

January 10, 2023,

Tuesday, 9:00 a.m.

The Bourbon County Commission met in open session with all Commissioners and the County Clerk present.

Clint Walker, Robert Harrington, Matt Quick, Mark McCoy, Patty Ropp, Jason Silvers, Otis Thomas, Kale Nelson, Susan Marberry, and Lora Holdridge were present for some or all the meeting.

Nelson Blythe made a motion to approve minutes from last week. Clifton seconded. All approved.

Clifton Beth made a motion to approve Accounts Payable. Nelson seconded. All approved.

Matt Quick presented the NRP program. Matt did some research on what different options other counties offer. The City of Lola requires \$5,000 and do 10 years on residential and commercial. There is a gradual drop down to 20% by the 10th year. They have a onetime charge of \$25.00. Montgomery County has \$10,000 or 10% is their minimum. They have 10 years. One hundred percent rebate for the first 5 years and 50% for the last 5 years. They have a charge of \$100. Neosho County is \$7,500 for 10 years; 95% down to 20%. The commercial depends on how much you spend. There is a \$25.00 fee. Shawnee County has a \$5,000 for 10 years residential and commercial. Ninety percent for 10 years on residential. For commercial, if they spend over \$100,000 then it's 70%. No fee for the program. Nelson suggested \$2,500 and Matt said we would get lots of application dollars but most every place just from market is going to increase \$2,500.00 every year. Matt stated he thought \$7,500 would be an investment that they're going to make into their property and that's as far down as I would go. We are currently at \$15,000. Nelson stated that Lola's was \$5,000. Last week someone came in and had painted their house and expect it to be a \$5,000 increase in value. It needs to be an investment in their property to give this to them. Jim stated he would like it to be \$5,000 because as Nelson said the more incentive, we can give the property owner to invest in their property and the neighborhood will help taxes in the long run a lot of benefits by improvements. Nelson asked what our onetime fee is. Matt stated it is \$50. Nelson suggested \$5,000 residential, \$10,000 for commercial and 100% for 10 years. Jim stated he liked that suggestion. Matt stated once we are approved here what we have will have to go to the school USD 234 and then the ones that are affected by this and get their approval again. Justin stated that the Attorney General's office has to approve as well. Nelson made a motion to change our NRP program to \$5,000 amount required; 10 years for residential, 10 years for commercial and rebate 100% for the entire 10 years. Clifton would like to see the percentage 95%. Jim stated the 5% is put back for future equipment purchases. That's not a bad thing because we paid cash for the last vehicle. Justin stated that he worked very hard on the last NRP program and the reason it was built in the way it was is because there are some administrative costs associated with it as more people use the NRP the more administrative work there is

involved. Clifton stated that we can't just keep robbing the county. Eventually services will have to go. Justin stated that at some point NRP doesn't make sense. As your community grows you have to inject additional funds for roads, fire services, hydrants, curbs and guttering, etc. You do reach a tipping point where NRP doesn't make sense. We'll support NRP for another 5 years, at that point if things change, you don't want to give that economic incentive because you need to improve your infrastructure and roads. That's why I was never a big fan of residential being more than 5 years because you're still trying to capture that robbing Peter to pay Paul. Jim stated so the motion died for lack of a second. Clifton made a motion to table it for one week. Jim seconded. All approved.

Lora Holdridge asked again about her part-time employee to be full-time. I brought this up at the first of December, this isn't something that was brought upon you suddenly. My people don't go drive school buses or substitute teach or do wrestling coaches or golf coach. We are here from 8:30 and we don't shut our computers down until 4:30. I would like to keep the road records where they are. I'm working on a big project right now. Jim asked jokingly if Lora or Maxine was interested in driving a bus. Lora said no that they are not interested in driving a bus but in doing my job that I was elected to do. Jim mentioned the hiring freeze that was put in place last week. Lora stated that she brought this up in December before the hiring freeze. Lora stated I have the pay covered; it's the benefits that I can't cover. Jim stated you surely have been doing a lot of work and the maps will be a lot more work. Nelson stated I'm of the same opinion of last time; this is not personal to me at all regardless of what anybody thinks about the bus driving, coaching golf it's not personal to me at all because in my opinion I firmly believe that when you have three positions in the sheriff's office. You can argue that they are in the predicament because of management regardless I believe they should take priority over the mapping. I don't think that for personal reasons; I think for the benefit of the county. Public safety is a more primary roll of government. Any extra money needs to go to that until they are healed up and right now, they are in danger of going over budget and that's not going to be good for the county as a whole. Jim stated he would echo some of what Nelson said with the change of two positions. The third position will come in the fall of 2023. It's not my expectation that the third position will be a county employee. Clifton asked what the benefit portion would be. Ashley stated that the cost for insurance maximum would be \$18,000. Lora said this person is single not family because she has no family. Clifton stated it would be less than \$18,000 then. Lora stated she would be glad to come back later in the meeting. Clifton stated if you don't mind. Clifton made a motion to move Lora on the agenda to right after Shane Walker. Nelson seconded. All approved.

REDI Funding Discussion - Nelson clarified that this was about the County's contribution to REDI and that is set to end when. Clifton stated that 2023 funding is budgeted. Then it will be reviewed for 2024 at a later time. Mark McCoy stepped up to the podium and thanked the commission for funding REDI in 2023 and please strongly consider Bourbon County being very involved in Economic Development in 2024 and beyond.

Susan Bancroft - when you received the agenda, I had a contract in there for auditing services and this is the company that Diehl, Bolton & Banwart recommended and they are honoring the same price that they had quoted us. I've already talked to Emily who will be the lead auditor on this and they can have an audit the last week of April or first week of May. Clifton clarified that Diehl, Bolton & Banwart will no longer be doing audits for counties and that's the reason for the change. Clifton made a motion to move to Jared, Gilmore & Phillips out of Chanute, KS for our audit firm. Nelson seconded. All approved. Susan asked if there were any questions on the November financials. Susan stated reconsideration of main banking institution. After talking with Clifton we went back and re-evaluated this to compare apples to apples. Patty and I sat down and talked about this as well. She is grateful for not switching if we can go with Landmark. We refigured this based on 10.8 million dollars and what the interest would be annually and monthly plus the fees. I recalculated the fees for Landmark and based on assumptions and at the end of November our charges were \$7,600 for fees but that still makes Landmark the better choice as far as a net. I took both UMB and Landmark's fee structure, I even called UMB to make sure I understood their fee structure and had a lovely conversation with their VP. I feel like this is a better approach. The one thing that Patty and I discussed is, we think there is real opportunity to invest more money. Right now, we have some CD's and we called the bank last week to see if we were to roll this over if we could get a different rate. They were quoting 2.75 for 12 months. Patty clarified that 2.75 was for 24 months. The twelves months was 2.50. Clifton made a motion to resend last weeks motion and stay with Landmark based off of apples to apples. Nelson seconded. All approved. Susan stated that she and Patty felt like they have way to much liquid cash but that will come with a lot of working together to make sure we project what the expenses will be over the next however many months we want to go out on our CDs. It's very important that all departments are communicating with the Treasurer so that she understands what their expenses will be. It's easy to do the payroll part of it, we can project that out and look at previous cash flows, but if we could get to that 4 million mark, is what we have in liquid cash, I think that's where we will be comfortable and that would allow us to have about 2 more million to invest. Right now, we invest 1.6. Interest rates have not been good so we haven't been worried about it but now we have an opportune time to get some more dollars. The Kansas Municipal Investment Pool; this is an opportunity we have to invest our funds. You can invest overnight. For example, at the end of December we had 16 million dollars setting in our account, we could do an overnight investment and we could reap some rewards on those dollars. Those dollars get paid out quickly in January in the distribution so you have to take advantage of the windows that you have. The fixed 30-day pool is 3.8%. Do you want to stay with local banks or take advantage of the market and get more dollars. If we do this we have to have some serious planning. It will give us some dollars right now that maybe we haven't gotten in the past. Jim asked if we've had any dialogue with the local banks if this would go up any. Patty stated that she talked with City State and he gave me the rates and we went ahead and moved the one CD out so that we could invest it somewhere else. He did ask for another chance to bid. Susan stated she thinks we should bid it every time. You want to give local banks an opportunity plus you look at Kansas Municipal Investment Pool.

Clifton stated that they would have to get the rates back to us quickly; they are quoting rates to us not bids. Susan stated that all bids are opened publicly at this table. Patty stated she was sure they deal with those each morning; that's the first thing they would check so they would be aware of what they're willing to give every day. Clifton stated that this could be "found" money. Susan stated yes. The market has changed and we need to take advantage of it. Jim stated he thought it is a great idea and good to see you two working together to make the County a little money. Susan stated another thing that Patty and I have discussed getting us down to one account as there are fees for each individual account. It would be less work for Patty and cut down on transfers. She will have more transactions to approve at the end of the month. Clifton and Jim stated it was up to Patty as to what she wanted to do. Patty stated that she would like to talk to other Treasurers that have one account and find out if there are any problems with one account. Susan stated that tends to be where a lot of our reconciling problems happen is between accounts.

Justin Meeks requested a lengthy executive session for attorney client privilege regarding personnel and litigation issues. We could move my time to the end of the meeting if you wish. Clifton made a motion to move Justin to the end of the meeting after commission comments. Nelson seconded. All approved.

Shane Walker - CIO: No comment.

Jim called for a 5-minute break.

Clifton made a motion for executive session KSA 75-4319(b)(1) to discuss personnel matters of individual nonelected personnel to protect their privacy regarding job duties and job performance including three commissioners and Justin Meeks for 15 minutes returning here at 9:55 a.m. Nelson seconded. All approved. Clifton made a motion to return to normal session at 9:55 a.m. Nelson seconded. Both approved.

Road Vacation Hearing - 10:00 a.m. (Hereford Division)

Lora Holdridge stated that the second to the last page is the original plat. There is no exception that I could find that was given special easement to the property owners a right of way or anything specifically to the landowner behind. Lora stated that she looked to see if there was an easement from the Hereford's to the landowner Mr. Marberry and there is nothing giving from Mr. Hereford to the Marberry's as a special easement or anything in writing of record that the road would never be closed. The only easement is to Rural Water and the electric company. Jim asked about the original plat and being accepted by the City Clerk. Does that record that easement as a legal document. Lora stated there is no easement. Jim stated the road was originally platted as a public road possibility of sometime in the future. Clifton asked who owns Hereford Drive. Lora stated the County. Clifton then stated so theoretically we could sell it. Lora stated you can vacate it. Clifton asked why we couldn't sell it. Lora stated that you don't sell roads, you vacate them. Justin stated the road can't be sold. The county's ownership is the ability to open the road up in the future. If you don't want to open it up just like a rail line it comes back to the

landowner to the center of each side. Lora said if the road is not closed then the county would need to maintain it. Jim stated that what we have here is two property owners that want to vacate and one that wants it open. Susan stated that from Otie and I's perspective right now I already have a water flow onto my property and I have water that sets in my yard all spring and all fall if there's any rain. It also effects my three neighbors to the east and putting a road in there would further cause water issues. The road is twenty feet from the edge of my garage. That's part of the problem. I've also got pictures of the hillside and how steep it is. The closer that you get to my property these lines start to get closer together and that means that there's hillside there. Jim asked how vacating the road will turn the water. Susan stated it won't turn the water, but if you put a road in there it's going to cause me lots of problems and devalue my home. Nelson said the likelihood of there being a road there is slim. Susan said she didn't care. She said wouldn't you rather have my tax money on that road. Right now, you're not getting any funding. Otie and I are willing to pay the taxes. I have water coming into my garage. If a road were put in there the amount of riff rap that would have to be put in there would almost come to the corner of my garage. That's why I'm asking for it to be vacated. Kale Nelson is currently renting Otie's property and I've asked him to be present. He can tell you the slope of the hill. Lora stated there is access to the property behind this subdivision from 195th Street. Jim asked Susan Marberry to come up and voice her opinion. Susan Marberry asked the question why now. We've lived there twenty years and this has never been an issue. Otie knew it was there. The slope of the driveway is how it was built and has been there. The previous owners knew it was there and never questioned it. Nelson said that in his opinion that if we vacate this road then all County roads not being maintained should be closed. Jim stated that he appreciated Susan Bancroft's concern with water but I can build a road that you won't have any water. Otie stated that about 40 years ago we had a meeting just like this. Somebody was going to build some homes back there. We brought it to the board and they said not to worry about it we are never going to put a road up there. We've been there 40 some years in my home and to put a highway up between there would be ridiculous. There's lots of land up and down the road to put a drive to get back to that property. So, why not leave well enough alone, split the property up and I'll pay half of it and the other half to Susan, and we'll pay the taxes on it and you'll get something for it. Clifton asked how much liability this opens us up to in making a decision. Justin stated there would be liability either way. There is potential civil litigation on either end. I believe both parties have good points. It has been a non-used road for a long time. I agree with Commissioner Blythe on some levels there are a lot of roads in our county that could be vacated but there is a process. Nelson stated we should set a president that if anyone petitions to have one closed. If we are going to close it for one person we should close it for all. Justin stated there are gray areas with road vacations. You've got different things you have to take into consideration. Otie had a good point. The road has been there for 40 years and never been used. On the flip side a housing development could go in there. Nelson stated we have to be careful that it doesn't look like we're doing favors for people and being selective. Justin stated that the people to the north have no right to ask for the road to be closed because the road ends at their property line. Ashley stated

there is a different process that the county would go through to vacate a road. It wouldn't be the same process as an individual landowner. Jim asked what happens if we don't decide. Justin stated the road stays open. Lora stated and then they could ask for it to be maintained for the water flow. Nelson made a motion to adopt resolution 05-23 to vacate Hereford Drive. Motion died for lack of second. Clifton made a motion to close the road vacation hearing. Jim seconded. All approved. Jim stated previous commission, which has no bearing on what we do. A few years ago the commission would close no roads because someday the county might need to build a road there. We are a different commission and we need to decide. If you give up a road you can't get it back. Clifton stated he would like to go back and ask Mr. Hereford what he was thinking. We could build a road in that space. This commission is probably not going to build a road. Clifton asked if there was any statute of limitations on this. Justin stated adverse position it would have to be open to take over someone's land. It's pretty tough to do on government land. The drive has been there since 1986 and everyone knew it was there. At that time, the commissioners should have sent a cease-and-desist letter to have that road put there. Nelson made a motion to adopt resolution 05-23 to vacate Hereford Drive. Clifton seconded. The commission was poled for vote. Clifton - yes; Jim - no; Nelson - yes. Resolution passed.

A short break was called.

Lora Holdridge - part-time to full-time employee: Clifton there is found money that could help with a few things. I would love to take that money and put it back and keep it but we do have some positions at the sheriff's department that Sheriff Martin is looking at funding and Lora's position that is needed. Some quick math that I did shows there is enough to do your position and help the Sheriff fund at least one SO position. We are not going to raise taxes to fund this position. Clifton made a motion to help fund the part-time employee to be full-time position with benefits. Jim seconded. Nelson stated his opinion stays the same and believes the sheriff's office should take full priority until all three positions are funded at the end of the year 2024. Jim stated he would help Bill fund the two SO positions, but the third I will not help because we didn't help the other school boards. Nelson opposed.

Public Comment: Clint Walker asked if the Emergency Manager position was going to be replaced. Jim stated that two in-house people are going to split those duties. It's a part-time job. One will be certified by the State. Clifton stated that by filling the position in-house we will save the county \$20,000. Clint remarked on road closing. It should be looked at in person and public works director input. Clint also stated that the handicap parking out front looks good.

Commission Comment: Jim asked about the discussion with meeting with the school board it needs to be an open discussion and any decision made will have to be in this room. I'm a big supporter of SRO. I campaigned heavily for USD 234 as a grandpa to get a second SRO and our sheriff set right there with Officer Jackson and said we have no money to help USD 234. You can check the minutes. My position was, we didn't

have any money for USD 234 and we didn't give any money to USD 234. It would be totally unfair for the people of Garland to help USD 235 with an SRO position with tax dollars. My opinion the school board in Uniontown can join forces like Fort Scott did. Nelson stated that Susan is working with Vance because the school is willing to pay a large portion of it maybe all of it. Jim stated that Susan shouldn't be in that discussion. Clifton stated he feels that USD 234 should have their own officer and it shouldn't be under Sheriff Martin; should not be under city police. The same with U235 should have their own police force also. The school districts have money. Nelson stated he doesn't want to see them issue a bond for USD 235.

Justin Meeks wants executive session for nonelected, possible litigation and contracts. Clifton made a motion for executive session for KSA 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship for contracts, possible litigation, nonelected personnel including three commissioners and Justin Meeks for 20 minutes returning here at 11:12 a.m. Nelson seconded. All approved. Clifton made a motion to return to normal session with no action. Nelson seconded. All approved.

Five-minute break was called.

Nelson made a motion to approve the minutes from December 13, 2022. Jim seconded. Both approved.

Clifton made a motion for executive session KSA 75-4319(b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship for contract, nonelected personnel, possible litigation including three commissioners and Justin Meeks for 20 minutes returning here at 11:24 a.m. Nelson seconded. All approved. Clifton made a motion to return to normal session with no action at 11:34am. Nelson seconded. All approved.

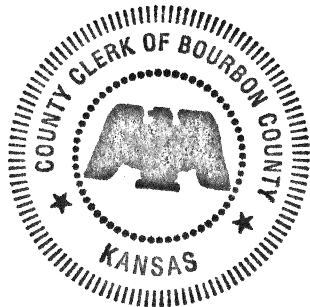
Nelson stated the courthouse was closed due to inclement weather and from what I understand the Sheriff's Office was closed as well and the personnel that worked here at the Courthouse 8am - 5pm they got 8 hours pay. I would like to make a motion that other county employees that work regular shifts, but like 12 hour shifts, for them to get paid for those 8 hours as well. Jim stated that the deputies that worked those days got extra. Ashley confirmed it. Nelson stated that deputies that didn't or CO's that didn't did not get paid anything. Jim stated they weren't scheduled to work. Nelson stated he wanted them to get the 8 hours pay. Jim clarified that even though they were at home on their day off you want them to be paid. Nelson said yes. Any other twelve-hour people as well. Ashley stated EMS. Clifton stated if they weren't scheduled to work that day they shouldn't get paid. Jim stated motion died for lack of second.

Clifton stated there is a meeting for a new electric transmission line running through Bourbon County. They are hosting a public meeting on January 10th at the Empress

Center from 6pm - 8pm. I would make a motion that we can all attend, and no county business will be conducted. Nelson seconded. All approved.

Jim reminded everyone of the townhall meeting on the 25th at the Empress Center from 6pm-8pm. One of the topics will be housing. I would ask that Shane begin advertising. I want the public to know that we'll be there. February 7th to have a night meeting in Hammond. Susan can't attend due to school activities. Clifton stated there is a lot of activities right now. We'll discuss next week.

At 11:42 a.m., Clifton made a motion to adjourn. Nelson seconded. All approved.



ATTEST:

THE BOARD OF COMMISSIONERS
OF BOURBON COUNTY, KANSAS

J. Hani, Chairman
[Signature], Commissioner
[Signature], Commissioner

Ashley Shelton, Bourbon County Clerk

1-17-23, Approved Date