

September 16, 2024

Monday, 4:45 p.m.

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

David Beerbower, Clint Walker, Rachel Walker, Teri Hulsey, Mike Wunderly, Tim Emerson, Monte Carriker, Marita Meech, Samuel Tran, Kay Tran, Anne Dare, Mary Pemberton, Kyle Parks, Pete Owenby, Bo Casper, Jason Silvers, Deb McCoy, Deb Martin, Diana Yeager, Leroy Kruger, and Jean Tucker were present for some or all of the meeting.

Jim opened the meeting with the flag salute.

Justin Meeks requested a 20-minute executive session for attorney-client privilege.

Clifton made a motion to go into a 20-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 all three Commissioners, County Counselor Justin Meeks, and Forrest Rhodes via cell phone to return at 5:06. Clifton made a motion to resume normal session at 5:06 with no action. Brandon seconded the motion and all approved.

Clifton made a motion to approve the consent agenda which includes approval of minutes from 9/9/2024 and approval of August financials. Brandon seconded the motion and all approved.

Susan Walker, CFO, along with Don Doherty and Jeremy Bowman discussed insurance benefits. Susan gave the Commissioners a packet that outlined insurance rates now versus what they will be in 2025. Susan also went over the administration changes that will now fall upon the Clerks Office to cover as the state took care of that while we were on the SEHP. Susan said that in order to not adversely affect the employees they felt the first year the county should cover the difference in the costs of the new plan versus what the employee paid on the state plan. Susan said that the premiums the employees pay for dental will remain the same and that vision will go up. Don talked about the HSA plan that the Commissioners will need to decide how they would like to contribute to the plans. Don said that BlueCross BlueShield tried to get close to what we currently have for health coverage and he knows the doctor copays are higher but they are trying to negotiate to see if they will match what the state plan is but he will not know until Wednesday the decision. Don discussed the voluntary benefits and stated they try to write what they use and the plans will be portable. The voluntary plans will be higher and Don gave an example of the critical illness coverage that is \$10.00 per month more. Susan said she did ask

to get quotes on identity theft protection and legal services and that is a voluntary benefit that would be around \$7.00-\$8.00 per month. Susan said the most important thing right now is for the Commission to decide the employer and employee portion and for them to understand they are getting all the decrease in premiums on the dental side not the health side because the BlueCross rates are a lot higher than what the State of Kansas rates. Susan also reminded the Commissioners that they would have to pay for the benefits administration system and the employee assistance program. Susan said this is not something that has to be approved tonight, however; within the next month the contributions need to be decided on. Jim said a savings of \$56,000 for the county is a good savings. Brandon questioned how much we will actually save if someone will have to be hired to help administer the benefits. Jim stated that a part-time position was approved in the Clerk's budget and Susan said the Commissioners had her move that money out of the Clerk budget into their budget. Jim asked what the additional money was in the Clerk's budget and Susan said the Department of Labor increase and to bring contractual services back to the budget it previously was. Jennifer explained her budget was cut \$6,000, from \$9,000 to \$3,000, for contractual services in 2023 and that she had asked for \$9,000 which is what the previous Clerk requested and received. Jim said he thought the money was left for a part-time position and to administer the benefits the Clerk's office will need some help. Jim asked if the Commission next year could move the money back to the Clerk's office to fund the part-time position and Susan said a transfer could be made.

Jim opened the revenue neutral rate hearing at 5:30. Susan Walker, CFO, presented the Commissioners with a book containing the proposed 2025 budget. The first page of the book listed our revenue neutral rate of 56.761 and the proposed revenue neutral rate of 59.607 if the budget were to be approved as presented. Susan said we would be exceeding the revenue neutral rate and levying more money due to the assessed valuations going up. Susan said that if any changes were going to be made to the budget tonight the rate could potentially drop, however; it cannot go higher than 59.607. Susan explained we must hold a revenue neutral rate hearing since we are going to exceed and explain why we need those dollars. Susan said the Commission have explained the funding increases and she went on to explain the assessed valuation increased from \$16,000,000 to \$17,000,000 with the new revenue generated of \$428,000. Jim opened the floor to allow anyone present the opportunity to speak and ask questions regarding the revenue neutral rate. Senator Caryn Tyson thanked the Commissioners for the opportunity to speak. Senator Tyson stated that the revenue neutral rate is about local entities being transparent with their spending not about the state government limiting local government as to how much they can increase property taxes. Senator Tyson said if you vote to exceed the revenue neutral rate tonight then you are voting to increase the amount of property tax collected over the previous year. The increase in assessed valuation was discussed with Jim asking Senator Tyson if the state was not responsible for setting the rates that the Appraiser must follow for our local assessed valuations. Senator Tyson said that the property valuation division tells Appraisers they must be within a 10% margin of error and she feels that artificially drives up some properties. Jim explained our Appraiser said the state told him it needed to raise 20% and he was able to only raise 9%. Susan said she doesn't disagree with Senator Tyson and that as cost of services go up the Commissioners must either collect more tax dollars or cut

services. Senator Tyson said that we have other revenue streams besides property tax and that we also collect sales tax. Susan explained in Bourbon County our sales taxes are allocated for hard surface roads and the jail bond so they can only be used for those specific things. Senator Tyson said that Wyandotte County is remaining revenue neutral this year. Jim stated he would like to stay revenue neutral but that would require the county to cut services. Clifton said he feels the process is too complicated and while he does not disagree with what Senator Tyson is saying he feels it is less transparent. Clifton said to keep it simple if we collected a million dollars last year and collect 1.1 million dollars in property taxes this year, we raised property taxes. Clifton said the RNR process costs the county money as it costs Susan, Jennifer, and Patty's time. Clifton said he doesn't disagree with the idea but how it was implemented was very complicated and in his opinion like typical government stuff it is less transparent and he feels there could be easier ways to do it. Susan said the process also puts a crunch on Clerks as they have to certify everything last minute and gives a longer deadline. Senator Tyson said they have been working with Clerks across the state about possibly changing the dates. Jim asked how many dollars would have to be cut from the budget to remain revenue neutral and Susan stated approximately \$400,000. Jim said the only way to remain revenue neutral is cut services and that would be Sheriff, Road and Bridge, and across the board. Clint Walker said even if the state reimburses to county for costs associated with the revenue neutral rate process it is still tax dollars being spent. Samuel Tran said he has been here a few years and each year his property taxes have gone up and he finds that disappointing. Mr. Tran asked what percent it goes up and Clifton explained it is based upon what your house is valued at so a \$50,000 house would be different than a \$500,000 house. Mr. Tran said he talked to the Appraiser but can't figure out the formula they use. Mr. Tran asked if the taxes are going up because we are not being diligent and questioned if there are things we can do to be more efficient. Clifton said for instance in Road and Bridge you can only run a motor grader for so long before you have to get a new one and you can get rid of it but then roads won't get graded. Clifton said that he personally thinks Road and Bridge has run their budget very well. Susan said that the Commission are in charge of very few budgets and a lot of it falls to the elected officials. Jim said the bottom line is we would have to cut \$400,000 to remain revenue neutral and that there is \$550,000 dedicated to healthcare that they can't touch. With there being no additional public comments Jim made a motion to close the revenue neutral rate hearing. Clifton seconded the motion and all approved. Jim said it would make him proud to remain revenue neutral as he knows Bourbon County citizens are struggling but he feels this is the right thing to do. Clifton said he voted no on the budget and his vote would be the same. Brandon thinks we should stick to the same budget as presented. Brandon made a motion to exceed the revenue neutral rate of 56.761 and to approve resolution 11-2024 which is a resolution of the County of Bourbon, Kansas to levy a property tax rate exceeding the revenue neutral rate. Jim seconded the motion. Clifton abstained. The motion passed 2-0. Jennifer Hawkins, County Clerk, took a roll call of how each Commissioner voted regarding exceeding the revenue neutral rate for a form that must be completed and submitted with the budget to follow the revenue neutral rate procedures.

Jim opened the budget hearing. Susan explained the book the Commissioners has lists the budget by funds and shows any type of budget changes for transparency. Susan said she put in the statutes that the Commissioners are required to follow. Jim opened the floor to public comments for the budget hearing. Anne Dare asked what the property tax projections are for 2025. Susan said the assessed value is projected at \$133,179,966. Anne asked if there is a way to project sales tax for 2025. Susan said that she has projected a \$300,000 deficit for 2025 in both funds and that they are seeing a trend in the hard surface roads fund and they are down approximately \$300,000 so far this year. Anne asked if each department has it in their budget to complete projects this year. Susan said as long as revenue comes in as expected. Anne asked about the increases in the budget costs for next year. Brandon explained the \$13,000 for District Court is for recording equipment as they currently do not have a court reporter and the court proceedings must be recorded. Anne asked if law enforcement received an increase. Susan said that they will receive \$71,000 more than 2024. Anne asked what the end of year reserve projections are. Susan said they are projecting a \$167,000 carry over and projecting \$250,000 next year. Anne said that we are not Wyandotte County and should not be compared to them as we need to compare apples to apples. Susan said she takes many factors into consideration when they do budget comparisons such as levy versus population versus assessed valuation. Susan said unfortunately we are a high poverty area. Jim made a motion to close the public hearing. Brandon seconded the motion and all approved. Brandon made a motion to approve the 2025 budget as submitted. Jim seconded the motion while Clifton voted no. The motion passed 2-1.

Vance Eden handed out a form to the Commissioners that highlighted positive tax implications he felt we would see due to solar farms. Mr. Eden stated he believes this is a unique opportunity for Bourbon County and that he understands there are complex feelings, however, the tax implications matter. Jim and Clifton thanked Vance for coming tonight.

Mary Pemberton said sometimes doing what is right is hard. Mary read KSA 19-211 which outlines the sale or disposition of county property. The statute reads that any property the value of which is more than \$50,000 belonging to any County shall be sold by the Board of County Commissioners and that a public notice of such sale shall be published once each week for three consecutive weeks and shall include the date and time of the sale as well as the terms and conditions of the sale. Mary stated subsection B says in lieu of those procedures the County Commission may adopt a resolution establishing an alternate method for the disposal of such property and shall contain at a minimum procedures for notification of the public property to be sold, the description of such property, and the method of sale. Mary read an excerpt of the minutes from the November 15, 2022 meeting stating "following an executive session Commissioner Beth made a motion to allow Chairman Harris to sign transfer of the hospital building to Legacy Health and any and all documents that deal with closing and that will be done on Thursday. All approved." Mary said later on in the same meeting Clifton stated the transfer of the building has been a very long process and he and Rob Harrington have worked hours and hours on it the last two years. Mary stated a resident in attendance at that meeting

attempted to ask questions regarding who is Legacy and what the transfer means and they were immediately cut off. Mary said after the documents were signed it was revealed the county had donated approximately 40 acres of real estate, a building valued at \$19,600,000 plus \$2,000,000 to this newly formed entity called Legacy Healthcare Foundation. Mary said per the Kansas statute she just read it seems apparent that the agreement and donation to Legacy were made fraudulently as KSA 19-211 makes it clear the procedures required and none of that was done in this case. Mary stated therefore she is asking the Commission correct this error and direct the County Counselor to do three things: make demand on Legacy Healthcare Foundation to rescind the donation transaction as it was a product of illegality, notify Kansas Renewal Institute who is the primary lessee of the building of the claim, and prepare a petition to file in District Court seeking to rescind the donation. Mary stated if you don't wish to correct your illegal actions she would ask that Commissioners Jim Harris, Clifton Beth, and County Counselor Justin Meeks who are all instrumental in this immediately resign your positions. Clifton asked Mary is she was accusing them of a crime and she said yes.

Pete Owenby asked if the Commissioners have done any research on the solar fires in California or New York. Jim said he has not he has just spoke to the State Fire Marshal. Pete asked if there was any update on the contract lawyer. Jim stated he was not sure he understood what Pete was asking. Pete stated three weeks ago you came out of executive session and hired two lawyers to do an investigation and asked if there any updates. Brandon said one is still under investigation and Clifton said the other instance an attorney was not hired yet. Pete thinks that we should determine how many acres of solar panels there are and then have a certain number of firefighters to protect that area as there is a distinct possibility of two of the fires occurring at once. Jim said he has spoke to the State Fire Marshal and there will be training provided. Pete said it takes special equipment to fight the solar fires.

Eric Bailey, Public Works Director, and Dustin Hall, Assistant Public Works Director, presented a monthly culvert report for approval. Eric told the Commissioners that the monthly fuel report was emailed to them. Eric said they have completed Eagle Road from Highway 69 to 250<sup>th</sup> Street but at this time he is going to suspend the asphalt program until they get their next sales tax payment. Eric stressed that they are not saying they will not do more asphalt this year but they need to know where they are financially as the sales tax payments are down this year. Eric said the budget numbers are tight with sales tax down and the flood hit us for fuel, equipment, and culvert costs. Clifton said if you have to suspend the program to do so. Eric said he just wanted to be transparent and let residents know what was going on. Eric said FEMA was here today and they had a good meeting. FEMA is currently collecting our data and looking at projects and will be back in two weeks. Eric stated per their recommendation they have divided the county into four quadrants and will start in one quadrant and look at projects completed before moving on to the next quadrant. Eric said there is a slim possibility we may receive money from FEMA this year. Brandon stated it would probably be next February or March before we receive FEMA funds. Eric said they have completed their last purchase of \$70,000 in culverts and have many more to replace. Eric stated crews are clearing debris from waterways

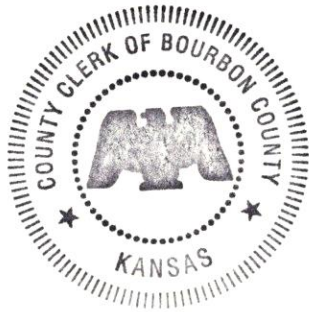
and they have a deadline of 1-5-2025 to have that work completed. Eric informed the Commissioners we did not receive the off-system bridge grant for bridge 19.2-Q.0 which is located on Jayhawk Road west of 205<sup>th</sup> Street. Eric said 78 counties applied for this grant and that he would like to apply again next year. Eric gave an update on the safety committee stating they have chosen Public Works individuals and are working with the Sheriff and KWORCC to get someone to come in and let us know what we need. Eric said they are roadside mowing and will start the final pass soon. The last few months they have concentrated on mowing RS roads. Eric said he thinks we need to suspend the dust control for the time being as we have to buy a tanker and have the money up front for it. Clifton said he is fine with suspending and Jim told Eric it would be his call.

Jennifer Hawkins, County Clerk, presented an agreement from Tri-Valley for the Commissioners to sign that outlines the dollars allocated to them for the 2024 fiscal year. Clifton made a motion for all three Commissioners to sign the Tri-Valley agreement. Brandon seconded the motion and all approved.

Justin Meeks requested a 7-minute executive session. Clifton made a motion to go into a 7-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 all three Commissioners and Justin Meeks and will return at 6:57. Brandon seconded the motion and all approved. Clifton made a motion to resume normal session at 6:57 with action. Justin Meeks asked for an expenditure of \$185 be paid for personal service. Clifton made a motion for up to \$186.00 to come out of the Commission discretionary fund for a personal service. Brandon seconded the motion and all approved. Justin said the property needs to have a survey for the area to the east of the EMS barn for the storage barn and gravel lot to be donated back to Bourbon County. Clifton made a motion to allow Justin Meeks to get the service of a surveyor to do a survey of the buildings around the EMS barn to get it deeded the right way. Brandon seconded the motion and all approved.

Brandon said he asked Shane to do a preliminary zoning map and he presented it to the Commissioners that would put everything outside of city limits in ag use and he said anybody new would have to come see us to put in industrial. Jim said that is the easy part and that there needs to be a comprehensive plan and several other things done as well. Brandon made a motion to adopt the map and work on zoning if we zone everything outside the City of Fort Scott as agriculture. Clifton asked what will we do with the people who have businesses at their homes? Jim said he appreciates Brandon and Shane working on this but he has a lot of experience in zoning and you would need to move forward with a comprehensive plan. Brandon said the Commissioners and County Counselor were just accused of committing a crime and stated maybe they should come up with proof that you didn't break the law. Jim said we donated the building and we have legal counsel who will review the matter.

Clifton made a motion to adjourn the meeting at 7:04. Brandon 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

9-30-2024 Approved Date