margin that we have allowed to local bidders in the past. Briggs/Walters 3-0

**Motion:** To move to Executive Session, NEP with Commissioners and Russell Torrens, to return at 9:30 a.m. Briggs/Walters 3-0

Meeting reconvened at 9:28 a.m.

Discussion of fence viewing request submitted by John Flott.  
Fence viewing for Road 110 & Road M will take place on May 12, 2010 at 11:00 a.m.

Break

Public Comment Time: No one present to comment.

**Motion:** To move to Executive Session, Legal with Commissioners, Marc Goodman, Michael Halleran and Dan Slater, to return at 10:00 a.m. Briggs/Walters 3-0  
Meeting reconvened at 10:00 a.m. with information.

Discussion of FEMA Grant Application. Dan Smoots explained the reason for the Grant Application which started with the flooding issues and has been an ongoing process over several years. State indicated that we needed the county or the city backing. The application was submitted and the federal government rejected it. New revisions were made due to changes in rules. The grant was then approved by the federal government. In October we received official approval. Fanestil's has 81 employees with a 50% growth over the last 10 years. Fanestil's is working on a location in Emporia, looked at the Lenza building. Continue to work with the city and want to find a location in Emporia, Emporia is my home and this is where we want to be.

Dan Slater explained the grant ownership. Designed to move the business and return the property to green space. FEMA wants the project complete by August 2011. Auditing concerns, Lyon County would be the pass through of the grant

Discussion followed of funds available.

Commissioner Briggs talked about his appreciation of Fanestil's Meat and keeping those jobs and this business in Lyon County.  
Would like to have seen the RDA members in this meeting today.

Mr. Symmonds voiced his involvement along with Jan Jeffries from ESB Financial. The Small Business Association has watched the business grow and develop and has the potential to further their success. I know the desire Mr. & Mrs. Smoots have to stay in Emporia. It's a good company, good backing and desire to move forward.

Jan Jeffries: Would echo everything Mr. Symmonds stated.

Commissioner Walters talked about the risks involved and the time limitations. We want to keep you operating. We recognize and acknowledge your success.

Commissioner Martin stated that Lyon County's role is to turn the area into a green space and Mr. Smoot's role is to relocate in Emporia. The time issues will be very stressful.

Discussion followed on relocation and working with the city in coming to an agreement.

**Motion:** To Approve Chairman signing the Local Assistant Agreement for Hazard Mitigation Grant Program with S&S Quality meats and Lyon County, Kansas.

Martin/Walters 3-0

**Motion:** To Accept the Kansas Emergency Management Mitigation Programs Grant Agreement with Lyon County, Kansas. FEMA-DR-1711-KS-0011. Briggs/Walters 3-0

Commissioner Martin, want to reiterate the roles and the importance of the relocation of the business and turning the area back to green space.

Commissioner Briggs expressed that he hopes everything works out well.

Mr. Smoots appreciate the support of the County and looks forward to completion of the project.

**Motion:** To move to Executive Session, Legal with Commissioners, Marc Goodman and Michael Halleran, to return at 10:55 a.m. Briggs/Walters 3-0  
Meeting reconvened at 10:55 a.m. with information.

Rick Frevert, Emergency Manager: Reported the paging system for rural fire department is not satisfactory. There is a grant available and would like to move forward to qualify for funds. There is a 5% match involved. We are still looking at all the options. EOC training dates are set, more information is coming.

**Motion:** To move to Executive Session, Legal with Commissioners and Marc Goodman, to return at 11:15 a.m. Briggs/Walters 3-0  
Meeting reconvened at 11:18 a.m.

**Motion:** To move to Executive Session, Non-Elected Personnel with Commissioners and Laurie Hollembeak, to return at 11:30 a.m. Briggs/Walters 3-0  
Meeting reconvened at 11:27 a.m.

**Motion:** To Adjourn. Briggs/Walters 3-0

**There being no further business to come before the Board, the next Action Session will take place on May 6, 2010. There will be no Study Session on May 5, 2010.**

Attest:

Affirm:

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Tammy Vopat  
Lyon County Clerk

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Scott Briggs, Chairman  
Lyon County Commission