

February 3, 2025

Monday, 5:30 p.m.

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

Clint Walker, Rachel Walker, Pete Owenby, Katie Casper, Mike Wunderly, Bob Johnson, JD Handly, Jean Tucker, Luke Demko, Bill Martin, Eric Bailey, Kevin Davidson, Teri Hulseby, Jason Silvers, Michael Hoyt, Shane Walker, Becky Whisenhunt, Mark McCoy were present for some or all of the meeting.

Brandon opened the meeting the with flag salute, followed by a prayer led by Mark McCoy.

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

David made a motion to approve the minutes from the 1/27/2025 meeting. Leroy seconded the motion and all approved.

David made a motion to approve the consent agenda which includes accounts payable totaling \$239,105.03 and Salary Resolution 14-25 repealing 12-25. David questioned page 28 of the accounts payable report which listed emergency services sales tax refund for a sales tax error totaling \$44,252.59 and asked Susan to explain what exactly that was. Susan stated the Kansas Department of Revenue put the sales tax in the wrong month so they sent a distribution in October and November. Those distributions should not have come to the county and instead should have been sent to other taxing entities. Amy Kramer with KDOR recalculated the distributions and identified how much should go to each of the cities and what needed to be moved from our emergency sales tax to jail and public works for those two months and that is what those payments listed on page 28 are. David asked if the refunds came out of the sales tax fund or the general fund. Susan said they came out of the emergency sales tax fund. David seconded the motion and all approved.

Brandon made a motion to recess into a 30-minute executive session under KSA 75-4319 (b)(3) to discuss employer-employee negotiations whether or not in consultation with the representative or representatives of the public body or agency and 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 discuss contract negotiations and ongoing litigation. The executive session will include the three Commissioners and Bob Johnson and they will return to the Commission room at

6:05. Leroy seconded the motion and all approved. Brandon called the meeting back into regular session with action at 6:05 and stated they will vote on accepting a contract with the new County Counselor. After discussion it was decided the County Counselor contract would be presented at the next meeting so the details could be reviewed and the Commissioners could sign if approved.

Brandon made a motion to recess into a 10-minute executive session under KSA 75-4319(b)(1) to discuss personnel matters of nonelected identifiable personnel to protect their privacy regarding job performance to include the three Commissioners and will return to the meeting room at 6:18. Leroy seconded the motion and all approved. Brandon called the meeting back into regular session at 6:18 with action. David made a motion that they set a work session for Wednesday, February 12th at 5:00 p.m. to review existing employee handbooks, purchasing policies, hiring and firing policies, and job descriptions for our two departments. Leroy seconded the motion. Susan asked which two departments and David stated Public Works and the Courthouse. Susan said the Commissioners do not have all the Courthouse. David stated the COO is and Susan also listed Public Works, Emergency Management, IT, and the Appraiser's Office. Brandon said it would be all the Commissioner controlled departments would have a work session. All Commissioners approved the motion.

Michael Hoyt said he has been reviewing house and senate bills and stated there is a proposal that would have a holiday on Election Day so the even numbered years would be the partisan elections and the odd numbered years would be the nonpartisan elections. Mr. Hoyt said that there is a resolution passed to have an election on April 18th for the additional commission district seats. Mr. Hoyt asked if we are still going forward with the resolution passed for an April election and asked if not when was the resolution rescinded. Brandon said they have been in contact with the Governor's Office and they stated it has to be on a regular election cycle and therefore cannot have a special election to fill those seats. Susan said that state law trumps local law. Mr. Hoyt said that he isn't sure they couldn't do it by resolution and stated he would bring it up Thursday and see what he can find out and stated Mr. Hall believes we could. Shane Walker said that Mr. Hall, Chief Legal Council for Kansas Association of Counties, was in the meeting with them and stated he doesn't believe that. Shane said they met with Scott Schwab's Chief of Staff and his General Counsel as well as the Chief of Staff for the Governor's Office and said the law that was passed last year is the law. The law was changed because Pottawatomie County and Douglas County were going to have a special election that would have put a super majority in charge every four years and only one Commissioner in the opposite two years. Shane said it was changed for the specific purpose to keep a two and three majority otherwise known as a simple majority. Shane stated they were told that we could go by the letter of the law then if somebody tried to sue us it would get thrown out of court because it follows the law. Shane said if we had a special election we could get sued and the two people that were elected would not be legally Commissioners and since there are no Commissioners currently in those spots, they would not be considered vacated seats. Shane said that he was under the belief that a special election could be held until their meeting when it was

explained to them why they couldn't. Shane said it is up to the Commissioners but the recommendation from the highest offices at the state say we need to have it as a standard election. Brandon asked if the two people who would get elected in November would get sworn in in 2026 and they would hold office for one year? Shane said they could run a one-year term and then they would be on the same cycle with Brandon or they could have one seat be a one-year term and the other be a three-year term. Brandon asked if we needed to change the resolution and Susan said she couldn't remember how it was worded but it would need changed to have the regular election. Leroy thanked Shane for the information and asked Mr. Hoyt if he was finished. Michael Hoyt came back to the table and asked the Commissioners if this was the first they had heard all this. Brandon said no, that is why he said we have been speaking to the Governor's Office to figure out how to get it done correctly. Leroy said that he is only going to speak for himself and said he will look further into it so that we make the right decision, and that it is not a decision that will be made tonight. Leroy said his next comment is that we are not going to go back to the old ways of the old Commissioner and that the people of the audience are going to get acknowledged to the table before we just go off on a tirade like that. Leroy said he wanted to do a good job of getting away from the negativity and get back on board with having these meetings done correctly and that he knows this is high emotions at times with this line of work but we need to reel it in when it gets like that. David said he agrees and that he was going to wait until Commissioner Comments but that's one of the things he has been reading when it comes to meeting orders and being conducted in an orderly manner. David said when you feel a rule has been broken or has not been corrected to do a point of order to the Chairman. David said in this case Mr. Hoyt had the floor and you could have granted the Clerk the floor when she was talking about state law trumps local law and then again when Mr. Walker interrupted. David said that moving forward we're going to follow the rule or parliamentary procedure. Brandon said he will take the blame on that one and apologized to Mr. Hoyt. David said he was not pointing blame and stated it is just their fourth meeting and they are still learning. Leroy said he hates he had to say anything but it is not the first time that it's happened and that he doesn't want to be that old commission. David said he appreciates Leroy speaking up.

Eric Bailey, Public Works Director, presented the monthly culvert report for approval and signatures. David asked Eric how this has been handled in the past and Eric said they usually make a motion to approve. David made a motion to approve the culvert permits at 2180 Poplar Road and 2598 Limestone Road. Brandon seconded the motion and all approved. Eric said the monthly fuel report was emailed to the Commissioners and asked if they had any questions regarding it. Eric stated Brandon called him about the Safety Committee. Eric said they have developed a Safety Committee at Public Works and elected a Chairman, Vice Chairman, and Secretary. Eric said all the lead people are on the Safety Committee at this time and they have contacted KWORCCS and are working with them regarding the committee. Eric said the individual that helps start up and set up safety committees at KWORCC is on medical leave so they are trying to get a virtual meeting scheduled so that we ensure we are following everything they are wanting done. Eric stated they have a book they're trying to follow and get some safety policies and procedures started as well as trainings scheduled. Eric said he asked KWORCC about the OSHA training and they were not aware

of that for us, but they are going to do some checking to see what they can come up with. Eric said they have scheduled meetings the first Wednesday of each month at 7:30 at Public Works. Eric said the first meeting will be postponed to the second Wednesday due to MSHA training that was previously scheduled. Eric said the new hire miner training will be held February 25th through the 27th at Public Works. Eric said the Southeast Kansas Regional Planning Commissioner is creating a comprehensive Safety Action Plan for our area which includes Allen, Anderson, Bourbon, Cherokee, Labette, Neosho, Coffey, Linn, Wilson, Crawford, Montgomery, and Woodson counties. Eric said the Safety Action Plan is identifying solutions along the region's street systems to eliminate fatalities and serious injury crashes. An open house will be held Wednesday, February 19th from 4:00-7:00 p.m. at Buck Run Community Center and Eric encouraged everyone to stop by stating there will not be a presentation just look at the information they have so far. Eric said you can go to our website and scan the QR code to take survey for the Safety Action Plan. Eric stated the rock crusher had an oil pump issue and Murphy Tractor was here today and advised it is a warranty issue and they hope to have it fixed by the end of the week. Eric said the FEMA meeting in January was postponed due to training so they have a virtual meeting scheduled this Friday at 11:00. Eric said they are working on getting quotes for roof replacements at Elm Creek. Eric said they have been doing some maintenance and mowing at Elm Creek. Leroy asked David if he was still looking into the gentleman who offered to help with repairs at Elm Creek. David said that he has two individuals who have offered to help. Leroy asked if David was going to relay that information to Eric. David said he thinks they should go out there and do a walk through and make a list of what needs to be done and pick two shelter houses then find out what these gentlemen can do. David said we will need a material list and Leroy suggested maybe get a quote for materials as well. Eric said he had an individual reach out to him that has some individuals who need community service time and he is going to look into letting them paint and so some things out there so they can get their hours in and help us out as well. Leroy said there is some housing here in town that people have to do community service to pay their rent so maybe that is something to look into as well. Eric said they have crews out picking limbs up from the storm damage from the last few storms. Eric said they have been blading the roads and adding rock where it is needed but they've had issues with the thaw and the trucks putting ruts in the roads. Eric said they are doing the best they can with the conditions they have. Eric said the culvert crew is out installing culverts again as well. A crew is working on a ditch on 125th Street north of Tomahawk Road and will be adding shot rock with clay. David said he would like to get a list of all the property the County owns and it was determined Shane could help him with that. Susan suggested adding the culvert report to the consent agenda in the future to speed it up. Brandon instructed Eric to send the culvert report to the Clerk in the future so it can be added to the consent agenda.

Brandon asked if the Southeast Kansas Regional Planning Commission dues of \$4,554 is paid every year? David said he researched the SEKRPC and stated he hopes we're utilizing them because they have grant writing and different things for projects. Susan said we are not using them. David said he would like to be able to reach out to them to see what they offer especially with some of the grants. Brandon made a motion to pay the dues and to put David in charge of reaching out to them and

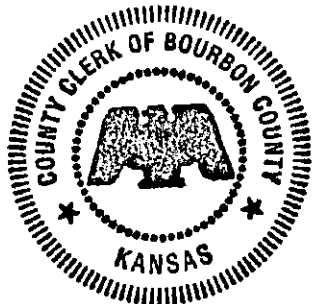
communicating with them on behalf of the Commission. Leroy seconded the motion and all approved.

Leroy said he was approached by Freeman Hospital about a lot of equipment that they will not be using and do not have a use for and inquired what the county would like to do with it. Leroy said Freeman has the ability to donate it to a company that in turn donates it to third world countries that cannot afford to buy equipment. Leroy said he doesn't know the ins and outs of dispersing that as a gift and would like the other Commissioner's thoughts regarding it. Leroy said he thinks that will be an attorney issue but wanted to bring it to the Commissioners attention. Brandon said if they are not going to need it then we probably will not ever use it. David thinks that is a good way to dispose of the equipment. Brandon said since it is technically taxpayer owned, we have to do things by the book. Brandon asked Leroy if he could get a list of the equipment from Freeman. Susan said there is a state statute that tells you how you have to dispose of county property and that since there is a memorandum of understanding they should probably have the attorney look at it. Susan asked if they would like her to bring the subject to Mr. Johnson's attention since she will be reaching out to him regarding his contract and they agreed.

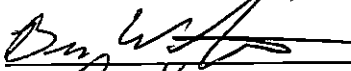
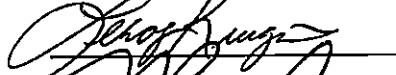

Leroy said he was supposed to receive some information about outsourcing the tax sale before the meeting and he did not receive it to review so he briefly explained what it would mean. Leroy said it is a company to take care of our tax sales and we would hire them instead of using an attorney and he believes this would be a way to save the county a lot of money. Leroy said they would be able to get us caught up as the way he understands it we are about seven years behind. Brandon asked if this is just for property tax sales and Leroy said yes, it is for delinquent taxes. It was decided that they would table the discussion until next week. Michael Hoyt said he is a member of the Land Bank and said they try to get warranty deeds for anything that comes from a tax or Sheriff's sale, and said he hopes that is something they will take into consideration. David said he would like to have a representative from the Land Bank present when they discuss this and Leroy said he would like to have Pat there. Brandon asked how many people are on the board of the Land Bank and Michael said they have five and an open spot for a County Commission representative. Brandon asked when they hold their meetings and Michael said it is Mondays at 4:00. Brandon said he would like to sit on the board but is unable to make that time work. Leroy said he believes it would be a conflict for him to sit on the board. David said he would be willing to sit on the board and if they change the meeting times or Brandon's schedule changes and he is able to attend they can make a motion to change seats. Brandon made a motion that David, for now, sits on the Land Bank board. Leroy seconded the motion and all approved. Susan asked if the Commissioners would like her to invite the group to the next meeting. Brandon asked her to formally invite them and Leroy said it would be beneficial if Pat could attend the meeting.

Leroy said the meeting between the County and the City Commissioners is the same time and date, 5:30 p.m. this Thursday, but the location has been moved to the Empress Center. Brandon said there is a possibility that all three Commissioners may attend the meeting and Susan said it is a work session and will be published as such. Since it is a work session discussion can be held but no decisions will be made. Susan said she will not be able to attend and said if there is anything the Commissioners want her to research to let her know. Leroy said he will ask the City Clerk to send a copy of the notes to Susan. David said he likes all the interest and the discussions they have had about Elm Creek Lake. David said there is a lot of history there for many who grew up and utilized the lake and that he feels there is a lot of potential out there. David said the one reservation he has is having a rock quarry out there and that he is not convinced having our own quarries is cost effective. David said he is not making any motions at this time, but he would like to study that more and bring the information to the table at a later date. David said Public Works has provided him a cost analysis but it is not complete, so he would like to look at it in more detail and get past budget information as well. Brandon said his youngest daughter's school went through a tragedy and she asked him to remind everybody to stay off of frozen water.

Brandon adjourned the meeting at 7:01.



THE BOARD OF COMMISSIONERS
OF BOURBON COUNTY, KANSAS

 Chairman
 Commissioner
 Commissioner

ATTEST:



Susan Walker, Bourbon County Clerk

2/10/25, Approved Date