

Tuesday August 3rd, 2021

Neosho County Commission Meeting

The Neosho County Board of Commissioners met in a Budget Work Session on Tuesday August 3rd, 2021 in the Commission room of the Neosho County Courthouse in Erie, KS.

Call to Order: Commissioner Galemore called meeting to order at 1:00 pm. Those present were Commission Board Chair Nicholas Galemore, Commissioner Gail Klaassen, and County Clerk Heather Elsworth.

RODNEY BURNS/ County Auditor – Mr. Burns presented the 2nd draft of the 2022 budget. The Neosho County Board of Commissioners had discussion with Mr. Burns and requested he update some numbers and return later in the meeting.

1:15 pm Commissioner Westhoff joins the meeting.

2:06 pm Commissioner Galemore moved to adjourn the Budget Work Session and return at 2:15 pm. Commissioner Klaassen 2nd. Motion passed. 3-0

The Neosho County Board of Commissioners met in a Regular Session on Tuesday August 3rd, 2021 in the Commission room of the Neosho County Courthouse in Erie, KS.

Call to Order: Commissioner Galemore called meeting to order at 2:15 pm. Those present were Commission Board Chair Nicholas Galemore, Commissioner Gail Klaassen, Commissioner Paul Westhoff, County Clerk Heather Elsworth, and Commission Counselor Seth Jones.

PUBLIC COMMENT

Brian Schulz – Mr. Schultz is not 100% satisfied with Apex. He is “80% happy with them.” Mr. Schulz thinks that the roads are in the best condition currently than they ever have been. Mr. Schulz does not think that the county should go after Apex for the 4.9 million in damages. Mr. Schulz believes that “the County should leave Apex left alone – they have done a great job.” Commissioner Galemore – RUA contracts were negotiated and Apex should uphold their end to the agreements.

Teresa Starr – Ms. Starr said the grader guys do a good job. She has been on Elk Road and other roads in question and they are not the greatest they have ever been.

Robert John – Mr. John lives on Elk Road and has lived on Elk Road for 52 years. He believes the roads are better than they have ever been. He invited commission to ride around with him to show him roads that are “pathetic” that are not in the windfarm footprint.

Josh White – Mr. White also believes that Apex has done an amazing job with the roads.

Shirley Estrada – Ms. Estrada asked when is the date of completion for the windfarm? Currently, there are 2 known different dates of completion: March 20, 2021 for tax exempt purposes & May 5, 2021 for pilot contribution purposes. The date of completion appears elusive and somewhat difficult to follow. What date triggered the post construction report process? Has Apex submitted their own preconstructed report? Outside council may need to be consulted.

SCHEDULED ATTENDEE(S)

Greg Vahrenberg via teleconference – Mr. Vahrenberg gave an update on bond renewal for Shaw/Elk Road. Rating should be released by August 12th or 13th. Then the focus will shift to investors and potential bond sale the following week allowing an interest rate to be locked in. A resolution will need to be passed after interest rate is given.

Kelly Diller – 6-8 months ago Ms. Diller ended up on a committee called. There is no child care in Erie, KS. For 25 years she ran Brighter Beginnings in Chanute. She is opening a child care center in Erie, KS at the old museum building downtown in Erie. Ms. Diller is requesting funds to help open her child care facility. Ms. Diller is requesting \$50,000 but at minimum needs \$30,000 to open the doors. Ms. Diller will send a proposal to County Clerk Heather Elsworth.

DEPARTMENT HEADS

GREG TAYLOR/ Sheriff – Mr. Taylor would like the Neosho County Board of Commissioners to consider buying new vehicles as it is time to rotate out vehicles. The Neosho County Board of Commission agreed for Mr. Taylor to go out for bid on 4 vehicles.

Mr. Taylor would like to trade out a 2014 Silver Ford F-150 to Maintenance Director David Burnett. Mr. Burnett currently drives a 2007 Ford with 220,000 miles. Road & Bridge Director Mike would like to trade out a Road & Bridge Chevy Blazer they use as an office vehicle for one of vehicles the Sheriff's Department needs to rotate out.

Commissioner Klaassen moved to transfer the 2014 Ford F-150 from Sheriff's Department to Maintenance Department. Commissioner Westhoff 2nd. Motion passed. 3-0

Commissioner Klaassen moved to transfer the Road and Bridge Chevy Blazer to the unused vehicle sale list and to transfer the 2011 Dodge 1500 Gold truck from Sheriff's Department to Road & Bridge Department. Commissioner Westhoff 2nd. Motion passed. 3-0

SCHEDULED ATTENDEE cont.

Matt Godinez and Melanie Kent-Culp – Mr. Godinez recommended that the Southeast Kansas Regional Planning Commission (SEK-RPC) is better suited to handle American Rescue Plan Act (ARPA) funds for Neosho County. Chanute Regional Development Authority (CRDA) would act as the compliance officer, reporting, and administration. Administration would be 5% of money allocated for each year, spread out over 6 years, roughly \$26,000 estimated billing to SEK-RPC/CRDA. Fee would be paid out of ARPA funds. Mr. Godinez will send a draft to County Clerk Heather Elsworth and Commission Counselor Seth Jones. Requests for ARPA funds will be submitted to the County Clerk's office then forwarded to SEK-RPC/CRDA for qualification then presented to the Neosho County Board of Commissioners for approval of funds.

3:29 pm Commissioner Westhoff moved for a 10-minute recess, coming back at 3:40 pm. Commissioner Klaassen 2nd. Motion passed. 3-0

3:40 pm Back in session

DEPARTMENT HEADS cont.

TERESA STARR/ Health Department Director – Ms. Starr advised KDHE has new guidelines which include recommending wearing masks and 14-day quarantine for those exposed. Neosho County Covid numbers are 103 active cases, 1,992 recovered, 35 deaths, 2,130 total, and 80 quarantined.

Ms. Starr advised the immunization grant isn't available yet, but she would like to apply for a new ELC grant which would provide hazard pay for the Health Department employees. Ms. Starr would like to request \$6,000 for each full-time employee, \$7,000 for herself, and \$3,000 for each part-time employee. Hazard pay would be paid through payroll then re-imbursed through the grant.

Commissioner Klaassen moved to approve Health Department Director Teresa Starr to apply for an ELC grant to pay for hazard pay for her department employees. Commissioner Westhoff 2nd.

Motion passed. 3-0

3:57 pm Commissioner Galemore moved to enter into executive session to discuss job duties and performance of non-elected personnel and to protect the rights to privacy of the individual employee for 15 minutes with the Commission, Commission Counselor Seth Jones, County Clerk Heather Elsworth, and County Treasurer Sydney Ball. Commissioner Klaassen 2nd. Motion passed. 3-0

4:14pm Back in session. No action taken.

4:15 pm Commissioner Galemore moved to enter into executive session to discuss job duties and performance of non-elected personnel and to protect the rights to privacy of the individual employee for 15 minutes with the Commission, Commission Counselor Seth Jones, County Clerk Heather Elsworth, County Treasurer Sydney Ball, and Deputy Appraiser Tohnjua Stipp. Commissioner Westhoff 2nd. Motion passed. 3-0

4:30 pm Back in session. No action taken.

4:30 pm Commissioner Klaassen moved to enter into executive session to discuss job duties and performance of non-elected personnel and to protect the rights to privacy of the individual employee for 15 minutes with the Commission, Commission Counselor Seth Jones, County Clerk Heather Elsworth, County Treasurer Sydney Ball, and County Appraiser Bob McElroy via phone. Commissioner Galemore 2nd. Motion passed. 3-0

4:45 pm Back in session. No action taken.

SCHEDULED ATTENDEE cont.

Bill Vandervoort – Mr. Vandervoort requested a priority change on how the county cuts the weeds along the roads. Country Club Road seems to be the last one to be cut. Mr. Vandervoort suggested that we prioritize county roads that are entrances into town to try and make it attractive. Mr. Vandervoort would like to see this priority for all cities in the county that are trying to attract business. Mr. Vandervoort made it clear that he is not asking for more money or hiring any other staff, just rearranging some priorities.

RODNEY BURNS/ County Auditor – Mr. Burns presented the 3rd draft of the 2022 budget. Commissioner Klaassen asked for some clarification on the mill levy page. Need to cut 1.4 million to get it back to last year's mill levy.

Commissioner Galemore moved to appoint Tohnjua Stipp as Neosho County Interim Appraiser for 6 months passing resolution R-21-0. Commissioner Klaassen 2nd. Motion passed. 3-0

DEPARTMENT HEADS cont.

MIKE BROWN/ Road & Bridge Director – Mr. Brown presented a map representing roads chip and sealed in years past and roads for 2021 that need chip and sealed. Mr. Brown did not submit an application for funding Grady Road due to Grady Road Bridge project.

Mr. Brown, Commission Counselor Seth Jones and Tanner Yost met with Chris Weatherford and Travis Rucker on Wednesday July 28th and drove the roads in the south third of the windfarm project, roughly 20 miles. Mr. Yost made a map and highlighted areas in need of additional rock and more work. Mr. Brown drove those roads again on August 2nd & August 3rd and they are in pretty good shape now. Mr. Brown didn't see a problem with them but didn't know what the process is to accept them back. Mr. Jones clarified that they drove everything south of 70th Road and south of Galesburg Road and that the contract allows for Mr. Brown to sign off on the roads.

5:26 pm Commissioner Klaassen asked for clarification on the contract.

SYNOPSIS OF CONVERSATION THAT FOLLOWED:

Commissioner Klaassen: Was the contract the understanding that the roads would be put back into the condition that they were given over to Apex? They weren't going to be better.

Seth Jones: They were going to be as good or better.

Commissioner Klaassen: In the report for the post-construction engineering, the big thing was there wasn't any crown, there wasn't any rock, and the ditches needed to be cleaned. Have they addressed all 3 of those? Did we come to an agreement that the ditches have always been that bad?

Seth Jones: There's some ditch work they agreed to and we gave them some additional roads to use. The contract contemplates a review by everybody to make sure they are in at least as good a condition as they were when we turned them over to Apex. That's somewhat subjective but the person to make that call is Mike Brown. If the ditches were full when they started, they're not required to make it better. All they are required to do, bare minimum, is to get them back to the way they found them. What Mike Brown is saying, is that they have at least done that on everything south of 70th.

Mike Brown: In their agreement to amend the Road Use Agreement, that was part of the deal for them to clean the ditches on 5 miles. That one of those miles would probably have to swap out for another area because one of those miles was in an area that would not be safe to try to do ditch work with all of the traffic.

Commissioner Galemore: If we're signing off on the roads, that doesn't include the culvert issues that they still need to fix or bridge issues, correct? This is only for the road itself?

Mike Brown: The culverts we have issues with are not in the area that was driven the other day.

Commissioner Klaassen: If Tanner Yost, in his post-construction engineering report, said that the ditches need to be fixed; why did he say that when he knew in his original report, that was part of the condition of the ditches. That's conflicting information from our engineer.

Mike Brown: I would have to re-read that. Bottom line is they have committed to clean 5 miles of ditches from the amended agreement. As far as the ditches that already needed cleaned before they came to town, we can't make them do that. |

Commissioner Klaassen: I feel like the almost \$5,000,000 that Tanner Yost said needed to be done to get the roads back to the condition they were was over inflated because that included ditch work etc. on all of those roads did it not?

Seth Jones: I guess it depends on what you mean by over-inflated. I don't think Tanner Yost did anything that is inappropriate. I think putting them back to perfect and putting them back to the way it was are 2 different things.

Commissioner Galemore: I think Tanner Yost used figures that are in accordance with an outside private contractor doing the work vs our numbers to do the work ourselves.

Seth Jones: I think those numbers are worst case scenario numbers in case we had to contract the work ourselves. My impression was that Mike Brown and Tanner Yost agreed on 99-100% of everything and they provided Apex with a list and it looks like they got it taken care of. They are still working on 70th and north so we're not done yet.

Mike Brown: it will be done in 3-4 different phases because the culvert issues could be a completely separate issue.

Seth Jones: That report was put together by Tanner Yost in good faith and it was put together prior to Apex being done fixing everything. There are going to be some things that they take care of that Mike Brown will go over.

Commissioner Galemore: As to the phases; as Apex gets roads done, we need to act on the County taking them back.

Commissioner Klaassen: When we approve that area, it's roads plus culverts right? We're not going to approve an area that still needs work on culverts.

Mike Brown: There are no culverts in question in that area.

Commissioner Klaassen: But the other ones where there are culvert issues, we'll approve the roads and culverts at the same time and release those?

Mike Brown: Maybe. Those could be separate.

Seth Jones: I think that's something that Mike Brown will address.

Commissioner Galemore: Are they going to actually do all the culvert work or are they going to try to negotiate with us and have us do some of them?

Mike Brown: There are a couple of box culverts that have some separation issue and we're working on a solution for that. They've put forth some proposals and Tanner Yost is going over that. We've discussed other options and we haven't come together on how we're going to address those issues.

Commissioner Galemore: If they brought the grade up and brought the rock in that they promised, I have no problem starting to turn those phased areas over.

Seth Jones: You're asking for conflict if Mike Brown says we have the bottom third taken care of, it's good. But we wait a couple of weeks to turn them back over. If there are wash outs etc., then there's a disagreement as to who's problem that is. If they're up to snuff now, then we should get them turned over. At least that south third. The rest of it is still pending.

Commissioner Klaassen: So, is this going to be in writing so we know exactly which roads have been turned back over to us?

Seth Jones: Yes, I think we need to send something in writing to the effect. I'm sure they would prefer it be in writing too.

Commissioner Klaassen: Have we gotten anything in writing from Chris Weatherford or from Apex on the reply? There was supposed to be a 20-day window where they got the post-construction engineering report.

Seth Jones: The contract doesn't require a response in writing.

Commissioner Klaassen: I thought the response from them was this is what we think of the engineering report and this is our plan on how to fulfill what's on this. Just having it in writing that we know that they are working on it is a technical thing.

Seth Jones: I don't want to speak for Mike Brown, but I think he was pleasantly surprised with the south third.

Mike Brown: Yes. Chris Weatherford came down here last Wednesday and after that meeting, he was going to make some things happen and he was true to his word. He has really made some things happen.

Seth Jones: I think Mike Brown is just looking for the Commission's blessing. Ultimately the contract gives him the authority to make those decisions, but he wants to know the Commission is going to back him if he says the south third is good.

Commissioner Galemore and Commissioner Klaassen do not have a problem with Mike Brown approving the south third. Commissioner Westhoff would like to view the roads before he gives his blessing. Commissioner Westhoff can drive the roads in the next couple of days.

5:45 pm Commissioner Klaassen moved to approve the transfer of sick time from employees in Road & Bridge Department a total of 295.2 hours to an employee with need due to unexpected surgery. Commissioner Westhoff 2nd. Motion passed. 3-0

5:47 pm Commissioner Klaassen moved to enter into executive session to discuss job duties and performance of non-elected personnel and to protect the rights to privacy of the individual employee for 15 minutes with the Commission, Commission Counselor Seth Jones, County Clerk Heather Elsworth, County Treasurer Sydney Ball and Road & Bridge Director Mike Brown. Commissioner Westhoff 2nd. Motion passed. 3-0

6:02 pm Back in session. No action taken.

Commissioner Klaassen moved the appointment of Mike Schoenhofer as Neosho County Noxious Weed Director at \$16.00 per hour. Commissioner Galemore 2nd. Motion passed 2-1. Commissioner Westhoff opposed.

Commissioner Galemore moved to transfer employee Anthony Alisson from Jail to Road and Bridge Department as Driver/Operator at \$15.00 per hour. Commissioner Klaassen 2nd. Motion passed. 3-0

CONSENT AGENDA

Commissioner Westhoff moved to approve the Consent Agenda consisting of Accounts Payable, Payroll Clearing, and minutes from 06/22/2021, 07/13/2021, 07/20/2021. Commissioner Klaassen 2nd. Motion passed. 3-0

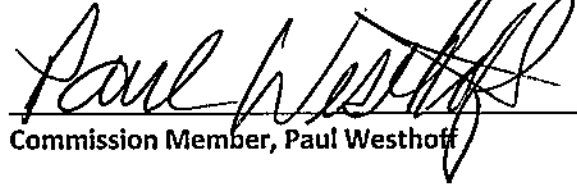
Commissioner Galemore moved to re-appoint Nikki Jacobs for another 3-year term for TRI Valley.

County Clerk Heather Elsworth and Deputy Clerk Gina Elsworth presented a preview of the new Neosho County website.

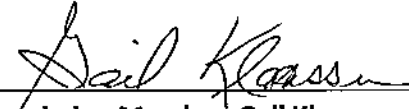
6:41 pm Commissioner Klaassen moved to adjourn the meeting. Commissioner Westhoff 2nd. Motion passed. 3-0



Commission Chair, Nicholas Galemore



Commission Member, Paul Westhoff



Commission Member, Gail Klaassen

ATTEST: County Clerk, Heather Elsworth