

February 7, 2023

Tuesday, 9:00 a.m.

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

Clint Walker, Mark McCoy, Patty Ropp, Anne Dare, Deb McCoy, and Michael Hoyt were present for some or all of the meeting.

Jim Harris opened the meeting the with flag salute, followed by a prayer led by Mark McCoy.

Nelson Blythe made a motion to approve the consent agenda which includes the minutes from last week's meeting, accounts payable totaling \$417,079.46, and miscellaneous disbursement checks from 1-1-2023 to 2-3-2023 totaling \$432.993.95. Clifton Beth seconded, and all approved.

Eric Bailey, Public Works Director, handed out January's fuel report to all the Commissioners. The report for all new culvert applications for January was signed. Eric gave an update on the sidewalk and parking project on the north side of the courthouse. The sidewalk was poured yesterday, and half the curb is done as well. They are hoping to get half of the parking poured this week, and have the project completed next week. MSHA renewal training will be held tomorrow, 2-8-2023, at the Shirley Yeager building. New hire MSHA training will take place next Monday, Tuesday, and Wednesday. A piece broke on the drum on the rock crusher, but it is under warranty and the new part is being shipped and will hopefully be here the end of the week. Eric updated Commissioner Blythe that he met with John Stokes and the area by the cemetery in Bronson has been taken care of. Eric asked the Commissioners to start thinking of a time to hold a work session for roads and asked that they meet sooner rather than later as the oil prices are currently down. Jim asked Eric to study the motor grader plan to budget for replacements before several graders go down at the same time. Eric stated he had worked with Susan at the end of last year to create a 10-year plan for the Public Works equipment.

Matt Quick presented a variance for the sanitation code for Marco Estates. Marco Estates was developed in 1968 and was platted at that time so most lots there are not a full acre. Currently there is a one-acre requirement to install a septic system. Matt said that the variance reads that the one-acre requirement is waived but all other codes must be followed. Jim asked if there was an address listed and Matt stated they just listed Marco Estates as there are several lots there to be developed. Clifton Beth made a motion to accept the variance of Sanitation Code 2-7.1 as presented by Matt Quick. Nelson Blythe seconded and all approved.

Jennifer Hawkins, County Clerk, presented a letter from the Kansas Department of Agriculture to submit water levels for Elm Creek Lake. This is a yearly Water Use Report that can be submitted online to avoid a \$20.00 filing fee now charged for using the paper form. Jim explained that this is not a new report that they have filled it out for years and he recommended allowing Eric to submit online to avoid paying \$20.00. A Public Notice from the Kansas Department of Health and Environment was presented for all Water Pollution Control Permit renewals within the state. If the public would like to look at the documents, they are available in the Clerk's Office until 2-18-23. Jim stated that the farm in Bourbon County is just a renewal there will not be any additional animals. The Clerk's Office received a letter from a Trustee member of the Pawnee Township stating she would have to step down due to health issues and asked the Commissioners appoint her replacement. The Pawnee Township met and recommended Rachel Wagner to fill the vacancy. Clifton Beth moved to appoint Rachel Wagner to the vacant Pawnee Township position. Nelson seconded and all approved. Clifton also made a motion to

allow Eric Bailey to submit the 2022 Kansas Department of Agriculture Water Use Report online to avoid paying \$20.00 for submitting the paper form. Nelson seconded and all approved. Jennifer stated she had been trying to find out what boards the Commissioners were on, but there wasn't a folder containing this information, so she had been combing through prior years Commission minutes and presented a list to the Commissioners of what was found. The Commissioners received a letter from Tri-Valley requesting a vacant position on their board be filled. Nelson asked how often the board meets and said he would be interested in finding this information out before a replacement is appointed. The Commissioners asked that more research be done to find out when the various boards meet and what their obligations are and will discuss this matter later. Jennifer asked that the agenda be amended to allow her to talk about budgets. Clifton made a motion to amend the agenda to discuss budgets with the County Clerk. Nelson seconded and all approved. Jennifer said she received an email from the Department of Administration stating that 27 of the budgets that were due to them by December 1, 2022 were incomplete, incorrect, or not submitted at all. Jennifer said she received her appointment from the Governor and was sworn in yesterday so she can now act in the full capacity of County Clerk. Jim asked if there are any fines that the county might receive from the budgets being turned in late and Jennifer replied she did not know, but is going to reach out to the Department of Administration and work with them to get the budgets corrected.

Clint Walker questioned if the money used for the new Sheriff's vehicles that were discussed last week is coming from the Sales Tax fund. Jim stated yes, it is from the Sales Tax fund and that by using that money instead of financing the county could save 2.5% in interest fees. Mr. Walker said he had requested information about job descriptions and that they have not been updated since 1999 and he recommended the county update them. Jim said we are in the process of updating our handbook. Michael Hoyt said he had a few questions about the accounts payable and asked the Clerk about reoccurring amounts listed throughout the report for the same vendor. After looking through the report it was determined that since the report was broken down by fund the entire amount was listed by the vendor's name but under that showed the amount being charged to the specific fund. Some bills in Public Works are split between multiple funds and it was agreed that the report was confusing. Jennifer said she would review report options to find a better report to send out in the future. Mr. Hoyt spoke about majority rule and said he felt that resolution 06-23 stating unanimous consensus of the board to terminate employment was not democracy. Justin Meeks said that he reviewed the resolution and had the KAC attorney review it and they approved it as well. Justin said that everything besides termination of an employee takes a 2-1 vote and he feels confident in the way resolution was reviewed by other counsel as the resolution was even sent to the Attorney General's office.

Nelson had a question for the County Clerk about the miscellaneous disbursement check report that was sent out specifically what the checks written to Baty Otto Coronado were. These checks were written by the Treasurer's office for forfeitures done by the Sheriff's department. Michael Hoyt asked about a \$22,000 check written to Fort Scott Union Lofts and Susan Bancroft told him it was an NRP refund. Jim said he appreciated the work the County Clerk has been doing and the assistance the CFO and COO have provided and all the long hours that have been worked.

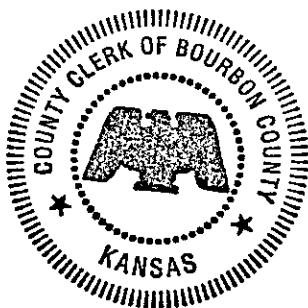
Jim Harris asked for a 10 -minute executive session. Clifton made a motion for an executive session under KSA 75-4319 (b)(1) to discuss personnel matters of individual nonelected personnel to protect their privacy to include the three Commissioners and will return at 9:45. Nelson seconded the motion, and all approved. Clifton made a motion to resume normal session at 9:45 with no action. Nelson seconded and all approved.

Michael Hoyt asked if he could talk about the recent housing meeting. Clifton made a motion to amend the agenda to allow public comment again. Nelson seconded and all approved. Michael said he asked the question if it was easier to obtain grants for low-income housing and he was told yes. He went on to say that we need to change our feeling of what low-income housing is and that many object to behaviors that they perceive to happen in low-income housing. Clifton said he would agree with that. Michael suggested transitional housing where if you are low income, you would pay the income-based rent for the first five years. The next five years part of that rent could go to equity where they could share in the appreciation. The next ten years they could go out and get a mortgage and pay us back what we paid to build that house. Nelson asked who Michael was referring to when he said we, meaning Bourbon County? Michael said he was just referring to the fact that is easier to get grants for low-income housing and that the rest would have to get approval for in the grant process. Mr. Hoyt said we need to dispel this feeling that everybody in certain housing projects are drug users or sellers and that most of them are 80- and 90-year-olds that are living on social security that can't afford a house. Clifton said he agrees it is a perceived behavior because working in what he's done for 10 years he's been in a lot of these houses. Clifton said we as a society are not doing anything to dig people out of poverty. Jim said he attended another housing meeting last week that had government officials, relators, and bankers and our next step is to meet with developers and contractors because the gap is the problem. The bankers are recommending getting a few houses built and, on the market, to help boost the comparables.


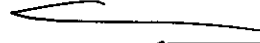

Lora Holdridge asked the Commissioners if Jennifer could have microphone at her desk because it was hard to hear her.

Mark McCoy, as representative for Regional Economic Development, asked for a 10-minute executive session to discuss trade secrets to include the three Commissioners, Justin Meeks, Rob Harrington, and Mark McCoy. Clifton made a motion to amend the agenda to add an executive session, Nelson seconded the motion and all approved. Clifton made a motion to go into executive under KSA 75-4319 (b)(4) to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trust and individual proprietorships to include the three Commissioners, Justin Meeks, Rob Harrington, and Mark McCoy and will return at 10:08. Nelson seconded and all approved. Clifton made a motion to return to normal session at 10:08 with no action. Nelson seconded and all approved.

Clifton made a motion to adjourn the meeting at 10:09. Nelson seconded and all approved.



THE BOARD OF COMMISSIONERS
OF BOURBON COUNTY, KANSAS

 Chairman
 Commissioner
 Commissioner

ATTEST:

Jennifer Hawkins, Bourbon County Clerk

2-14-2023, Approved Date