

**Board of County Commissioners Regular Meeting**  
**December 19, 2022**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Chairman Mike Baughn called the REGULAR Commissioners Meeting to order at 9:00 a.m. at the Thomas County Historical Courthouse on Monday, December 19, 2022; followed by the flag salute (Pledge of Allegiance) with Commissioner Brad Flipse, Commissioner Brian Luedke, County Attorney Chris Rohr, County Clerk Keesa Mariman, Emergency Management Director David Becker, Landfill Supervisor Travis Williby, Economic Development Director Jordan Stephenson?, Maintenance Director Josh Faber, Michelle Morris, Assistant Administrator Kendra Glassman, Bob Standage, Chris Carey, Jim Hutfles, Colby Free Press Reporter Sloane Enninga.

**WELCOME AND ANNOUNCEMENTS:** Zoom meeting tomorrow at 2:00 P.M. for the KS Open Meetings Act.

**PUBLIC COMMENT:** No comments.

**AGENDA ADDITIONS/REVISIONS:** Commissioner Brian Luedke made a motion to approve the agenda with the amendment of adding Resolution 2022-15-Rezoning, 2022-16-ROZ, Non-Action-MILCO Report, Discussion on Letter received from District Court Administrator; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**ASPHALT BID OPENING:** Only one bid was received from McCormick Excavation & Paving in the amount of \$1,335,840.00 for 14,520 tons of 1.5' HMA Overlay at \$92/ton. This is also with 762 Tons 5% Variance Existing Roadway at \$92/ton. This project stated that it cannot be started until August 2023 or later. Supervisor Clair Schrock is hesitant on the wait until August, but they need to get on the list to get it done regardless. This would come out of the Asphalt fund and/or Special Highway fund. Commissioner Brad Flipse recommended that County Attorney Chris Rohr and Clair Schrock review this and make sure there are no gaps or holes in the agreement.

**PLANNING COMMISSION APPOINTEE:** Sue Evans' term is expiring and she is willing to serve another 3-year term. Chairman Mike Baughn made a recommendation to renew Sue Evans. Commissioner Brad Flipse made a motion to appoint Sue Evans to the Planning Commission for another 3-year term; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**CEREAL MALT BEVERAGE LICENSES:** Commission was presented with a Cereal Malt Beverage License application from Qwik Fuel, LLC/J.J. Travel Plaza located at 465 US HWY 83, Oakley, KS 67748. Commissioner Brad Flipse made a motion to approve upon receiving payment for the application fee; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

A second Cereal Malt Beverage License was received from the Thomas County Fair Board located at 1100 W Cedar Street, Colby, KS 67701. Commissioner Brian Luedke made a motion to approve the Cereal Malt Beverage Application from the Thomas County Fair Board; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

**PAYROLL CHANGES/PROMOTIONS:** Commission was presented with Payroll requests for the following Health Department Employees:

Laurel Jackson will be taking on additional job duties, and her salary increase is above the matrix due to the additional tasks placed upon her. Commissioner Brian Luedke made a motion to approve a salary increase from \$16.07/hour to \$18.00/hour effective 12/23/2022; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

Monique Eaton will be taking on Supervisor duties once Health Administrator Emily Strange retires. Brad Flipse made a motion to approve a salary increase from \$29/hour to \$32.00/hour effective 12/23/2022; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

Assistant Administrator Kendra Glassman will become the Health Administrator when Emily Strange retires from this position, and will be taking on additional duties. Commissioner Brad Flipse made a motion to approve a salary increase from \$30.00/hour to \$34.00/hour; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**ANNEX BUILDING ROOM PROPOSAL:** The Health Department presented a bid from Bill Mariman in the amount of \$9,740 for the purpose of adding a room in the Annex Building at the health department. Commissioner Brian Luedke made a motion to approve the bid to be paid with the ELC Covid Expense Grant; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

**ELECTRIC PROPOSAL FOR DIGITAL SIGN:** The Health Department presented a bid from Jim's Electric for a breaker panel for the recently purchased Digital Sign at the Office Complex in the amount of \$8,300 which will be purchased with grant dollars. Commissioner Brian Luedke made a motion to approve the bid from Jim's Electric in the amount of \$8,300; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

**TAX ROLL CORRECTIONS:** Commissioner Brian Luedke made a motion to approve the following tax roll corrections:

2022 Personal Property Abatement for Alexander and Justine Dalke with a net change in tax dollars of -\$339.32  
2022 Personal Property Abatement for Sandy Kriss with a net change in tax dollars of -\$52.44  
2022 Personal Property Abatement for Ryan & Brandi Wark with a net change in tax dollars of -\$515.10  
2022 Trucks Abatement for Kern Farms Inc with a net change in tax dollars of -\$936.14  
2022 Personal Property Abatement for Gary Schuette with a net change in tax dollars of -\$142.48  
2022 Severed Minerals Abatement for Mike Schroeder with a net change in tax dollars of -\$20.80  
2022 Severed Minerals Abatement for Mike & Kathryn Schroeder with a net change in tax dollars of -\$21.60  
2022 Trucks Abatement for Ronald Dible with a net change in tax dollars of -\$601.62  
2022 Trucks Abatement for Ronald Dible with a net change in tax dollars of -\$722.86  
2022 Personal Property Abatement for Francis & Tammy Jurek with a net change in tax dollars of -\$13.54

The motion was seconded by Commissioner Brad Flipse, but then Commissioner Brad Flipse recalled the motion. Commissioner Brad Flipse made a motion to approve all but the Ronald Dible Abatements until more information is cleared; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

After discussion with Treasurer Layn Bruggeman, Commissioner Brad Flipse made a motion to approve the final two abatements for Ronald Dible; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**APPROVE NOV 21, 30, DEC 5 & 12 MINUTES:** Commissioner Brian Luedke made a motion to approve the Commission Minutes for November 21, 30, December 5 and 12 as presented; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

**APPROVE AP: Commissioner Brian Luedke made a motion to approve the Accounts Payable Payment Registers as follows: Courthouse General \$70,867.94 and \$228,161.17 (as reviewed by both County Attorney Chris Rohr and Commissioner Brian Luedke); the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.**

**LANDFILL ISSUE/HIGH PLAINS COOP:** Bob Standage explained that this last summer High Plains Coop had a fuel spill problem. As part of their process, they hire an environmental engineer to take care of the process to get it cleaned up. As part of this, the engineer, Chris Carey, asked the Landfill if they would take the soil as cover, in which the Landfill Director agreed they could take the soil. Carey then sent an email to Bob Standage letting him know that he checked with the Thomas County Landfill and that there would be no cost to take the contaminated soil. According to Bob Standage, they delivered the material into the landfill and after the fact, they started getting a stack of invoice tickets which total \$11,555. Bob Standage stated that had he known this, they would have gone a different direction with the contaminated soil.

Engineer Chris Carey explained that he usually looks at all their options before deciding a direction to go with the soil. According to Chris Carey, it is more cost effective to take it to a landfill which is why he emailed Bob Standage that there would be no charge. According to Chris Carey, when he reached out to the landfill director, he understood they would take the soil as long as they have a KDHE permit. To Chris Carey, it made sense to go straight to the landfill. Chris Carey explained that had he known it was going to be 11k or 20k then they wouldn't have gone this direction and they would have made a different recommendation to their client.

Chairman Mike Baughn asked Landfill Director Travis Williby for his explanation of the situation. Director Williby stated they spoke on the phone and he explained to Chris Carey that they have to have a special permit from KDHE before the Thomas County Landfill would take it. Director Williby also stated that the word "free" did not come out of his mouth during this conversation. Director Williby stated that the Thomas County Landfill prices are listed on the website and are also posted at the landfill. Director Williby also stated that the landfill actually has to pay a fee to the state of Kansas for this special waste so he doesn't believe any landfill around here would take this contaminated soil for free. Director Williby feels that in their role of cleaning up these messes that they should know that there are always fees for this kind of special waste.

Commissioner Brian Luedke asked Chris Carey if there are other Landfills who would have taken it for free. Chris stated yes. Commissioner Brad Flipse asked Chris Carey directly if Landfill Director Travis Williby specifically stated it would be for free over the phone. Chris Carey read an email that he sent to Bob Standage stating there would be no charge shortly after the phone call with Travis. Chairman Mike Baughn asked Chris Carey if he checked into the fees ahead of time. Chris Carey stated he did not. Bob Standage stated he just needs to know how this should play out going forward because they can get the dirt and take it back out to avoid the fees of bringing it to the landfill. Commissioner Brian Luedke stated that he feels the fees are posted and that every person or business is responsible for the fees. Commissioner Brad Flipse stated it is unfortunate for this miscommunication, and that he believes Landfill Director Travis Williby would not misinform and misdirect anyone on purpose. Bob Standage stated they cannot get it out of the landfill this week as it is a little cold, but that they will get it out of the landfill as soon as possible.

**2022-15-REZONING:** Commissioner Brad Flipse made a motion to adopt Resolution 2022-15-Rezoning; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**2022-16-RURAL OPPORTUNITY ZONE-** Economic Development Director Jordan Stephenson explained to Commission that Thomas County passes this resolution each year to provide an opportunity for the cities in Thomas County to opt into the Rural Opportunity Zone program if they choose. It is a student loan repayment program, and graduates must meet specific criteria. Commissioner Brad Flipse made a motion to adopt Resolution 2022-16-Rural Opportunity Zone; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**COURT ADMINISTRATOR DISCUSSION:** Chairman Mike Baughn explained that the commission received an email regarding article 10 regarding the sales tax on a recent purchase made by the Courts. Chairman Mike Baughn stated that he did not appreciate the tone they received from the court in the email directed at Commissioner Brian Luedke. Commissioner Brian Luedke stated that he knows what they are responsible for and he believes that we all have a responsibility to use tax dollars wisely. He believes it doesn't matter if you are an employee or a department head as we should all be paying attention to those tax dollars. Commissioner Brian Luedke also stated that they can discuss this during budget hearings next summer.

**RECESS:** Chairman Mike Baughn made a motion to go into Executive Session, then withdrew his motion for the purpose of a Recess. The Commission stood at recess for 5 minutes beginning at 10:06.

**OPEN SESSION:** The Commission asked Road and Bridge Supervisor Clair Schrock if he would recommend the previous bid from McCormick Excavation. Supervisor Schrock stated that he would like to speak with County Attorney Chris Rohr first. After the discussion with Attorney Rohr, Supervisor Schrock made a recommendation to move forward with the bid. Commissioner Brad Flipse made a motion to approve the bid for asphalt in the amount of \$1,335,840.00 for 14,520 tons of 1.5" HMA Overlay at \$92/ton, and with 762 Tons 5% Variance Existing Roadway at \$92/ton; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

#### **EXECUTIVE SESSION-NON-ELECTED PERSONNEL; DEPARTMENT HEAD EVALS**

**ROAD/BRIDGE/WEED:** Chairman Mike Baughn made a motion to go into Executive Session for a duration of 15 minutes at 10:18 a.m. for Non-Elected-Personnel - Department Head Evaluation with Clair Schrock and the Commission; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

With no binding action taken, Chairman Mike Baughn made a motion to return to Open Session at 10:33 a.m.; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

Chairman Mike Baughn made a motion to go into Executive Session for a duration of 15 minutes at 10:34 a.m. for Non-Elected-Personnel - Department Head Evaluation with Clair Schrock and the Commission; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

With no binding action taken, Chairman Mike Baughn made a motion to return to Open Session at 10:50 a.m.; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

**LANDFILL:** Chairman Mike Baughn made a motion to go into Executive Session for a duration of 15 minutes at 10:51 a.m. for Non-Elected Personnel - Department Head Evaluation with Travis Williby and the Commission; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.  
With no binding action taken, Chairman Mike Baughn made a motion to return to Open Session at 11:06 a.m.; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

**MAINTENANCE:** Chairman Mike Baughn made a motion to go into Executive Session for a duration of 15 minutes at 11:07 a.m. for Non-Elected-Personnel - Department Head Evaluation with Josh Faber and the Commission; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

With no binding action taken, Chairman Mike Baughn made a motion to return to Open Session at 11:22 a.m.; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously

**MATRIX RAISES:** Chairman Mike Baughn made a motion to authorize a 2.5% increase for Travis Williby per the Merit Raise Matrix; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

Chairman Mike Baughn made a motion to authorize a 2.5% increase for Clair Schrock per the Merit Raise Matrix; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.

Chairman Mike Baughn made a motion to authorize a 2.5% increase for Josh Faber per the Merit Raise Matrix; the motion was seconded by Commissioner Brad Flipse, with no further discussion the motion carried unanimously.

**MISC:** Commission received the MILCO report, November Maintenance Reports, High Plains Mental Health Minutes and a KDOT Notice.

**ADJOURNMENT:** *With no further business Commissioner Brad Flipse made a motion to adjourn at 11:24 a.m.; the motion was seconded by Commissioner Brian Luedke, with no further discussion the motion carried unanimously.*

ATTEST:



*Keesa Mariman*  
Keesa Mariman, County Clerk

Dated: 12/30/2022

BOARD OF COUNTY COMMISSIONERS, THOMAS COUNTY

*Mike Baughn*  
Mike Baughn, Chairman

*Brad Flipse*  
Brad Flipse, Member

*Brian Luedke*  
Brian Luedke, Member