

January 13, 2025

Monday, 5:30 p.m.

The Board of Bourbon County Commissioners met in open session with Commissioners David Beerbower, Leroy Kruger, and Brandon Whisenhunt and County Clerk Susan Walker present.

Nick Graham, Clint Walker, Rachel Walker, Pete Owenby, Kyle Parks, Cory Bryars, Teresa Davenport, Clay Campbell, TD Davenport, Dale Griffiths, Michael Hoyt, Steve Houston, Richard Long, Leah Lewis, Samuel Tran, Kay Tran, Jerrod Handly, Mary Pemberton, Becky Whisenhunt, Brent Smith, Bo Casper, Wayne Davidson, Bill Martin, Jason Silvers, Luke Demko, and Jessica Handly were present for some or all of the meeting.

Brandon called the meeting to order and led the flag salute.

David made a motion to elect Brandon as Chairman of the Board for 2025. Leroy seconded the motion and all approved.

Brandon made a motion to elect David as Vice-Chairman of the Board for 2025. Leroy seconded the motion and all approved.

David made a motion to approve the consent agenda which includes approval of minutes from 12/30/2024, approval of accounts payable totaling \$679,618.29, and approval of payroll totaling \$294,203.75. Brandon asked Eric Bailey what the Foley power by the hour is and Eric stated that it is a service contract on our motor graders. Brandon seconded the motion and all approved.

David made a motion to discuss lithium-ion battery hazards with Emergency Manager Brian Allen. Leroy seconded the motion and all approved. Brian stated he has been asked by a lot of citizens about what happens if there is a lithium-ion battery fire. Brian provided to the Commissioners a handout he received from the Kansas Emergency Management Association that includes a study performed by Texas A&M. Brian said the study outlines what would happen and everything that would be emitted into the atmosphere if there was a lithium-ion fire. Brian stated the study only covers the battery fires and does not cover solar panels and the findings are alarming. Brian said he is still working on trying to find information about the solar panels.

At 5:30 p.m. David made a motion to open the Flood Plain Management public hearing. Brandon seconded the motion and all approved. Brian handed out copies of the Flood Plain management resolution that follows the State of Kansas laws. Brian said every time they change the flood maps, we have to re-do the resolution. Brian said this resolution must be completed so that homeowners who live in a flood plain are able to get National Flood Plain insurance. Brian said the deadline for him to turn into the State is February 14th. David asked if we have copies of the updated maps and Brandon asked how much has changed. Brian said this process has been going on for the past three or four years and that more properties were coming out of flood plains than going into a flood plain. Susan said the public must be allowed to speak, so the Commissioners opened the floor to the public for questions or comments. Michael Hoyt asked if we would have another review of the maps since it has been a long time since the State presented them at a prior meeting. David said he for one would like to look over the resolution and review the maps. Brian said that starting tomorrow through the next meeting he will have the maps available in the Commission room for anybody who would like to stop in and review them. Brandon made a motion to close the Flood Plain Management public hearing. David seconded the motion and all approved. David made a motion to table the Flood Plain resolution until January 20th. Leroy seconded the motion and all approved.

Susan Walker requested an executive session to discuss non-elected personnel. Brandon made a motion to recess into executive session under KSA 75-4319 (b)(1) to discuss personnel matters of individual nonelected personnel to protect their privacy for 5-minutes for employee matters to include the three Commissioners, Susan Walker, and Matt Quick. The Commissioners will return to the Commission room at 5:42. Leroy seconded the motion and all approved. Brandon made a motion to resume normal session at 5:42 with no action. Leroy seconded the motion and all approved.

Pete Owenby stated he is extremely happy to have the new Commissioners here. Pete urged the Commissioners to please do their best to consider all residents when they make their decisions. Pete said the Commissioner's oath is the bond with the citizens of Bourbon County and he has faith in them.

Nick Graham said he wanted to talk to the Commissioners about their time. Nick said he has full faith that you are going to do your jobs to fullest. Nick said the Commissioners will be investing a lot of time over the next few years with what is on their plate and their time is valuable. Nick suggested adding to a future meeting the consideration of bringing the Commissioner's pay to a reasonable rate. Nick stated that compared to Linn, Crawford and Allen counties the wages were low.

Cory Bryars and Teresa Davenport with Care to Share were present to give the Commissioners updates on their organization. Teresa introduced Richard Long who has been with Care to Share for over 15 years and Leah Lewis who is the Intake Coordinator and does Sunshine visits. Clay Campbell is a new board member who stated he wanted to join Care To Share as his family has been affected by cancer and he has seen what the organization can do. Clay urged anybody who want to get involved to do so whether it be volunteering or donating items to fundraisers. Care to Share covers Bourbon, Linn, and Crawford counties and is 100% volunteer based. Teresa said the support they offers varies upon the needs of each individual. Care to Share gave \$100,000 back to the community last year and Bourbon County receives 75%, Crawford County receives 20%, and Linn County receives 5%. Teresa praised Cory Bryars for helping the organization grow and our community for getting behind the cause. Care to Share's office is now located on Wall Street in the old Flint and Fray building and they are open Monday, Wednesday, and Friday 11:00 to 2:00. Care to Share can be reached at (620) 644-9090, fotscottcaretoshare@gmail.com, or through their Facebook page.

Bob Johnson, who has an office in Iola, met with the Commissioners about the County Counselor position. Mr. Johnson stated he has been practicing law for 28 years and has represented counties as a County Counselor for 24 years. Leroy made a motion to recess into executive session under KSA 75-4319 (b)(1) to discuss personnel matters of individual nonelected personnel to protect their privacy for 10-minutes for employee matters to include the three Commissioners and Bob Johnson. The Commissioners will return to the Commission room at 6:24. Brandon seconded the motion and all approved. Brandon made a motion to resume normal session at 6:24 with no action. Leroy seconded the motion and all approved.

Eric Bailey, Public Works Director, presented the monthly culvert report for approval. Brandon made a motion to approve the monthly culvert report as presented. Leroy seconded the motion and all approved. Eric said they normally email the monthly fuel report and he wasn't sure if they would receive it this time, so he presented paper copies for the Commissioners. Eric stated it is time for the annual interim bridge inspections that we are mandated to do by KDOT. There are 22 structures due for inspection, one for routine critical inspection, and four low water crossings. Eric said his recommendation is to go with Schwab-Eaton again as they have done our inspections for over twenty years and do a good job. The cost of the inspection is \$11,025.00 this year. Brandon made a motion that we allow Schwab-Eaton to inspect the bridges for the annual interim bridge inspection. David seconded the motion and all approved. Eric said they completed the blast at Blake Quarry last week and it was around 47,000 ton of rock. Eric stated they have a meeting with FEMA scheduled for Thursday to move forward with whatever is needed to receive funding from the April 2024 storm damage. Eric said the ice storm went well for their department since they were able to get out early and put material down before the ice hit. Eric said they ran three eight-hour shifts with the crews rotating to try

to keep overtime down. Eric said his crew did an outstanding job with the snow removal. Brandon said they do an outstanding job with the equipment we have. Blading hills on gravel roads was discussed and Eric asked the Commissioners what they would like him to do as if we do one, he feels we will have to do all. David suggested holding a work session so that they could sit down with Eric and go over his processes and procedures now and determine what to do in the future. The Commissioners will schedule a work session at a future meeting. Eric asked how often the Commissioners would like him to come in for department updates and it was decided to leave it at once a month while the new Commission gets everything worked out and they can address it again in the future.

Susan Walker, County Clerk, stated next week the courthouse will be closed on Monday and asked if the Commissioners would like to move the meeting. After discussion it was decided to hold the meeting on Monday at 5:30 p.m. Susan went over a compliance guide that she created that outlines due dates of reports and other items that offices in the Courthouse must complete according to statute. Susan stated she wanted the Commissioners to be aware of all that is required of them and that if they would like to go over the guide in more detail at a future meeting she would do so. Susan explained that we are in the middle of closing the 2024 financials and that we will process any 2024 payables through the end of the week. Susan encouraged department heads to let her know if there is a 2024 expense that they have not received an invoice for so that she can encumber the cost to avoid cash basis violations. The Clerk's office is working on W2's and 1099's and should have those completed by the end of the week. Susan stated the prior Commission voted to encumber \$50,000 to cover legal fees, but she never received the vendor information to do so. Susan explained that if the legal fees are going to be completed in 2025 then they should be booked as a 2025 expense. Brandon made a motion that the \$50,000 that was set aside in 2024 to pay legal fees be moved to 2025 in case they incur legal fees. David seconded the motion and all approved. Susan said she has had several conversations with Charles Gentry about the audit committee for the Emergency Department. The prior Commission pad \$500,000 upfront to Freeman and some of the funds used to pay that was the sales tax we had received so far. The verbiage on the ballot stated the sales tax could be used for the establishment and operation of an Emergency department, however; Susan stated Mr. Gentry said the wording of the Freeman contract would not allow that. Susan explained she had never received a copy of the contract so she read it and agreed with Mr. Gentry. Susan said she spoke with the Department of Revenue about the distribution we received in October for sales tax revenue and they entered the distribution date incorrectly so they will send her an allocation report so we can issue a distribution to the correct entities. Susan said that the money used for the Freeman payment from the sales tax fund will be taken out of the general fund equipment reserve account. Susan said that Bourbon County has not received the contract back from Freeman. David made a motion to reallocate the money, \$114,835.39, from the sales tax fund and reallocate from the general equipment reserve fund. Brandon seconded the motion and all approved. Susan suggested a Commissioner reach out to

Freeman regarding receiving a signed copy of the contract. Brandon made a motion to allow Leroy to reach out to Freeman to check on the status of the contract. David seconded the motion and all approved. Susan gave the Commissioners examples from the Kansas County Commissioner's Association on code of ethical conduct for County Commissioners. Susan took that information and put it resolution format and also made one for patron participation in public forums, rules of decorum for public forum, and one for meeting rules of order. Susan explained she wasn't asking for those to be approved tonight she wanted them to have to review. David said he would like to add prayer back on the agenda and to invite a different Pastor every week or have the Commissioners lead prayer if they would like. Leroy said he has no issue with that. Susan presented an organizational chart so the Commissioners can know where things fall in the county and who reports to whom. Susan gave the Commissioners the rules and responsibilities from the Kansas Association of Counties. Susan said that the association holds a conference in April each year so that if the Commissioners would like to go, she can sign them up. Susan presented for approval two cereal malt beverage licenses for Hidden Valley Lakes at 93 Hackberry Road for consumption on and off premise. David made a motion to approve the licenses for Hidden Valley Lake for on and off premises and for the Chairman to sign. Leroy seconded the motion and all approved. Susan explained that at the beginning of each year we have a lot of resolutions we have to approve. The first resolution is for the 2025 holidays and paydays. Susan said Juneteenth was added since it is a federal holiday, but if the Commission would like to remove, she can do so. David made a motion to pass resolution 01-25 holidays and paydays for Bourbon County employees as listed. Leroy seconded the motion and all approved. Susan read resolution 02-25 which is the waiver of generally accepted accounting principles. Brandon made a motion to approve resolution 02-25 for Bourbon County, Kansas a resolution concerning the waiver of generally accepted accounting principles. Leroy seconded the motion and all approved. Resolution 03-25 outlines the designated depositories for county funds as well as the official publication. The newspaper is Fort Scott Tribune and the designated depositories will be City State Bank, Union State Bank, Liberty Savings and Loan, Landmark, and Citizen's Bank. Brandon made a motion to approve resolution 03-25 for Bourbon County, Kansas a resolution to designate depositories and official publication carrier. Leroy seconded the motion and all approved. The Rural Opportunity Zone resolution states that Bourbon County is allowed to participate in the program and that we allocate zero dollars. Susan said in the future it might be something that the Commissioners look at to see if they would like to allocate funds as an incentive to get students to come back here and work. David made a motion to approve resolution 04-25 to authorize and participate in the Rural Opportunity Zone student loan repayment program for the calendar year 2025. Leroy seconded the motion and all approved. Resolution 05-25 is to outline meeting dates and times and it was determined to hold them on Monday evenings at 5:30 p.m. in the Commission room of the courthouse. The Chairman has authorization to call a special meeting at any time with the approval of the majority of the other Commissioners. Brandon made a motion to adopt resolution 05-25 a resolution declaring meeting date, location, and time. David seconded the motion and all approved. Susan said the prior Commission did not adopt salary resolutions

for elected and appointed officials and that the auditors pointed out per state statute we must. Susan presented resolution 06-25 which outlines salaries and said that a wage comparison was completed for the Clerk, Treasurer, and Register of Deeds wages and that it was also set budget based upon the Department of Labor increases for salaried officials. Susan said the Department of Labor was sued by Texas so the case has been put on hold so the Commissioners are not required to go with those increases. Susan said that she talked about the elected official wages during the budget session and they are underpaid compared to other counties of like size so this schedule would set them to be paid more comparable to what others are being paid. David said that he heard the whole time he was campaigning how little our public works and correctional officers are making and that there is a pretty good bump on the top end but it doesn't show where they are getting anything. Susan said that this schedule is for elected and appointed officials and that due to the Department of Labor increase for salaried individuals some who were not elected or appointed would now be paid the same amounts. Susan suggested talking to the department heads to determine why the non-elected individuals have not received raises. David said he understood, but asked if the raises could be spread out over a couple of years. David suggested tabling the resolution and Susan said if anybody would like more financial information, she can bring that back next week. Leroy made a motion to approve per KSA 25-825 and 19-101 resolution 06-25 salary resolution for elected and appointed officials. Brandon seconded the motion. David opposed the motion. The motion passed 2-1.

David asked to amend the agenda to add a resolution and it was decided he would talk about it during the Commission comments section.

Brandon made a motion to recess into executive session under KSA 75-4319 (b)(1) to discuss personnel matters of individual nonelected personnel to protect their privacy for 5-minutes for employment matters to include the three Commissioners and Shane Walker. The Commissioners will return to the Commission room at 7:25. David seconded the motion and all approved. Brandon made a motion to resume normal session at 7:25 with action. David seconded the motion and all approved. Brandon made a motion to appoint Leroy as HR liaison for the County Commission. David seconded the motion and all approved.

David made a motion to amend the agenda to discuss the moratorium on solar. Leroy seconded the motion and all approved. David handed out what he called a rough draft moratorium compiled based upon a couple of other counties. The moratorium was read and discussed. Mary Pemberton said she did not believe that you could issue a non-expiring moratorium. David said he is open for discussion and said he looked at Pottawatomie County's and their moratorium was for five years. A resident asked if our rural fire departments were equipped to fight solar fires. David said that they are Class 3 equipped which is for residential. Brandon said it would be very expensive to get to that point with the turnout gear and the pumps and foam

and then they would need manpower as well since most are volunteers. David made a motion to table a moratorium until we can do a work session for further details on developing what type of fire department, we need to fight these types of situations. Brandon seconded the motion and all approved.

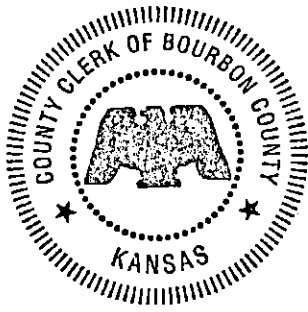
Mary Pemberton handed out a moratorium to the Commissioners. The Commissioners read the moratorium and decided to change the expiration date to 48 months which would be 1-13-2029. Brandon made a motion to adopt resolution 07-25, a resolution by the Bourbon County Kansas Board of Commissioners enacting a moratorium on solar energy projects for 48 months from today which would be January 13, 2029. Leroy seconded the motion and all approved. Susan said she will bring back the official copy next week for signatures.

David said he has been asked what his vision statement is and he read the quote, " Democracy is a slow process of stumbling to the right decision instead of going straight forward to the wrong one." David said he was surprised he couldn't find a mission statement on the county website. David said a mission statement is what we do as Bourbon County government and a vision statement is what we will become. David said he envisions a board of leaders where the same old same is not an option, where innovation and traditional values together cultivate a thriving community fostering growth in our future generations. David said he would like to see working together on solutions that benefit our community and thinking outside the box to improve our quality in our community and not just trying to advance the bottom line.

Leroy said that his goal is to give the voice back to the people and an attentive ear that is going to pay attention and listen to your needs and do the best he can to make the right decision that benefits the majority.

Brandon thanked everybody for coming tonight and said that he would like everybody to continue to show up and voice their opinions of what they think the Commissioners are doing right or wrong so they have a direction to go in. Brandon said there will be some stumbling along the way and that obviously today didn't go as smoothly as they would like but they will get better.

Brandon made a motion to adjourn the meeting at 7:48. Leroy seconded the motion and all approved.



THE BOARD OF COMMISSIONERS
OF BOURBON COUNTY, KANSAS

Bud Walker, Chairman

Bob [unclear], Commissioner

[unclear], Commissioner

ATTEST:

Susan Walker

Susan Walker, Bourbon County Clerk

1/20/25 Approved Date