

November 16, 2020

The Board of Brown County Commissioners met in regular session with the following members present: Chairman Dwight A. Kruse, Keith Olsen, and Richard L. Lehmkuhl. Also present was Brown County Clerk, Melissa Gormley. County Attorney, Kevin Hill was also present. Dwight A. Kruse opened the meeting at 8:10 a.m. The Pledge of Allegiance was recited by all. Richard Lehmkuhl led the meeting with a prayer.

#### **FACILITY USE AGREEMENT**

The commission discussed a facility use agreement for overnight parking at the landfill. They will revisit the matter after speaking with Noxious Weed Director, George Bruning.

#### **MINUTES**

Motion by Keith Olsen to approve the minutes of the November 9, 2020. Seconded by Richard Lehmkuhl. Motion carried.

#### **GORDON CPA**

Motion by Keith Olsen to sign the audit engagement letter for yearend December 31, 2020. Seconded by Richard Lehmkuhl. Motion carried.

#### **CONTRACT FOR ATTORNEY SERVICES**

Motion by Richard Lehmkuhl to accept the renewal Contract for Attorney Services with Elizabeth Olson for year of 2021. Seconded by Keith Olsen. Motion carried.

#### **BID LETTING**

The Brown County Commissioners opened bids for the HVAC system at the Brown County Jail. Bids were as follows:  
P&M Contracting Inc.: Good \$71,400 Better \$153,000 or \$179,000 Best \$433,500  
Martin Mechanical: Good \$69,635 Better \$147,178 Best \$331,145  
The commission tabled the decision until the ESP engineer can look at specifics.

#### **FACILITY USE AGREEMENT**

Brown County Noxious Weed Director, George Bruning, discussed the Facility Use Agreement with the commission. Bruning discussed other matters at the landfill.

Motion by Keith Olsen to accept the Facility Use Agreement with Hamm Corporation subject to time changes. Seconded by Richard Lehmkuhl.

#### **EXECUTIVE SESSION**

Dwight Kruse requested a ten minute executive session. Motion by Keith Olsen for a ten minute Executive Session on non-elected personnel with the three Commissioners, Brown County Clerk, Melissa Gormley and the interviewee present via phone to discuss personnel matters of non-elected personnel with executive session necessary to protect privacy interests. Seconded by Richard Lehmkuhl. Closed at 9:03 a.m. Opened 9:13 a.m. No binding action was taken.

#### **EXECUTIVE SESSION**

Richard Lehmkuhl requested a ten minute executive session. Motion by Richard Lehmkuhl for a ten minute Executive Session on non-elected personnel with the three Commissioners, Brown County Clerk, Melissa Gormley and the interviewee present to discuss personnel matters of non-elected personnel with executive session necessary to protect privacy interests. Seconded by Keith Olsen. Closed at 9:15 a.m. Opened 9:25 a.m. No binding action was taken.

#### **BROWN COUNTY HEALTH DEPARTMENT**

Robin Downard, Brown County Health Official, updated the commission on Brown County's COVID-19 numbers. There are 176 active cases, 6 deaths, 3 pending cases, with a total of 468 total cases. Downard gave an example on what Nemaha County is doing in their school districts. She asked for the commissions input on local school districts and lesser restrictions.

Commissioner Olsen stated he was unaware that Downard was on the agenda to present a mandate to the county. County Attorney, Kevin Hill stated the county commission requested Robin Downard to be on the agenda last week and he reiterated she was speaking about the schools restrictions. Commissioner Kruse stated he wants to keep the kids in schools. Commissioner Olsen wants to leave it up to the schools. Lehmkuhl stated he wants to support the health office.

Downard then discussed the county wide mask mandate and she stated surrounding counties are going to the mandate. She asked for input from the commission.

John Broberg, HCH CEO, discussed the transfer of patients to other hospitals and he shared reports from the KHA.

Denise Wolney, Maple Grove Director, stated the elderly are the most vulnerable. She encouraged the commission to make a mask mandate to keep the spread down.

Danielle Jagels, stated she agreed with Downard. She said it is getting harder and harder to move patients to bigger hospitals. Bonnie Enneking stated they are seeing a rise in the Highland area.

Bill Collins was present to speak in support of a mask mandate. Commissioner Lehmkuhl asked Collins if the City of Hiawatha could act on their own without the county doing a mask mandate. Lehmkuhl also asked how the county could supply the entire population with the correct mask.

Kendra Heinen thanked the commission on allowing the citizens to make their own decisions. Heinen questioned why the two school districts, who have approached the pandemic in two different ways, are so different and why one went to e-learning and the other is still open. She also asked for numbers specific to Brown County.

Lehmkuhl questioned if there is a mask mandate, who has to follow the mandate, who is exempt from the mandate, and when will the mandate end.

Jason Selland asked the commission for clarification on enforcement. Hill stated it could be a civil citation.

#### **RESOLUTION 2020-20**

Motion by Richard Lehmkuhl to sign Resolution 2020-20 to rescind the July 6, 2020 order exempting Brown County, Kansas from executive order No. 20-52 and making Brown County subject to said executive order mandating the use of face masks in Brown County with an end date on December 7, 2020. Seconded by Dwight Kruse. Motion carried 2 to 1 with Commissioner Olsen not in favor.

**COVID-19**

Robin Downard brought up quarantine in classrooms. If students/staff are wearing a mask and the person next to them tests positive in a classroom setting, the person next to the positive does not have to quarantine if they are wearing a mask. After discussion from USD #430, Jason Cline and Jason Selland, the matter was tabled.

**HIAWATHA CHAMBER**

Motion by Keith Olsen to allow use of the courthouse steps for the Hiawatha Chamber of Commerce downtown lighting on November 30, 2020 at 6:00 p.m. Seconded by Richard Lehmkuhl. Motion carried.

**COURTHOUSE**

Brown County Treasurer, Cheryl Lippold, discussed the hours in the Treasurer’s Office with the increase in COVID-19 cases. Lippold stated the Driver’s License Office would be closed indefinitely. Brown County Clerk, Melissa Gormley, stated that other offices, including the Clerk’s office were going back to two week rotations, and the hours were still the same.

**IT DEPARTMENT**

Motion by Keith Olsen to advertise for a position in the computer department. Seconded by Richard Lehmkuhl. Motion carried.

**EXECUTIVE SESSION**

Richard Lehmkuhl requested a five minute executive session. Motion by Keith Olsen for a five minute Executive Session on non-elected personnel with the three Commissioners present to discuss personnel matters of non-elected personnel with executive session necessary to protect privacy interests. Seconded by Richard Lehmkuhl. Closed at 12:11 a.m. Opened 12:16 p.m. No binding action was taken.

**EXECUTIVE SESSION**

Richard Lehmkuhl requested a five minute executive session. Motion by Keith Olsen for a five minute Executive Session on non-elected personnel with the three Commissioner present to discuss personnel matters of non-elected personnel with executive session necessary to protect privacy interests. Seconded by Richard Lehmkuhl. Closed at 12:18 a.m. Opened 12:23 p.m. No binding action was taken.

**ROAD AND BRIDGE SECRETARY**

No decision was made on a new hire. The commission wants to continue to advertise.

Motion by Keith Olsen to adjourn. Seconded by Richard Lehmkuhl. Motion carried. Meeting closed at 12:34 p.m. The next regular meeting will be Monday, November 23, 2020.

ATTEST:

APPROVED BY:

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MELISSA GORMLEY, COUNTY CLERK

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DWIGHT A. KRUSE, CHAIRMAN

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KEITH OLSEN, MEMBER

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RICHARD L. LEHMKUHL, MEMBER