

Thomas County Commission – REGULAR MEETING

September 21, 2020

CALL TO ORDER

Chairman Mike Baughn called the REGULAR Commissioners Meeting to order at 9:00 a.m. in the Commissioners room of the Thomas County Courthouse on Monday, September 21, 2020 with Commissioners Brad Flipse and Francis Britton, County Clerk Shelly Harms, EMS Director Dain Carmen, Emergency Management Director David Becker, I.T. Director Brent Mariman, Jim Harms, County Health Administrator Emily Strange, Niki Moss w/ABB&B, County Attorney Rachel Lamm, County Attorney nominee Chris Rohr, Jake Cox, Sheriff Tom Nickols, and County Commissioner District #2 nominee Brian Luedke. 20 plus parents, students, and business owners gathered in the Commissioners room, Courthouse hallway, or through GoToMeeting.

AGENDA: *Commissioner Francis Britton moved to approve the agenda as amended to include the following: Resignation of County Health Officer Derek Totten, COVID-19 situation, EXECUTIVE SESSION on non-elected personnel (County Attorney nominee staff); the motion was seconded by Commissioner Brad Flipse; with no further discussion the motion carried unanimously.*

RESIGNATION OF COUNTY HEALTH OFFICER: *Chairman Mike Baughn regretfully moved to accept Dr. Derek Totten's resignation effective 8:00 a.m. today, Monday, September 21, 2020; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

2019 THOMAS COUNTY AUDIT DELIVERY: Niki Moss with ABB&B appeared before the Commissioners to present them with their findings during the Thomas County's audit preparation. Niki presented each Commissioners, County Clerk and County Treasurer with the Independent Auditors' Report for the Year Ended December 31, 2019. Niki brought the following pages to the attention of the Commissioners for their review: Page 1, 4-10 (KSA Violation note 9), page 13 (COVID-19 note 18), page 14 (purchase of EMS Building and Criminal Justice Center change orders), pages 15-17 (detailed fund pages), Management letter with notation on segregation of duties, and Governance letter (Audit Recommendations section). *Commissioner Francis Britton moved to accept the Primary Government Financial Statement with Independent Auditors' Report for the Year Ended December 31, 2019 as presented by Niki Moss of ABB&B; the motion was seconded by Commissioner Brad Flipse; with no further discussion the motion carried unanimously.*

CRIMINAL JUSTICE CENTER PARKING LOT & DRIVE LANE PLAN: The Commissioners and KBS Constructors received an email from Jerol DeBoer of Penco Engineering with revised estimates for the project. Penco Engineering has been asked to help with getting pricing on both the North and East Courthouse parking lots. Chairman Baughn will work with both KBS Constructors, Inc. and Penco Engineering, P.A. According to Chairman Baughn the Sheriff, Jail, I.T. and Dispatch will be moving into the new Criminal Justice Center in November with access to the building will only be on the East side of the Criminal Justice Center.

MONDAY, SEPTEMBER 14 COMMISSION MINUTES: *With minor corrections Commissioner Brad Flipse moved to approve the Monday, September 14, 2020 Commission Minutes as prepared by County Clerk Shelly Harms; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

AP PAYMENT REGISTER(S): *Commissioner Francis Britton moved to approve the following AP Payment Registers after reviewing invoices: Courthouse General - \$63,675.84 and Criminal Justice Center - \$739,702.00; the motion was seconded by Commissioner Brad Flipse; with no further discussion the motion carried unanimously.*

RESOLUTION 2020-18: PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY THOMAS COUNTY, KANSAS: *Commissioner Brad Flipse moved to adopt Resolution 2020-18; a Resolution providing for the sale of Surplus Property by Thomas County, Kansas; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

COVID-19 DISCUSSION (PUBLIC): Chairman Mike Baughn invited anyone from the public to come forward and speak with concerns of COVID-19, quarantines and questions of the Health Department. Lydia Rinehart, Senior Class President at U.S.D. #315, Kourtney Finley, Amanda Neitzel, LeAnna Soehner, Todd Stramel, Brian Luedke, Commissioner District #2 nominee, Lance Bolyard, businessman, Darlene Lindskog, former County Health RN (resigned Friday, September 18, 2020), Linda Sowers, Sondra Finley, Deanna Snider, Melissa Stramel, Ron Alexander, Megan Jox?, Daniel Leebrick were among the few that spoke and / or read statements (on record). All raising concerns / questions / opinions on the decisions / actions taken by the County Health Department regarding testing, quarantining of students, sports teams, and announcing over social media. Chairman Baughn stated that the County Health Department operates under the rules set forth by the County Health Officer (now resigned), Secretary of Local Health, KDHE, and CDC. K.S.A. 65-122,123,126,129b are the controlling statute. Emily Strange, County Health Administrator (very emotional) stated that she supports her staff 100%, they have all be ridiculed over the phone and social media. Ms. Strange has been serving public health for thirty (30) plus years. The Health Department must follow the guidance from the County Health Officer (now resigned) and KDHE, we are doing our jobs and are here to protect the community and apologizes if they're not popular with the citizens. We are careful to not release names, but will provide dates, location and times of possible contamination. We have been working seven (7) days performing test, contacting individuals, writing grants, and catching up on normal daily work. County Attorney Lamm stated that County employees along with Elected Officials must comply with the law, you can opt-out partial or full of the Governor's Executive Orders and KDHE will start issuing quarantine orders if the County Health Officer (now resigned) does nothing. Katina Brenn, U.S.D. #315 Superintendent spoke and their goal is to keep the kids in school; as is County Health Administrator's goal. Chairman Baughn ceased all public comment with each Commissioner making statements to those in attendance and commended Emily and her staff and for handling all the various obstacles they've encountered as well as the verbal attacks Dr. Totten and his family have encountered. Chairman Baughn moved to recess from this to another agenda item that is scheduled at 10:00 a.m.

SELECTION OF BANK FOR COURTHOUSE ENERGY EFFICIENCY PROJECT: *Commissioner Brad Flipse moved to accept Farmers & Merchants Bank of Colby, Kansas with a 2.65% rate; the motion was seconded by Chairman Mike Baughn; with no further discussion the motion carried unanimously. Commissioner Brad Flipse moved to lock in with the ten (10) year financing term; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.* Charlie Zitnik of D.A. Davidson will move forward by contacting Farmers & Merchants Bank of Colby, Kansas.

EXECUTIVE SESSION: *Chairman Mike Baughn moved to go into EXECUTIVE SESSION at 11:05 a.m. for fifteen (15) minutes to discuss Attorney-Client Privilege (Legal Advice) with all the Commissioners and County Attorney Rachel Lamm and to return to OPEN SESSION at 11:20 a.m. in the Commissioners room; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

OPEN SESSION: *With no binding action Chairman Mike Baughn moved to return to OPEN SESSION at 11:20 a.m. in the Commissioners room; the motion was seconded by Commissioner Brad Flipse; with no further discussion the motion carried unanimously.*

RETURNING TO COVID-19 DISCUSSION (PUBLIC): Chairman Mike Baughn recommends all those concerns with KDHE direction to contact their Kansas Representatives and to look at K.S.A. 65-129c which gives you avenue of redress that can be taken under Section D, need to retain their own legal

counsel if seeking redress through the courts.. With no action taken at this time Chairman Baughn closed the COVID-19 discussion and thanking everyone for their attendance, we will stand in recess until 11:30 a.m.

AMEND THE AGENDA: *Chairman Mike Baughn moved to amend the agenda to include Loading Ramp Rental Agreement; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

EXECUTIVE SESSION: *Chairman Mike Baughn moved to go into EXECUTIVE SESSION at 11:33 a.m. for five (5) minutes to discuss non-elected personnel matters (County Attorney nominee elect staff) with all the Commissioners and Chris Rohr, County Attorney nominee elect and to return to OPEN SESSION at 11:38 a.m. in the Commissioners room; the motion was seconded by Commissioner Brad Flipse; with no further discussion the motion carried unanimously.*

OPEN SESSION: *With no binding action Commissioner Francis Britton moved to return to OPEN SESSION at 11:38 a.m. in the Commissioners room; the motion was seconded by Commissioner Brad Flipse; with no further discussion the motion carried unanimously.*

EXECUTIVE SESSION: *Chairman Mike Baughn moved to go into EXECUTIVE SESSION at 11:38 a.m. for ten (10) minutes to discuss non-elected personnel matters (County Attorney nominee elect staff) with all the Commissioners and Chris Rohr, County Attorney nominee elect and to return to OPEN SESSION at 11:48 a.m. in the Commissioners room; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

OPEN SESSION: *With no binding action Chairman Mike Baughn moved to return to OPEN SESSION at 11:48 a.m. in the Commissioners room; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

COUNTY HEALTH GRANTS: 1. County Health Administrator Emily Strange appeared before the Commissioners to let them know that the County was awarded 100% of the Coronavirus Relief Fund/SPARK Opportunity for Kansas Local Health Departments (CRF) that she applied for. The local health department will receive \$107,500.00; these funds will be used for vehicle purchase and an additional building behind the Office Complex; all funds must be expended by December 30, 2020. *Chairman Mike Baughn moved to authorize County Health Administrator Emily Strange in formulating bid specs for purchasing a vehicle and building; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.* 2. Proposal to Provide HIPAA Security Risk Analysis or PYA Overwatch Program Services. 3. ELC COVID-19 Care Resource Coordination has awarded \$60,000 through the Epidemiology and Laboratory Capacity Cooperative Agreement, which is funded through the federal Paycheck Protection Program and Health Care Enhancement Act to County Health; all funds must be expended by November 30, 2022. #4. ELC COVID-19 Expanded Testing has awarded \$190,012.21 through the Epidemiology and Laboratory Capacity Cooperative Agreement, which is funded through the federal Paycheck Protection Program and Health Care Enhancement Act to County Health; all funds must be expended by November 30, 2022. These funds may be used retroactively for expenses incurred on or after January 20, 2020. *Chairman Mike Baughn moved to authorize County Health Administrator Emily Strange pursue hiring both part-time and full-time (temporary through 2022) to help with the COVID-19 testing and with purchasing a trailer, immunization clinics, etc.; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.* The County Health Departments grant writing is an additional benefit to our Community and the Commissioners appreciates all their hard work.

LOADING RAMP RENTAL AGREEMENT: *Commissioner Brad Flipse moved to table this to Wednesday, September 30, 2020 to allow more time to study the 'Agreement' as drafted by County Attorney Rachel Lamm; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

COUNTY HEALTH OFFICER APPOINTMENT: Commissioner Brad Flipse will conduct an interview of Colby Physician's to see if any of them are willing to take on the task of becoming our County Health Officer now that Dr. Totten has resigned his position effective this morning.

KAC CERTIFICATION OF VOTING DELEGATE AND ALTERNATES: *Chairman Mike Baughn moved to appoint Commissioner Brad Flipse as Delegate, Commissioner Francis Britton as 1st Alternate and himself as 2nd Alternate; the motion was seconded by Commissioner Francis Britton; with no further discussion the motion carried unanimously.*

MISCELLANEOUS ITEMS: With no action needed the Commissioners reviewed the items as listed on the agenda under Other Information.

ADJOURN: *With no further business Commissioner Brad Flipse moved to adjourn at 12:03 p.m.; the motion was seconded by Commissioner Francis Britton with no further discussion the motion carried unanimously.*

Attest:

Shelly A. Harms, County Clerk

Shelly A. Harms

Dated: September 30, 2020



Thomas County Board of Commissioners

Mike Baughn
Mike Baughn, Chairman

Brad Flipse
Brad Flipse, Member

Francis Britton
Francis Britton, Member