

May 15, 2023

Monday, 5:30 p.m.

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

Clint Walker, Rachel Walker, Misty Adams, Kathy Talbot, and Karen Paddock were present for some or all of the meeting.

Jim Harris opened the meeting with the flag salute followed by a prayer led by Nelson Blythe.

Nelson made a motion to approve the consent agenda which includes the approval of minutes from last week's meeting. Clifton seconded the motion and all approved.

Eric Bailey, Public Works Director, gave an update on the laydown machine stating the ECM did not fix the problem and the machine has been taken back to Chanute. Jim asked if the machine will not start or won't run, and Eric said it will start sometimes and then die and sometimes it won't start. Eric said the codes come back as a timing issue. Jim said in his opinion if the machine is not fixed within a week or so then perhaps the County Counselor should get involved as this machine has had issues for a long time. The Public Works crew has started a project on 205<sup>th</sup> Street south of Wagon Road replacing tubes, cleaning ditches, and building the road back up in places. Eric said they have a list of projects, and they are steadily working down the list. Eric told the Commissioners about an issue that was put on Facebook, and wanted to explain the situation and the process of notifying Kansas One Call. Eric said a vehicle went off the road and sheared a culvert marker sign off at the ground. Eric stated that Kansas One Call must be notified before we dig or drive a post into the ground, and then they have three business days to come out and mark the area. To temporarily notify drivers of the location of the culvert a culvert marker sign was placed in the top of an orange cone, and then the cone was placed at the culvert until Kansas One Call marked the site and the county had clearance to dig. Eric stated the post of Facebook had a picture and a comment referring to how the county fixes problems and reiterated this was only a temporary fix and was done so that other drivers could be made aware of the culvert. Eric said he called the individual who posted the picture to explain to her that the county could not dig without the go ahead from Kansas One Call and left a voicemail, but never heard back from her. Jim said Eric is doing a great job and going by the book, and stated we definitely don't want to tear up any fiber out there. Eric said that the crew went to Yale Road and did some spot repairs patching some holes due to safety issues. Eric said they are waiting on the contractor who will mill the road and have no timeline yet as to when that will happen. Nelson voiced his concerns that the goal of having some of Yale Road paved next year will not be met if the road has to be milled for a year. Eric said he received a call from Redfield last week requesting the county donate three loads of gravel. Eric stated he is unsure of how things have worked in the past and said that right now due to the interlocal agreement the county is trading rock at cost with the City of Fort Scott. Jim said the county has previously donated it. Clifton

stated in his opinion fair is fair and we donate to all or sell it. Jim agreed that if we give to one, we should give to all. Clifton voiced his concerns about donating rock to all municipalities that we would get to a point where we give away more rock that we can produce. Jim asked if there was an interlocal agreement with Redfield, and Justin Meeks replied no. Justin suggested making a donation to each municipality of a set number of loads per year. There was discussion on how many loads of gravel the county should donate to each municipality. Jim made a motion to donate and deliver five loads of gravel to each municipality in Bourbon County. Nelson seconded the motion and all approved.

Jennifer Hawkins, County Clerk, presented a budget timeline and a tentative schedule of budget presentation to the Commissioners. The audit agreement from Jarred, Gilmore and Phillips, PA was presented to the Commissioners to be signed. Clifton made a motion to allow Chairman Harris to sign the audit agreement for the fiscal year 2022 audit to be conducted by Jarred, Gilmore and Phillips PA. Nelson seconded the motion and all approved.

There is a vacancy on the Southeast Kansas Multi-County Health Department Board for Bourbon County and a recommendation to appoint Michele Dunkeson was submitted. Clifton made a motion to appoint Michele Dunkeson to the Southeast Kansas Multi-County Health Department Board as a representative of Bourbon County. Nelson seconded the motion.

A fence view request was submitted by Gary Hall and the County Counselor outlined the Commissioners' role in viewing the fence. Justin stated he would provide a packet of information detailing the steps required to complete the fence viewing to the Clerk and Commissioners by the end of the week.

Clifton made a motion to go into a 20-minute executive session under KSA 75-4319 (b)(1) to discuss personnel matters of individual nonelected personnel to protect their privacy and under 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 possible litigation to include all three Commissioners and Justin Meeks. The executive session will be held in a section of the old school building next door and they will return at 6:15. Nelson seconded the motion and all approved. Clifton made a motion to resume normal session at 6:15 with no action. Nelson seconded the motion and all approved.

Clint Walker discussed grant opportunities to update cell service that he read in the newspaper. Jim said we would share the information with our IT department and REDI.

Misty Adams spoke about an area of 215<sup>th</sup> Street, behind the city burn pile, that is holding water resulting in a mosquito problem. Misty said she has called Topeka and the EPA to try to get help with the issue and questioned if it was possible to go under the road to put in a whistle. Eric said he would have to look at the location, and it was agreed upon to do so after tonight's meeting.

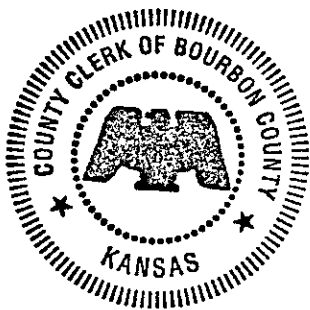
Rachel Walker questioned the Commissioners on if a municipality does not use their given five loads of rock in year if it would roll over to the next year allowing them to get ten loads of rock. The Commissioners stated that was a good question, and agreed to clarify the motion from earlier. Clifton made a motion to strike the motion made earlier giving five loads of gravel to each municipality in Bourbon County. Nelson seconded the motion and all approved. Clifton made a motion to deliver five loads of gravel, at approximately 15 tons per load, to each municipality per year and it will not roll over, it is five loads of rock per year per municipality. Nelson seconded the motion and all approved.

Clifton commended Clint Walker for still reading paper newspapers during Commission comments.

Clifton made a motion to go into a 5-minute executive session KSA 4319 (b)(2) for the consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship for possible litigation to include all three Commissioners and Justin Meeks. The executive session will be held in a section of the old school building next door and they will return at 6:29. Clifton made a motion to resume normal session at 6:29 with action. Nelson seconded the motion and all approved.

Clifton made a motion to allow County Counselor Justin Meeks to hire outside counsel for an EOC issue. Justin asked that a cap of \$5,000 be placed for the hiring of the outside counsel. Clifton added to his motion to place a cap of \$5,000 for the hiring of the outside counsel. Nelson seconded the motion and all approved.

Clifton made a motion to adjourn the meeting at 6:30. Nelson seconded the motion and all approved.



THE BOARD OF COMMISSIONERS  
OF BOURBON COUNTY, KANSAS

[Signature], Chairman

[Signature], Commissioner

[Signature], Commissioner

ATTEST:

Jennifer Hawkins  
Jennifer Hawkins, Bourbon County Clerk

5-22-2023 Approved Date