

April 8, 2024

Monday, 5:30 p.m.

The Bourbon County Commission met in open session with Commissioners Jim Harris and Clifton Beth and the County Clerk present.

Casey Brown with SEK-CAP, Robert Hixon, Jason Silvers, Michael Hoyt, Patty Ropp, Clint Walker, Rachel Walker, Brent M. Smith, and Joe Bisogno Jr. 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 4-1-2024, approval of payroll totaling \$296,979.09, and approval of accounts payable totaling \$558,052.08. Jim seconded the motion and all approved.

Pete Owenby state he has consulted with an attorney on the solar panel farms and discussed home rule. Mr. Owenby said the commissioners could set regulations such as limiting the number of acres countywide and setting a minimum setback from homes. Mr. Owenby asked several questions of the Commissioners such as if there were any health studies on industrial solar farms done by independent 3rd party organizations and questioned future health issues that could be caused by the solar panels, how does the glare from solar farms affect neighbors, highways, and planes, and how much are the tax values going to change on industrial land since it will no longer be agricultural. Clifton stated that former Governor Sam Brownback passed a 10-year tax abatement. Jim said he would review home rule and stated the Commissioners signed a resolution a year ago at the request of citizens supporting the property rights of landowners.

Patty Ropp stated there will be a town hall meeting on Thursday at 6:30 p.m. at the Ellis Fine Arts Building at the college to discuss the ¼ cent sales tax. Another meeting will be held on March 24th at Uniontown City Hall to discuss the sales tax. Jim and Clifton discussed attending the meeting but ultimately decided not to go to allow the focus to be on the committee presenting the meeting.

David Beerbower stated that the Commissioners could make a resolution to outline setbacks and other regulations for all energy projects and not just solar projects. David said the Commissioners should look at the whole population and what we want not just the 27 landowners out of 14,000 residents who have signed up for solar farms.

Clint Walker discussed Medicaid expansion and questioned why Kansas has not voted to expand it.

Robert Harrington spoke to the commissioners and stated he was here speaking tonight as a Bourbon County resident and taxpayer who was concerned about false information that had been presented at prior meetings Mr. Harrington stated from a fiscal standpoint hosting solar farms could increase property value of 400 million dollars which would be a serious tax relief to our residents. Mr. Harrington discussed the strained electrical grid which will only get worse as our country grows and stated we should embrace solar and wind energy as a way to help alleviate some of that strain.

Casey Brown with SEK-CAP attended the meeting to be available if the Commissioners had any questions relating to the funding request that was tabled from last week's meeting. SEK-CAP is asking for \$3,000 to help fund general transportation services in Bourbon County. Clifton made a motion to approve \$3,000 for SEK-CAP. Jim seconded the motion and all approved.

Susan Walker, CFO, discussed questions posed at a previous meeting regarding the additional distribution and the funds FSCC received. Susan said her position at the county is to review each fund for compliance after 5 years of audit violations. The goal for 2022 was to develop internal controls which she feels was accomplished as there was only one audit violation in 2022 and that was an inventory violation. Susan stated that Jennifer started as Clerk in January 2023, so Jennifer was unable to fix the 2022 violation, but that the Clerk ensured we were in compliance with our inventory for 2023 to avoid violations. Susan said she has been working to find weaknesses in our internal control and day to day operations and that the Clerk, Treasurer, Appraiser, and herself are all working well together to identify issues and rectify them. Susan said the additional distribution that was made this year stemmed from a TIF district that was created but did not go through, so tax money was going into the TIF fund and accumulating, but was not being pulled into the distributions. Money was sent to several organizations including Fort Scott Community College, Bourbon County, USD 234, and the City of Fort Scott. Susan stated we've learned a lot and are working towards total transparency which is what we are trying to accomplish tonight by discussing these issues publicly. Susan asked Patty Love, Matt Quick, and Jennifer Hawkins to join her to discuss the Neighborhood Revitalization Project.

Susan said she wanted to start with explaining that the issues we are going to discuss are all from prior administrations that we have worked together to identify and correct. Susan explained how the NRP process begins in the Appraiser's office, would go to the Clerk's office to check for accuracy and to be placed on the abstract, and end up in the Treasurer's office where checks are issued for the abatements. Susan said that those who participated in 2018 were not correctly listed in the abstract so some did not receive enough back for NRP and that the base values were not entered correctly. Susan said it will be a very time-consuming process to calculate the correct rates for each NRP participant as she will have to do so manually, so she doesn't have a dollar amount to present to the Commissioners yet. Susan said she will need direction on how we move forward and understands that the Commissioners will need time to decide but that an option is to go to errors and omissions on insurance for the issue. Susan stated she will need a few weeks as there are over 100 properties to look at and that will give the Commissioners time to think. The commercial side of the NRP is going to be the biggest cost as one property she has looked at is approximately \$10,000 off. Clifton stated he will have a property that will be going on NRP soon and asked if the program is fixed for those new applicants, and Matt said yes it will be correct moving forward.

Jennifer Hawkins, County Clerk, discussed a KDHE public notice she received for the renewal of a NPDES Water Pollution Control permit for an existing facility at Maple Ridge Mobile Home Park. The public notice will be available in the Clerk's office until May 4th for anybody who would like to see it or get in contact with the state with any questions or concerns they may have. Jennifer stated the sales tax election will be held on May 14th with early voting beginning on May 6th at the courthouse. Anybody who is not registered to vote will need to do so by April 24th in order to vote in the sales tax election. Advance ballot applications would need to be submitted to the Clerk's office by April 30th to receive a ballot for the sales tax election. If residents have already submitted a permanent ballot application, then they do not need to do anything further, a ballot will be sent to them as usual. Jennifer asked if the Commissioners wanted to track the results of the election by precinct or district and they stated no, that was not necessary.

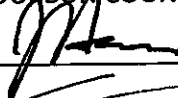
Justin Meeks, County Counselor, requested a 5-minute executive session for on-going active litigation and potential litigation. Clifton made a motion to go into a 5-minute executive session under KSA 75-4319 (b)(2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship to include the two Commissioners and Justin Meeks and will return at 6:32. Jim seconded the motion and all approved. Clifton made a motion to resume normal session at 6:32 with no action. Jim seconded the motion and all approved.

Clifton said he is 100% against zoning and is not in favor of solar farms but that they cannot regulate some and not all. Clifton said we cannot do home rule that landowners could sue us and win since we would take away their right to earn money. Jim agreed stating he does not support zoning and that groups have asked us to support property rights of owners and that people can't pick and choose because sooner or later they will be the neighbor.

Clifton made a motion to adjourn the meeting at 6:44. Jim seconded the motion and all approved.



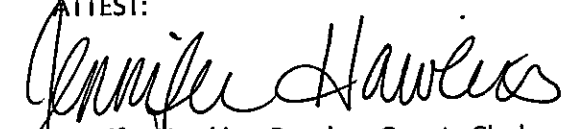
THE BOARD OF COMMISSIONERS
OF BOURBON COUNTY, KANSAS

 , Chairman

_____, Commissioner

_____, Commissioner

ATTEST:


Jennifer Hawkins, Bourbon County Clerk
4-15-2024 Approved Date