

March 11, 2024

Monday, 5:30 p.m.

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

Anne Dare, Clint Walker, Rachel Walker, Teri Hulseby, Pete Owenby, Marla Heckman, Michael Hoyt, Don George with KDWP, Jason Silvers, Charles Gentry, and Mark McCoy were present for some or all of the meeting.

Jim opened the meeting with the flag salute.

Clifton made a motion to approve the consent agenda which includes approval of minutes from 3/4/2024, approval of payroll totaling \$307,076.65, and approval of accounts payable totaling \$406,928.16. Nelson seconded the motion and all approved.

Pete Owenby discussed his concerns of his neighbors installing solar on two sides of his property approximately 250 feet from his house. Mr. Owenby asked who will be responsible if something happens to his wife and kids and questioned when the contracts were signed and why he couldn't find out beforehand. Mr. Owenby asked if his taxes would be going down since the value of his home will go down, stated he can't even sell out now without disclosing the fact that solar is going to be installed, and said we need to figure out something to regulate and keep them away from people's houses. Jim said we have no authority over them and the only way to do that would be zoning, but the Commission adopted a resolution that says landowners can do what they want with their land. Mr. Owenby stated he would have to get an attorney regarding the matter and that somebody should be held responsible and reiterated he is worried about the safety of his family. Nelson stated the contracts that were signed are available on the Bourbon County website, and they should state how the distance that the solar panels must be away from homes. Anne Dare said the contracts state the distance from solar to the property line must be at least 25 feet.

Randy Nichols thanked the Commissioners for recognizing the need and trying to move forward with funding for an emergency room. Mr. Nichols stated a committee has been established who will promote the need for an emergency room, once the ballot language

has been finalized and approved, and he is here to list the members as there has been several questions on social media regarding the committee. The members include Jamie Armstrong, Craig Campbell, Linda Foster, Charles Gentry, Mark McCoy, Randy Nichols, and Doug Ropp.

Don George with Kansas Department of Wildlife and Parks met with the Commissioners to get a status report on the Elm Creek dam grant. Don stated an extension was signed last May on the grant money and he has had calls from other entities, however he is holding the money for us and wanted to learn of any progress we have made. Jim stated we don't have the money to fix the dam as it is estimated at around \$500,000. Don asked if the county has explored other options for funding and reached out to Bourbon County REDI and HBCAT regarding possible grants. Don stated he has been working with Jim a long time on the dam issues and doesn't want to see the opportunity for grant funding dry up and that there is not much time left before he will be forced to cut off the grant funding or sign another extension. Clifton stated that if we break the dam with only \$80,000 to fix it, we will end up with a rock quarry and that his hesitancy since day one is that the project will easily be \$500,000 or more. Clifton said he has discussed grant opportunities for Elm Creek with REDI. Mark McCoy stated REDI has looked at grants but they are 1:1 grants requiring Bourbon County to match any money received. Don stated he doesn't want to kill the deal without all options explored and said he would like to give a tour to the Commissioners and show them what KDWP invests in Bourbon County.

Eric Bailey, Public Works Director, provided the monthly culvert report for the Commissioners to sign and stated the fuel report was emailed to them. Eric introduced John Heckman who is the new Noxious Weed Director. John recently attended schooling in Manhattan and is now a Certified Noxious Weed Director. John presented the Noxious Weed Eradication Report for the Commissioners to sign. Nelson made a motion to sign the Noxious Weed Eradication Report. Clifton seconded the motion and all approved. John also presented the 2024 Weed Management Plan for signatures. Nelson made a motion sign the 2024 Weed Management Plan. Clifton seconded the motion and all approved. Jim congratulated John on passing the test stating it is not easy. Clifton spoke about selling chemicals and stated he doesn't want to allow people to pick up chemical and pay later. Eric said they are getting prices on chemical and hope to get it ordered this week. Eric stated they will have set hours of when residents will be able to purchase chemical and once those are determined they will advertise. Eric said the bridge project at 160th Street and Fern Road might start later this week. The Blackberry Electric project crossroad culverts on 20th Street between Eagle Road and Grand Road have been completed. The company has paid for them to be replaced. Eric

met with the City of Bronson last week regarding chip and seal projects they are trying to accomplish within their city limits. Eric said Dustin is working on a spreadsheet with them to help prioritize project areas based upon their limited budget. Clifton asked if the Commission needed Eric to come every week as he is the only department head that is currently required to attend every meeting. Jim said as long as he has nothing to report he does not need to attend every meeting and that if something comes up, he can call and get Eric on the agenda. Eric stated he will attend at least one meeting a month to present reports.

Jennifer Hawkins, County Clerk, presented the BlueMark Energy Agreement for the term of June 1, 2024 to May 31, 2025 for the Chairman to sign. Clifton made a motion to allow Jim to sign the BlueMark Energy Agreement. Nelson seconded the motion and all approved. Jennifer also presented the Cintas Facility Services Rental Agreement for the mats that are used at the courthouse. Clifton made a motion to all Chairman Harris to sign the Cintas Agreement. Nelson seconded the motion and all approved. Jennifer stated the Kansas County Commissioners Association spring conference will be held April 16-18 in Pittsburg and the cost to attend is \$250 per person. It was determined that none of the Commissioners will attend the conference. Jennifer presented a Real Property Relief Application for Malveaux Management LLC for their property destroyed by fire at 1107 W. 6th Street. Clifton made a motion to approve the abatement application for the 2023 tax year for Malveaux Management LLC starting 3-1-2023. Nelson seconded the motion and all approved. Jennifer presented a Real Property Relief Application for Coon Rentals LLC for their property damaged on 12-23-2022 by fire at 2402 Locust Road. Clifton made a motion to approve the credit for the 2023 tax year for Coon Rentals LLC. Nelson seconded the motion and all approved.

Jim read the healthcare sales tax ballot question which would establish a one-half cent retailer's sales tax effective October 1, 2024 and good for 5 years and would be used for the establishment and operation of an emergency department in Bourbon County. The question reads as follows "Bourbon County shall adopt a one-half cent retail sales tax effective October 1, 2024 and continuing for 5 years. Said tax shall be used as needed for establishment and operation of an Emergency Department in Bourbon County. Upon termination, remaining tax funds shall be used for Emergency Medical Services (EMS) and/or property tax reduction as determined by the Bourbon County Commissioners. Jim said we hope to start an ER but by 5 years this would allow the Board of Commissioners at that time to use for EMS. Michael Hoyt asked when the election would be held and Jim stated May 14th. Charles Gentry said the question is familiar to the previous version but the effective date had to be updated since it is a quarterly tax it had to be the first day of a quarter and at least 60 days after the election is held.

Another area changed is the previous version said "support" of an ER and this version states "establishment and operation" so it could not be used for ads or feasibility studies. The tax will sunset after 5 years however it could be terminated early if put on the ballot and voters agree to do so. Clifton said he would like to change the question a little and made a motion to adopt "Bourbon County shall adopt a one-quarter cent retail sales tax October 1, 2024 and continuing for 5 years. Said tax shall be used as needed for establishment and operation of an Emergency Department in Bourbon County. Upon termination, remaining tax funds shall be used for Emergency Medical Services (EMS) and/or property tax reduction as determined by the Bourbon County Commissioners." Clifton stated he just changed it from a one-half cent sales tax to a one-quarter cent sales tax. Jim seconded the motion and opened it for discussion. Michael Hoyt questioned if we know what we need and that he would like to see a plan of how you will spend the money for the next 5 years. Justin Meeks, County Counselor, stated it is clear how it is written that the money will be spent to open and subsidize an ER and if no ER it will go to EMS and/or a property tax reduction. Justin stated if we do not have an ER the funding would need to go to EMS because the runs are up to 100 runs in January 2024 versus 20 runs in January 2023 and that this is the second time with no ER so we know what EMS will need. It was questioned why Clifton wanted to lower the tax from one-half cent to one-quarter cent. Clifton stated that a one-half cent tax would be 1.5 million dollars and a one-quarter cent tax would be \$750,000 and he is not wanting to give them a profit. Anne Dare asked what would happen if a company came in and says they need money up front. Clifton stated he would say no. Jim stated the company will not receive a blank check and Clifton reiterated he would not provide them with a profit. Michael Hoyt questioned why it stated Emergency Department not ER and Charles Gentry clarified that an Emergency Department is the technical terminology for an ER. Jim went back to the motion he seconded for the approval of the retailer's sales tax question for a one-quarter cent sales tax. All approved the motion. Jennifer Hawkins stated she would need a resolution outlining the question and stating the date of the special election. Jennifer said she had the outline of the resolution created she would just need a few minutes to add in the approved ballot language. A 5-minute break was taken to allow the County Clerk to prepare the resolution with normal session resuming at 6:30. Nelson made a motion to approve and sign Resolution 05-23 authorizing and providing for the calling of a special election in Bourbon County. Clifton seconded the motion and all approved. Jim said he believes we are at the beginning of a very good deal and thanked Clifton for all of his hard work.

Clifton addressed public safety concerns and said that there are EMTs who are still making less than \$14.00 an hour and would like Teri Hulsey, EMS Director, to raise the starting wage to \$15.00 per hour. Clifton also said that the Sheriff's Department, from secretary to deputies and correctional officers, also need raises as they are all important

from a public safety standpoint and that their pay is low. Clifton made a motion to increase EMT pay to \$15.00 per hour and add \$30,000 to Sheriff Martin's budget for raises in addition to the \$20,000 that was allocated to them recently at a previous meeting. Nelson seconded the motion with discussion. Nelson said he is all for the raises but questioned where we would get the money so he asked Susan Walker, CFO, to enter the discussion. Susan said we have \$30,000-\$40,000 but it this is a one-time find and since it is going to be an ongoing an expense that is her concern and we would have to adjust budgets next year. Jim asked if we have an excess distribution what is the issue this year. Susan said the funds from the extra distribution would have to be used for the raises this year but she doesn't know where the money will come from for next year. Jim stated we may have to trim from somewhere else. Susan asked for clarification as to where the Commissioners would like to take the \$20,000 that was previously allocated to the Sheriff's Department. Clifton said from the offices that gave money back last year. Susan said we started the 2024 year with a \$40,000 deficit from what was budgeted so we will automatically cut \$60,000 from our carryover which is only \$250,000. Susan handed out budget forms to the Commissioners and stated when you talk about wages it's a little bit harder to come up the with funding since it is an ongoing expense as opposed to a one-time cost such as a bonus. Susan stated the cash reserves have been going down every year and we anticipated for the 2024 budget to be at \$560,000 in cash and we are at \$512,000 starting the year so we're down \$48,000, if you take that and the \$20,000 that was previously allocated to the Sheriff's Department you are now down to \$181,000 and that is if everybody spends their budget. Susan said there is a chance that people could give back some next year but two of the offices that gave back due to being short handed are now staffed. Susan said we just keep whittling away to where we're not going to have any cash carryover. Jim asked if Susan contributed the cash amount going down because we keep dropping the mill levy and Susan said yes, it is. Jim stated it is a good thing but hurts our cash balance. Susan stated from a financial perspective it is not good because any elected official could go over budget and you can't control what they do, but at some point, if we don't have any money left there we're going to be in trouble. Susan said we've always carried about \$500,00 to \$1,000,000 in cash balance to be safe as the auditors will tell you that you need to have 3-6 months operating expense in there. Susan said she just needs direction on where the Commissioners plan to take the money and if it is out of the general fund then she needs to make the transfers. Clifton handed out a sheet that outlined wages for Sheriff's Department employees from other areas in Kansas. Jim said next budget period we can look at what we need to adjust and that he sees some areas that we can trim and help some of this problem, but stated the other two Commissioners might not agree with what he is looking at trimming. Susan said she is just here to tell the Commission what our financial position is. It was decided to take the \$30,000 from the extra distribution and the \$20,000 from the general fund from the departments that gave money back at the end of the year. Nelson said that in his opinion the workers deserve it and that it is

one of the things he agrees we should spend money on. It was questioned by a member of the audience that the public works wages are not much different than what Sheriff's Department and EMS wages are and Jim said that the public works wages have went up tremendously the last five years or so and that we used to have a lot of people making \$12.00/hour and now a lot are making \$17.00/hour. Jim returned to the motion on the floor that had been seconded and all Commissioners approved.

Clifton said the agreement for the equipment at the ER has been signed by the Chairman and Ascension Via Christi so now all the equipment out there belongs to Bourbon County. Clifton said he hopes this will help with an ER coming in so someone doesn't have to spend millions of dollars on equipment and stated they are making progress and asked for people to be patient. Clifton stated Representative Jake LaTurner introduced a bill in the house to change the REH date to 1-1-2015. Jim had no comments. Nelson asked Mark McCoy to say a prayer.

Jim made a motion to adjourn the meeting at 6.44. Clifton 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
3-25-2024 Approved Date