



## Atchison County Commission Meeting

Atchison County Courthouse  
Lower Level  
423 North 5th St  
Atchison, KS 66002  
August 8, 2022  
REGULAR MEETING AGENDA  
Starting at 1:00 pm  
Chairman Eric Noll, 2nd District

Commissioner Jack Bower, 1st District

Commissioner Casey Quinn, 3rd District

1. 1:00 P.M. ZOOM MEETING ID # 840 2703 9814
2. Call To Order  
The County Commission is called to order by the Chairman
3. Pledge Of Allegiance
4. Public Comment
5. Reading And Approval Of Minutes  
Approval of Minutes from Last commission meeting
- 5.1. Approved 08/08/2022 Atchison County Commission Meeting Minutes  
Documents:  
[08-08-2022.PDF](#)
6. Commissioner Comments And Committee Reports
7. Reports Of Elected Officials And Department Heads
8. New Business Before The Board
- 8.1. Canvass Of The Primary Election From 8-2-2022
- 8.2. Sherri Becker, County Attorney  
AC/Heat Purchase Order Approval
- 8.3. Mark Zeltner, Finance Director  
2022 2nd Half Appropriation Approval
- 8.4. Joe Snyder, Road & Bridge Superintendent  
Bid Opening for Bridge Replacement

Grader 8450 Purchase Order Approval

Bridge 19.0-E.3 Purchase Order Approval

9. Old Or Unfinished Business Before The Board
10. County Counselor Updates
- 10.1. Patrick Henderson, County Counselor  
Sales Tax Resolution Approval
11. Executive Sessions ( Time Reserved For Executive Sessions)
12. Presentation And Approval Of Claims
13. Presentation Of Petitions, Memorials, And Remonstrances
14. Introduction And Consideration Of Resolutions
15. Notices And Communications
16. Public Comment
17. Adjournment
18. Zoom Details

**Atchison County will be limiting public access to all Atchison County departments and offices to take preventative measures designed to reduce the spread of the Coronavirus illness. We are making arrangements to adjust services to be in the best interest of the employees and citizens of Atchison County and following the interim guidance as provided by KDHE and the CDC. The Atchison County Board of County Commission meetings will be utilizing Zoom to meet the Kansas Open Meetings Act. Members of the public can connect to the meetings via smart phone, or computer connections. The meeting ID number will be listed on the corresponding agenda. Members of the public can attend the BOCC meeting in-person; however, we urge and encourage all citizens to take active steps to prevent the spread of COVID-19. If you have any symptoms similar to the flu, including fever, cough or shortness of breath, please do not attend until symptoms have subsided and you have been fever-free for 24 hours.**

## **Monday, August 8, 2022**

Pursuant to the law, the Atchison County Commission Board met in Regular Session at 1:00 PM at the Atchison County Courthouse, Lower Level, 423 N 5<sup>th</sup> St., Atchison, KS. A link to the meeting was made available to the public prior to the meeting. In addition, public attendance was available for the Commission meeting at the Atchison County Courthouse, Lower Level, 423 N 5<sup>th</sup> St., Atchison, KS. Chairman Eric Noll, called the meeting to order Commission Casey Quinn, Commissioner Jack Bower, and County Counselor Patrick Henderson present for the meeting. Kalee Vanderweide, Deputy County Election Officer recorded the minutes.

The Board recited the pledge of allegiance to start the meeting.

### **\*Reading and Approval of Minutes:**

Minutes of the July 26, 2022 meeting were reviewed with no corrections noted. Commissioner Bower made the motion to approve the minutes as presented. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

### **\*Commissioner Comments and Committee Reports**

Commissioner Quinn stated she attended the Extension Council board meeting last Monday, August 1, 2022.

Commissioner Quinn stated on Tuesday, August 2, 2022, she stopped by the courthouse to watch County Clerk Michelle Phillips and her staff conduct the election process. Commissioner Quinn thanked Clerk Phillips and her staff for all the hard work put in for two elections this year so far.

Commissioner Quinn attended the NACO leadership class on Thursday, August 4, 2022 and Friday, August 5, 2022.

Commissioner Quinn attended the fair on Friday, August 5, 2022, and walked with the County and handed out property tax information.

Chairman Noll stated he helped the Clerk's office with the election on Tuesday, August 2, 2022. The election is a fascinating process and commends our election people.

Chairman Noll stated he partook in the fair several nights and thanks everyone involved.

Chairman Noll stated he attended the Vision of Excellence Award on Saturday, August 6, 2022, for Jonathan Mize.

Commissioner Quinn stated she attended the Vision of Excellence on Saturday, August 6, 2022, for Jonathan Mize as well.

**\*New Business Before the Board:**

Chairman Noll opened the canvass for the 2022 Primary Election. The County Board of Canvassers is comprised of the three members of the Board of County Commissioners. County Clerk Michelle Phillips appeared before the Board to Discuss the Provisional ballots and make recommendations concerning whether the ballots should be counted.

Commissioner Bower made a motion to count 32 provisional ballots, for voters moving within the City and County and receiving the correct ballot. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 4 provisional ballots, for voters requested an advance ballot, but didn't receive one. Voter voted at poll and received the correct ballot. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 3 provisional ballots, for voters with a name change due to marriage. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 1 provisional ballot, for a voter being pulled incorrectly from our county to another county, as a technical error. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 1 provisional ballot, as the street file was showing the incorrect precinct, as the property was annexed in. This is a technical error. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 1 provisional ballot, for a voter moving outside the County, within 30 days. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 1 provisional ballot for a technical/clerical error, as the voter voted the ballot that the voter was not registered in. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 1 provisional ballot as voter did not show a valid form of ID. Voter did show a valid form of ID to the Clerk's office, prior to the canvass. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 9 provisional ballots, as a partial count. National and state offices would be hand counted, just not the County offices; including Commissioner, township clerks, and precinct committee people. Voters moved within the county and voted the incorrect ballot. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to not count 11 provisional ballots, due to the ballot being returned by mail after the polls close. This is also after the Friday deadline after the day of election. Commissioner Quinn seconded the motion, based on the Secretary of State's guidance. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to count 1 provisional ballot, as the voter had their valid form of ID stolen and used prior to the voter getting to the polls. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to not count 10 provisional ballots, due to not being registered to vote in Atchison County. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to not count 1 provisional ballot, due to not being registered to vote in Atchison County. The voter registered to vote within the 20 days prior to the election when registration closed. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to not count 1 provisional ballot, due to a voter casting an early ballot, then went to the polls and cast another ballot. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to recess from the Canvass until Clerk Phillips tallies the ballots. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Quinn made a motion to approve a purchase order to Home Depot Pro Institutional for an Integrated Air Conditioning/Heat Unit for the County Attorney's office, in the amount of \$8,420.00. Commissioner Bower seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to approve the 2022 2<sup>nd</sup> Half Appropriations to Achievement Services for Northeast Kansas, Extension Council, Memorial Hall, Northeast Kansas Multi-County Health Department, Project Concern, Soil Conservation, and The Guidance Center. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Joe Snyder, Road & Bridge Superintendent, appeared before the board, for a bid opening for a bridge replacement. The only bid received is from Wagner Excavating, in the amount of \$38,350.00. Superintendent Snyder wants to review the bid and come back at a later date with his recommendation.

Superintendent Snyder presented a purchase order to Murphy Tractor, for repairs to Grader 8450, in the amount of \$9,057.44. Commissioner Bower made a motion to approve the purchase order to Murphy Tractor, in the amount of \$9,057.44. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Superintendent Snyder presented an Authority to Award Contract to Kansas Department of Transportation (KDOT). Commissioner Quinn made a motion to approve the Authority to Award Contract. Commissioner Bower seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to approve the purchase order to KDOT, for the County's portion of construction costs for Bridge #19.0-E.3, in the amount of \$162,000.00. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

#### **\*County Counselor Updates:**

Patrick Henderson, County Counselor stated there is a hearing on August 18, 2022, on the tax sale, for granting judgement on all the properties.

Chairman Noll declared that a quorum was present. There was presented a Resolution entitled:

A RESOLUTION TO SUBMIT TO THE QUALIFIED ELECTORS OF ATCHISON COUNTY, KANSAS, THE PROPOSITION OF REPEALING THE 1993 COUNTYWIDE GENERAL USE RETAILERS' SALES TAX AND ALSO LEVYING A THREE-FOURTHS OF ONE PERCENT (0.75%) DEDICATED USE RETAILERS'S SALES TAX AND PLEDGING THE REVENUE RECEIVED FOR THE PURPOSE OF JOINT LAW ENFORCEMENT COMMUNICATIONS AND SOLID WASTE DISPOSAL IN ATCHISON COUNTY, KANSAS, TO BE IN EFFECT FROM JANUARY 1, 2023, THROUGH DECEMBER 31, 2032.

Commissioner Bower moved that the Resolution be adopted as amended. The motion was seconded by Chairman Noll. Chairman Noll called for a vote. The motion passed 2-1, with Commissioner Quinn voting nay. Chairman Noll declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2022-1508 and was signed by the Commissioners and attested by the County Clerk.

#### **\*New Business Before the Board**

Commissioner Quinn made a motion to abate/change property taxes, from the Real Property Disaster Relief Application that was turned into the county asking for a tax

abatement, all or partial, or a credit against the property taxes for the 2022 tax year on a property destroyed by fire. The appraiser uses January 1<sup>st</sup> of each year as the official date of valuation for all properties. K.S.A. 79-1613 as amended by HB2057 allows the Board of County Commissioners to grant an abatement (if taxes have not been paid) or a credit (if the taxes have been paid) for any homestead that has been destroyed by over 50% in a natural disaster such as tornado, fire, or earthquake. The subject property, Order No. 2022-01, was destroyed by fire on January 3, 2022. Commissioner Bower seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Quinn made a motion to abate/change property taxes, from the Real Property Disaster Relief Application that was turned into the county asking for a tax abatement, all or partial, or a credit against the property taxes for the 2022 tax year on a property destroyed by fire. The appraiser uses January 1<sup>st</sup> of each year as the official date of valuation for all properties. K.S.A. 79-1613 as amended by HB2057 allows the Board of County Commissioners to grant an abatement (if taxes have not been paid) or a credit (if the taxes have been paid) for any homestead that has been destroyed by over 50% in a natural disaster such as tornado, fire, or earthquake. The subject property, Order No. 2022-02, was destroyed by fire on February 4, 2022. Commissioner Bower seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Bower made a motion to approve the purchase of one table, in the amount of \$500.00, for the September 9, 2022, United Way Leadership Breakfast. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

Commissioner Quinn stated she had heard that she did not support countywide fiber, but she wanted to let everyone know that she does support countywide fiber. Commissioner Noll supports countywide fiber as well.

Commissioner Bower made a motion to recess. Chairman Noll seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

The Chairman re-opened the canvass. Clerk Phillips returned after tallying the provisional ballots. Clerk Phillips presented the Board with the August 2, 2022, Primary Election Final Abstract. There were a total of 5,047 voters casting ballots for the election, a 45.2% turnout. Commissioner Bower made a motion to approve the Primary Election Abstract. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0. Chairman Noll stated that there was no change to the election results; therefore, calling the Canvass closed.

**\*Public Comment:**

There were no public comments.

Bills were presented to be signed.

Commissioner Bower made the motion to adjourn at 2:49 pm. Commissioner Quinn seconded the motion. Chairman Noll called for a vote, all voted aye. The motion passed 3-0.

\*Note: Once approved these minutes will be the official minutes of the Board of County Commissioners. Regular meetings of the Board of County Commissioners are video-recorded. The video of these meeting is generally available for supplementation of the minutes. The videos can be located under the Government tab at [www.atchisoncountyks.org](http://www.atchisoncountyks.org).

Attest: Kalee Vanderweide, Deputy County Election Officer