

# Appellate cases cause county payroll problem

By Tom Betz

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It took an hour of discussion and a call to Topeka Tuesday for county officials to figure out how to pay a county legal secretary for work on two criminal appeals.

County Attorney Bonnie Selby submitted a bill for work on the appeal as an outside contract at \$35 an hour. A state official said, however, that it would violate federal law to pay a county employee that way, without paying overtime or withholding taxes.

The case of Scott Baumfalk awaits a hearing in the state Court of Appeals, but the preparation work was done in February and March by County Attorney Bonnie Selby and Kelly Studer, a secretary in the county attorney's office.

Baumfalk, 40, was convicted in February 2006 on five counts including manufacture of methamphetamine and possession of methamphetamine with intent to sell within 1,000 feet of school property. He was arrested July 1, 2005 after a raid by city, state, county and federal officers on his house at 715 Center in Goodland. No bomb-making equipment was found, but officers did find what they said was a meth lab, which led to the charges against Baumfalk.

Baumfalk was sentenced on April 27, 2006 to two 158 month (13 year 2 month) sentences that are to run one after another. He has been in the Norton Correctional Facility, but in March he was taken to Colorado for a court appearance in another drug case.

The second appeal involves Rodney Lee Hill who was convicted in November on a second offense for sale of narcotics. He is serving an 11-year sentence and is in the Norton Correctional facility.

County commissioners eventually agreed to pay Studer for her time based on the time cards, paying overtime where the hours went beyond 40 in a week. They agreed to pay Studer a one-time bonus of \$400 for her work on the case to make up the difference between her pay rate and the promised \$35 an hour.

County Commissioner Kevin Rasure questioned the bill from the county attorney, asking how Studer was being paid. Rasure said he understood how the situation had happened, and agreed the county was responsible for the cost of preparing the appeal, but questioned the outside contract.

"I felt it would be unfair to Kelly not to honor what Selby said she would do," Rasure said Wednesday.

The county attorney said she asked Studer to do the work because it takes expertise with Supreme Court rules. Selby said she told Studer she would pay her \$35 per hour, the going rate if she had contracted with an outside person to do the work.

Tuesday, the commissioners asked Susan Lang of the state Department of Labor in Topeka about the payroll question on a telephone conference call.

Lang said based on the information County Clerk Janet Rumpel had faxed her, the billing as proposed would violate the federal Fair Labor Standards Act.

Lang said she could not talk about state law on the legal work, but felt

Studer, as a county employee, could not be paid as an independent contractor. Selby said she did not know she was creating a problem.

"What I did was at the direction and under statute for preparation of briefs on appellate cases," she said.

Selby said Studer kept track of the hours she worked on the case, and the work was done on a computer in the county attorney's office.

"What you are saying is if the person worked over 40 hours, the county needs to pick it up at their regular rate?" County Commissioner Mitch Tiede asked Lang.

"What you owe is the additional overtime," Lang replied.

Rumpel said the best way would be to get the time cards out and refigure the time. Selby said the dates and hours were on the bill and had been broken out separately.

Rasure said the bill showed a total of 32.5 hours of work by Studer.

Selby said this was not the first time she has sent through a bill for this type of work, but it is the first time anyone had questioned it.

"I think we have to honor the verbal promise of pay rate," Tiede said.

Commissioner Chuck Thomas suggested going back and getting the hours figured to see how many would have been regular hours and how many would be overtime.

Rasure said the bill showed Studer's regular pay rate of \$14.75 per hour, and said it would be about \$22.13 for overtime.

Rasure estimated the total cost at \$35 an hour would be \$1,138, and if all the hours were overtime at Studer's normal rate the total would be \$719. The difference would be \$419.

"If she contracted it out, we would pay the total," Tiede said.

"But we would not have to pay the extra for taxes," Thomas said.

"The county pays an additional 8 percent," Rasure said. "I don't feel it is right, but we do owe Kelly some compensation. I'm not sure what's the best way it to handle it."

At the end of the regular meeting, Selby and Studer met with the commissioners. They agreed to have payroll clerk Crystal Wright go back and figure the time cards and pay Studer based on her regular rate. Wright said 7.6 hours were regular time and 27.6 were overtime.

To make up the difference, the commissioners agreed to pay Studer a one-time bonus of \$400.

The commissioners agreed the extra hours and the bonus were to be run through payroll so taxes would be taken out and Studer would not have to worry about any questions about how she was paid for the work.

## Citywide cleanup Saturday morning

CLEANUP, from Page 1

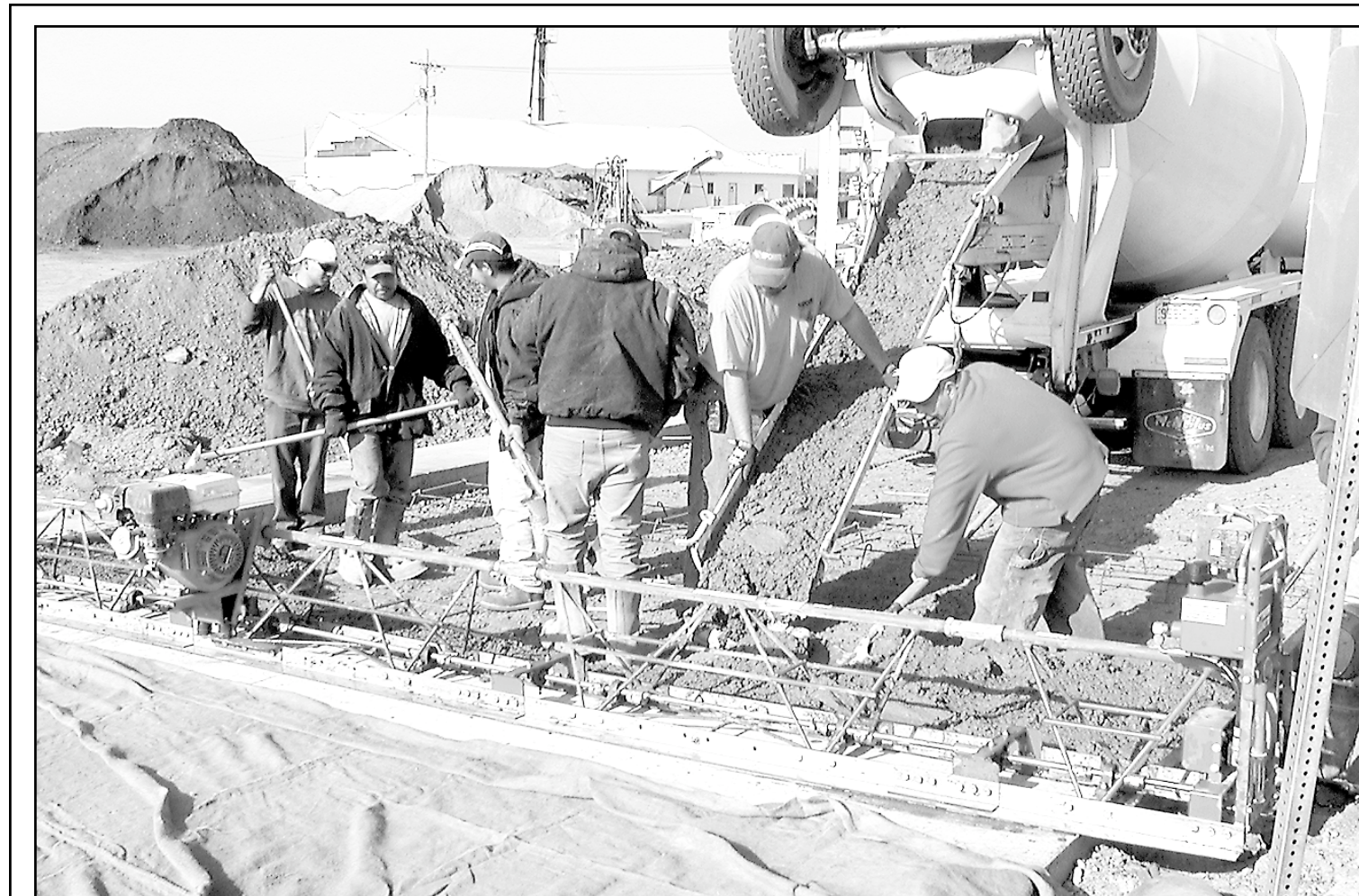
the lots west of Rasure Lumber to be separated and hauled to the county transfer station.

She said people who have things to be picked up should have it on the curb by 9 a.m.

Volunteers will have a barbecue at noon at the Rasure Lumber lots.

Saturday also marks the beginning of the county's effort to keep electronic waste out of the landfill.

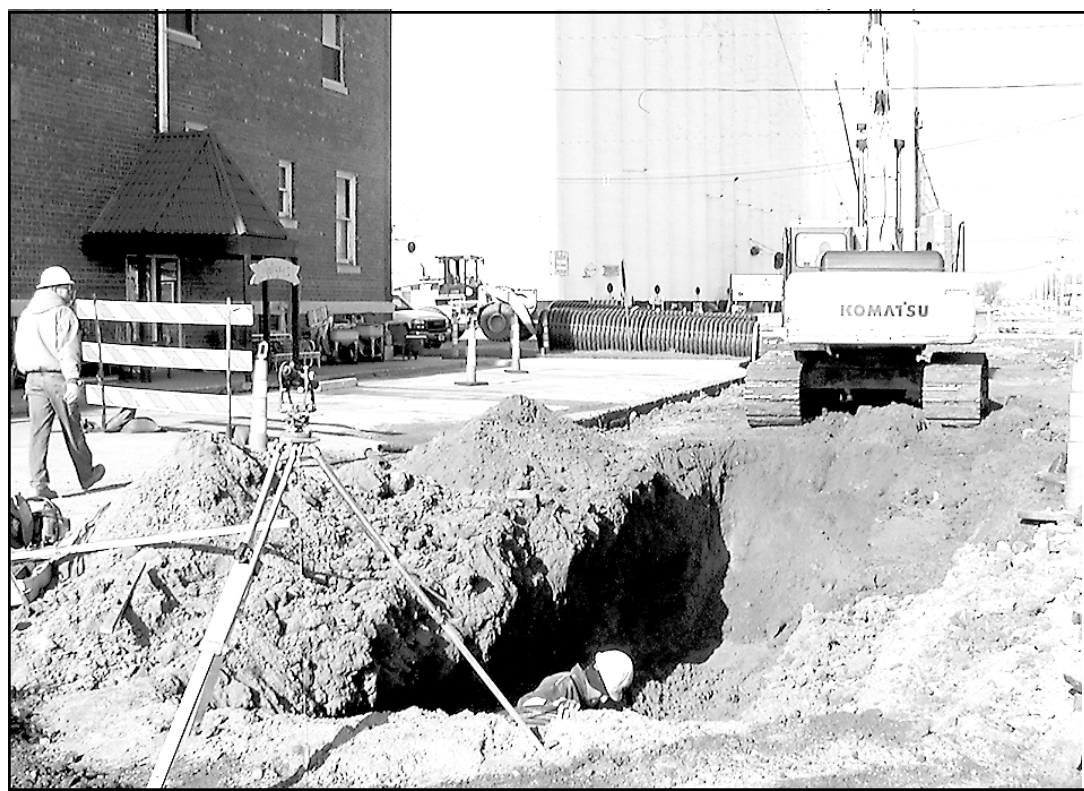
People who have computers or



## Street project in phase two

Concrete pouring continued moving west on 17th Street and crossed Caldwell Wednesday morning. The project has moved into the second phase with the closure of the intersection at Main and 17th on Tuesday. Jerry Nemecek, an engineering technician for Evans, Bierly, Hutchison and Associates, said the contractor has 40 calendar days to complete the replacement of the intersection. Crews from Sporer Land Development removed the bricks from the intersection and the crew replacing the storm sewer was getting close to the Main Avenue intersection on Wednesday.

Photos by Tom Betz  
The Goodland Star-News



## Youth, adults ask city to OK skate park

SKATING, from Page 1

sition here," Billinger said, "but you need to find out if there are plans for the tennis courts at Gulick Park."

"That depends on what the county is going to do and if they are going to expand," said Commissioner John Garcia.

"Give us a ballpark area that we can work with," Livengood said.

"I think the land issue is not a problem," Billinger said. "I think there is plenty at either place."

Livengood said the estimate for the concrete is about \$100 a cubic yard. She said the committee wants to see the park include roller skating, but it will take more information before that is decided.

"Do you know if there would be any money through the city?" she asked.

Billinger said the city could look at something in the upcoming budget if the committee came up with some estimates.

Livengood asked if the city-county recreation board still exists.

Billinger said he thought the board existed, but the recreation program is run through the Goodland Activity Center.

"It would be a good idea to work with them," Billinger agreed.

Livengood said the committee had talked to people in Hays, and they have a skate park and run competitive leagues through their city recreation program.

Billinger suggested the committee find people to donate money for a yard of concrete.

Livengood said the committee likes the idea of the security cameras and being close to the water park. Hill said the city will work with the committee.

Other students at the meeting in-

cluded Heidi Lawson, Jessica Lake, Quenton Ragels, Toby Hurst, Britt Zweygardt, Zach Prine, Kacie Strohm, Sam Erickson, Amber Webster, Jordan Cochrane, Kade and Courtney Sheldon and Cisco Medrano. Committee members present also included Iris Scheopner and Shelly Angelos.

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