

February 10, 2025

Monday, 5:30 p.m.

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

Mike Wunderly, Tim Emerson, Clint Walker, Rachel Walker, Kyle Parks, Pastor Norman Tillotson, Jason Silvers, Michael Hoyt, Jean Tucker, Don Tucker, Pete Owenby, and Anne Dare were present for some or all of the meeting.

Brandon opened the meeting with the flag salute. Pastor Norman Tillotson led the prayer.

Leroy made a motion to approve the agenda. Brandon seconded the motion and all approved.

Leroy made a motion to approve the minutes from 2/3/2025. David seconded the motion and all approved.

David asked about a payment made on page six of the accounts payable report. The total was \$2,500.00 for an Assistant County Attorney monthly rate. David questioned if it was a paycheck and if it was coming out of the general fund or their department. Susan stated he was paid out of accounts payable due to being contract labor and the payment is coming out of the County Attorney's fund since he hired the assistant. Susan encouraged the Commissioners to call her if they have any questions regarding the reports. David made a motion to approve the consent agenda which includes approval of accounts payable totaling \$302,311.69 and approval of payroll totaling \$296,951.12. Brandon seconded the motion and all approved.

Christopher McElgunn, attorney with Klenda Austerman, called into the meeting to discuss outsourcing the tax sales in the future. Brandon said in the past the properties have been transferred with a quit claim deed and that Michael Hoyt said with that deed the owners can come back and file suit to get the property back. Mr. McElgunn said the primary goal of a tax foreclosure sale is to have individuals come in and pay their back taxes and that if they ultimately have to sell property their goal is to give enough people notice service to foreclose their interest. Only the owner or mortgage companies that you have inadequate service to have the right to come in and set aside the sale. Mr. McElgunn said the county doesn't give any warranties with tax foreclosure as the deed comes from the court signed by the Sheriff so anybody who buys property at a tax foreclose sale takes it with notice of all defects. Mr. McElgunn said he has been processing tax foreclosure sales for 30 years with multiple counties and has only had about three set aside motions filed. Mr. McElgunn stated their process is to

start the lawsuits and make an initial filing as to all the parcels that are eligible for foreclosure that year and serve all the people first to give them a change to come in and redeem the property by paying all the taxes and fees on the property. In the meantime they are getting the title work from the title company and once that is received, they add all the parties the title work reveals, such as lienholders and any judgements, to the lawsuit and they are served and notice is published. Mr. McElgunn said he has staff members who do all the tracing and location services that can be utilized to try to locate individuals we do not have good addresses for which shows the courts that they have made a reasonable inquiry to find their whereabouts. David said concerns have been brought up regarding the city landbank because the properties that do not sell are donated to the landbank. Mr. McElgunn said he has a very developed opinion on how and what he thinks is the relevant law for landbanks and that if a property does not sell it does not have to be donated to the landbank as there is a method in which the property could be sold privately. If the landbank takes the property and title to the property then they assume any post transfer challenges. Mr. McElgunn asked about how many parcels we have that are eligible and Patty Love, County Treasurer, said for 2020 and before there are approximately 180 properties. Mr. McElgunn stated with the number of properties the Treasurer stated they would charge \$300-\$350 per parcel that is added to the redemption amount the taxpayer must pay to redeem the property. Mr. McElgunn stated if a resident wants to redeem the property, they must pay all fees which include the per parcel attorney fee, the title company fee which is usually around \$125, the court cost which is around \$100, plus the publication fee. The proceeds of the tax sale properties would be used to pay the fees so that the county does not bear the cost out of its budget. The Commissioners decided to table any decision until Mr. McElgunn comes in person later in the month.

Commissioner Kruger will be attending the next landbank meeting on February 24th at City Hall.

Leroy spoke with Freeman about the equipment that they will not be utilizing and it is approximately 10 pieces of equipment as well as other items like desks and chairs. The County Counselor suggested having an onsite auction to sell the unwanted items and potentially donate what does not sell. It was determined that they would need to find an auctioneer and set a date and time to hold the auction. Leroy stated he has pictures of the equipment that he can send to the Clerk. Brandon made a motion to allow Leroy to work on the process for the disposal of the equipment at the hospital. David seconded the motion and all approved.

Clint Walker stated that flags on public buildings should only be the American flag, Kansas flag, and the POW MIA flag. Mr. Walker stated that flag etiquette should be followed ensuring the flags are not tattered and have a light on during the evening hours and during inclement weather. Mr. Walker stated he feels putting any other flag than the three mentioned would be opening yourself up to any organization being allowed to put their flag up. Mr. Walker

questioned if the city is paying for the housing of their prisoners and said we need to do our due diligence in ensuring agreements are equal.

Michael Hoyt discussed a special election for the two new Commission seats. Mr. Hoyt said that statute states we cannot hold a special election 45 days before or after a general or primary election. Mr. Hoyt suggested moving quickly on getting an opinion on if a special election can be held or simultaneous with the nonpartisan elections that will be held this year.

Susan Walker, County Clerk, asked the Commission how they would like to handle the budget process and calendar that generally starts in March. Susan said in the past departments have turned in a request and sometimes they will come before the Commission to present as well. It was decided to hold work sessions with department heads on March 12<sup>th</sup> at 2:00. Susan asked if the Commissioners would be holding a meeting next Monday since the courthouse will be closed due to the President's Day holiday. Brandon made a motion to not hold a meeting on February 17<sup>th</sup>. David seconded the motion and all approved.

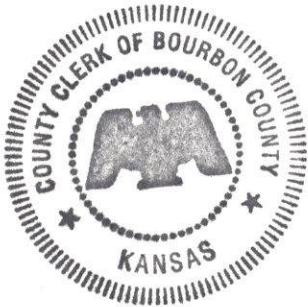
Brandon said a decision will need to be made about an area at 95<sup>th</sup> Street and Unique Road as he has received several calls about the county maintaining the road. Brandon said the Register of Deeds and Public Works Director have been working on the maps and they have documentation that the road was closed in 1954. A landowner said the road was maintained when his children were in school so the bus could turn around and he would like the road re-opened and the county to maintain the road. Brandon said the state said we could re-open the road, however; the landowner must pay to build the road back up to our standards and then the county will pay to maintain. Brandon asked the Commissioners to think about it and it can be discussed at a later meeting for a decision to be made. David said he thinks we need information from Eric to know exactly where they're talking about. Another road issue was discussed in which a landowner is landlocked and would need an easement to access the property. It was determined a resolution would need to be issued for the easement but they tabled the discussion until the actual location could be presented.

Brandon asked the other Commissioners if they would like to hold a short meeting to approve and pay bills then hold a public work session after. Leroy asked if there was a statute that outlined how many meetings the Commissioners needed to hold per month. Leroy said he feels that work sessions would be beneficial. Brandon said he is on the radio every Tuesday at 7:45, but he may not be able to make some of those. David volunteered to fill in on the radio if Brandon needs.


Leroy discussed the joint meeting at City Hall and said he appreciates county people showing up for the meeting.

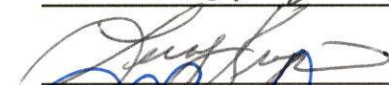
David said that the land at the entrance to the hospital is not county property and the individual who is in cutting down trees is doing it voluntarily.


The meeting was adjourned at 6:50 p.m.




THE BOARD OF COMMISSIONERS  
OF BOURBON COUNTY, KANSAS

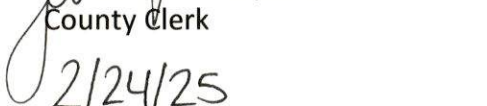
  
\_\_\_\_\_, Chairman

  
\_\_\_\_\_, Commissioner

  
\_\_\_\_\_, Commissioner

ATTEST:

  
\_\_\_\_\_  
County Clerk

  
\_\_\_\_\_  
2/24/25  
Date Approved