



# Ottawa County Commission Agenda

**February 18, 2025**

**307 N Concord St**

**Minneapolis, KS 67467**

*All times are approximate*

- 1. Call To Order** 12:00 p.m.
  - Prayer
  - Flag Salute
  
- 2. Public Forum** 12:05 p.m.
  - This is reserved for public comment for any items not on the agenda
  
- 3. Repeal of Resolution 23-10 Transient Guest Tax – Jeff Ebel, County Attorney** 12:10 p.m.
  
- 4. Sanitarian Contract – Phillip Murrow** 12:25 p.m.
  
- 5. Zoning Appointments – Tammi Cox, County Clerk** 12:35 p.m.
  
- 6. Mower Tractor Purchase – Chris Smith, Public Works Director** 12:40 p.m.
  
- 7. End of Year Transfer of Funds – Tammi Cox, County Clerk** 12:50 p.m.
  
- 8. Envisioning Session** 1:00 p.m.
  
- 9. Consent Agenda** 1:15 p.m.
  - Accounts Payable
  - Correction Orders
  - Minutes (February 3rd)
  
- 10. Clerk Comments** 1:20 p.m.
  
- 11. Commissioner’s Comments** 1:25 p.m.
  
- 12. Announcements** 1:30 p.m.
  
- 13. Adjournment** 1:35 p.m.

OTTAWA COUNTY, KANSAS  
CHARTER RESOLUTION NO. 23-10  
TRANSIENT GUEST TAX

A CHARTER RESOLUTION EXEMPTING OTTAWA COUNTY, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1692, 12-1693, 12-1694, 12-1694a, 12-1695, AND PROVIDING THE SUBSTITUTE AND ADDITIONAL PROVISION ON THE SAME SUBJECT, RELATING TO THE LEVY OF TRANSIENT GUEST TAX AND PROVIDING FOR PURPOSES OF EXPENTURE OF SUCH FUNDS

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OTTAWA COUNTY, KANSAS, that the following Charter Resolution be adopted.

Section 1. Ottawa County, Kansas, is a duly organized County within the State of Kansas and by the power vested in such County by K.S.A. 19-101, 19-101(a), and K.S.A. 101(b), hereby exempts said County from and makes inapplicable to it, acts of the Legislature, K.S.A. 12-1692 et seq. Said statutes are not acts of the Legislature which apply uniformly to all counties, and Ottawa County hereby provides substitute and additional provisions of said statutes as hereinafter set forth.

Section 2. Definitions. As used in these resolutions, the following words and phrases shall have the meanings respectively ascribed to them herein:

- (a) "Person" means an individual, firm, partnership, corporation, limited liability company, joint venture, or other association of persons.
- (b) "Hotel, Motel or Tourist Court" means any structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment, or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having one or more bedrooms furnished for the accommodation of such guests;
- (c) "Transient Guest" means a person who occupies a room in a hotel, motel, or tourist court for not more than twenty-eight (28) consecutive days;
- (d) "Business" means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any motel, hotel, or tourist court.

Section 3. Levy of tax by Ottawa County. That a transient guest tax of four percent (4%) shall be levied in the unincorporated area of Ottawa County, Kansas, upon the gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations, exclusive or charges for incidental services of facilities, in any hotel, motel or tourist court. The effective date of said tax shall be June 1, 2023, subject to the conditions and provisions of Section 11 herein. The transient guest tax levied pursuant to this resolution shall be based on the gross rental receipts collected by any business.

*Marilyn Heck*  
Marilyn Heck, Register of Deeds

STATE OF KANSAS, OTTAWA COUNTY  
This instrument was filed for record on  
June 19, 2023 8:00 AM and recorded in  
Book 288 of R Page 456 - 458  
Fees: \$0.00 202311896



Section 4. Duty of business to collect tax. The tax levied pursuant to this resolution shall be paid by the consumer or user to the business, and it shall be the duty of each and every business to collect from the consumer or user the full amount of any such tax, or an amount equal as nearly possible or practicable to the average equivalent thereto. Each business collecting the tax levied hereunder shall be responsible for paying over the same to the State Department of Revenue in the manner prescribed by this resolution, and the State Department of Revenue shall administer and enforce the collection of such tax.

Section 5. When tax becomes payable. The tax levied and collected pursuant to this resolution shall become due and payable by the business monthly, on or before the last day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the last day of July 2023, subject to the conditions and provisions of Section 4 herein. However, any person filing an annual or quarterly return under the Kansas Retailer's Sales Tax Act, as prescribed in K.S.A. 79-3607, and as amended, may with the approval of the Secretary of Revenue and upon such conditions as the Secretary of Revenue may prescribe, pay the tax levied under this resolution on the same basis and at the same time he or she pays said retailer's sales tax. Each business providing such information as may be necessary to determine the amount to which such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

Section 6. Right of inspection. The Secretary of Revenue or Secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

Section 7. Penalty. For each and every month, or any part thereof, the tax levied under this resolution remains unpaid after the same becomes due and payable by the business, there shall be added to such tax penalty provided by provisions of K.S.A. 12-1698a and amendments thereto.

Section 8. Administration and collection of tax. The Secretary of Revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this resolution and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay and transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailer's sales tax by K.S.A. 79-3617, and as amended thereto.

All of the taxes collected under the provision of this act shall be paid into the State Treasury daily by the Secretary of Revenue, and the State Treasurer shall place four percent (4%) of all taxes so collected in the State General Fund to defray the expenses of the department and the administration and enforcement of the collection thereof. The remainder of taxes shall be credited to the "Ottawa County, Convention, Tourism and Visitors Promotion Tax Fund" which is hereby established. All monies in the Ottawa County, Convention, Tourism and Visitors Promotion Tax Fund shall be remitted at least quarterly by the State Treasurer, on instruction from the Secretary

of Revenue, to the Treasurer of Ottawa County for the amount collected in the unincorporated area of Ottawa County and also that collect within the corporate limits of any city in Ottawa County where a transient guest tax is not now being levied and collected.

Section 9. Convention, tourism, and visitor promotion tax fund. A Convention, Tourism and Visitors Promotion Tax Fund is established by Ottawa County shall receive disbursements of monies from the Secretary of Revenue.

Section 10. This resolution shall be published once each week for two consecutive weeks in the official county newspaper.

Section 11. This is a charter resolution and shall take effect sixty-one (61) days after final publication unless a sufficient petition for referendum is filed and a referendum held on the resolution provided by K.S.A. 19-101(b), in which case the resolution shall become effective if approved by a majority of the electors voting thereon.

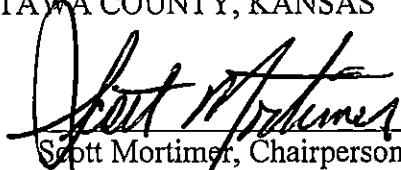
BE IT FURTHER RESOLVED that the Transient Guest Tax shall take effect on June 1, 2023.

APPROVED 3<sup>rd</sup> day of March 2023, by the Board of County Commissioners of Ottawa County, Kansas.

BOARD OF COUNTY COMMISSIONERS, OTTAWA COUNTY, KANSAS

Attest:

  
Heather Maddox, County Clerk

  
Scott Mortimer, Chairperson

  
D.D. Malmberg, Commissioner

  
Dawn Wolf, Commissioner

INTERLOCAL SERVICE CONTRACT  
BETWEEN  
AREA COUNTY COMMISSIONS AND COUNTY HEALTH DEPARTMENTS  
FOR THE  
DEVELOPMENT OF COORDINATED ENVIRONMENTAL PLANNING  
AND  
THE IMPLEMENTATION OF ENVIRONMENTAL PROGRAMS

**INTRODUCTION**

WHEREAS, K.S.A 12-2904 provides for any municipality to contract with any other municipality to perform governmental services, activities, or undertakings specified therein, including environmental plans and programs; and

WHEREAS, there is a recognizable goal in North Central Kansas with respect to conducting coordinating environmental plans and programs which can best be achieved through interlocal cooperation; and

WHEREAS, the concept of regional and county environmental efforts have been recognized in the Kansas Water Plan and have been funded by the Legislature;

THEREFORE, the undersigned governmental units hereby agree to the following terms and conditions in order to address commonly perceived environmental problems within their respective counties.

**SECTION I: PURPOSE AND GOALS**

It shall be in the desire of the participants to design, adopt and carry out an acceptable environmental plan that will ultimately contain elements such as on-site wastewater management, non-public water supply management, solid waste management, hazardous waste management, public water supply management, non-point source pollution, subdivision water and wastewater management and any other elements deemed locally necessary, and to seek grants and other funding that may be available to address these stated goals.

**SECTION II: ORGANIZATION**

The counties (hereinafter referred to as participants) have formed a local environmental planning group (hereinafter referred to as the North Central Kansas Local Environmental Planning Group or NCKLEPG) made up of an advisory board where more than one person per county can attend, but representation will be one-county, one vote defined as a quorum with a unanimous vote. The board member shall be appointed by the county board of health or county commissioners.

The NCKLEPG shall conduct group collaborations at least (2) times a year and shall be responsible for all policy issues and activities under this agreement, and shall be subject to all open meeting criteria. These meetings will be held in conjunction with Quad meetings open to accept participants of NCKLEPG.

The lead agency of NCKLEPG shall be Smith County. Smith County shall be responsible for all outgoing documents, fee requests, applications, reports, etc. on behalf of the program participants of NCKLEPG.

A county sanitarian code has been approved and adopted by the participants, the NCKLEPG, along with the county health departments, will enforce adopted policies and programs.

### **SECTION III: PARTICIPANTS**

The participants within the NCKLEPG agree to the terms and conditions of this contract. The participants may by suitable action join this contract or withdraw from this contract as described in section IX. All participants to this contract are listed in the signature section of this contract.

### **SECTION IV: ACCEPTANCE OF NEW PARTICIPANTS**

In case of a new county participant requesting to join, a signed statement in the form of a resolution that they have read the interlocal service contract and agree to its terms shall be submitted to the advisory board for approval and must be approved before that county may participate. The board of county commissioners and the board of health of the participants agree to grant the authority to the NCKLEPG advisory board to accept any new county as a participant. The vote of the advisory board must be unanimous before a county may be allowed to participate.

### **SECTION V: RESPONSIBILITIES**

A: County commission participants agree to:

1. Directly oversee the NCKLEPG in cooperation with the county board of health participants to insure that program goals are met.
2. Identify or develop, and confer appropriate enforcement authority to the NCKLEPG since the codes have been adopted.
3. Appropriately budget for and dispense any required local funding directly to the lead agency as provided for under section VI.
4. Provide program staff with access to county expertise when requested, provided such request is appropriate. Such county expertise may include, but not limited to, the county engineer, extension agent, county attorney, health officer, and KDHE State agency.

B: County boards of health participants agree to:

1. Appoint one member to the NCKLEPG advisory board.
2. Directly oversee the NCKLEPG in cooperation with the county commission participants to insure that program goals are being met.

3. Unless other arrangements are between the lead agency and KDHE, receive any approved funds and distribute them directly to the lead agency.
4. In the event additional costs are incurred after July 1<sup>st</sup>, 2023 for insurance premiums, unemployment taxes and other employment taxes, each county agrees to share such costs equally.

#### **SECTION VI: BUDGETING**

The lead agency shall draft an annual budget for the NCKLEPG based upon LEPP program guidelines. Participants agree to each pay a \$1500.00 match per year, with any changes in said match to be negotiated annually. Prior to any grant applications being submitted for the following year, the other participants will be sent a copy.

The sanitarian will electronically send a report of the money taken in from water screens and permits annually.

The program shall operate on a fiscal year basis from July 1<sup>st</sup> through June 30<sup>th</sup>. Any local money required to augment state financial support shall be distributed directly to the lead agency by the commissioners. The lead agency shall devise accounting and reporting procedures.

#### **SECTION VII: PROPERTY CONSIDERATIONS**

Any real or personal property acquired under the terms of the grant contract shall remain accountable to both the NCKLEPG and KDHE. Any purchases of property over \$75.00 shall be pre-approved by KDHE (as required in the LEPP guidelines) prior to the expenditure. When any participant elects not to readopt the contract, the participant shall forfeit their portion of any property so long as any remaining participants continue the contract and require the use of the property. When and if the entire program ceases, all property purchased under the terms of the grant contract shall be sold and the proceeds shall be distributed proportionately between all participants based upon the percentage of local contribution throughout the life of the program. The fate and distribution of all records and other non-property items such as software, files, reports, etc. shall be decided by the advisory board prior to the program termination and shall comply with K.S.A. 75-3504 and 45-401.

#### **SECTION VIII: DURATION**

##### **A. Termination by individual participants:**

Any participant shall remain committed to the program for the duration of the contract but shall reserve the right to refuse re-adoption on an annual basis so long as the decision is made and announced to the remaining participants prior to the first day of May of that current fiscal year. A resolution, ordinance or other official action on behalf of the governing body must be provided by the withdrawing participant expressing non-involvement. Failure to make an

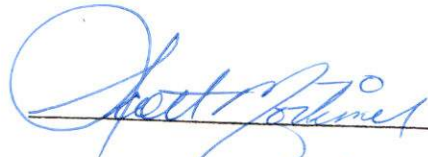
announcement of cancellation prior to the specified time shall be construed as a commitment on behalf of that participant for the next fiscal year.

B. Termination of this contract:

On a unanimous action by all participants, this agreement shall be considered terminated. It shall cease when the final participant serves the advisory board with its resolution, ordinance, or other similar action expressing non-involvement.

**SIGNATURE SECTION**

This document has been duly signed in multiple parts by the chairperson of the boards of county commissioners and the county health administrator of the respective participating counties and shall remain in effect until terminated as herein provided.

  
\_\_\_\_\_  
Chairperson, Ottawa County

\_\_\_\_\_  
Health Director, \_\_\_\_\_ County

Attest:

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



# NCKLEPG

(NORTH CENTRAL KANSAS LOCAL ENVIRONMENTAL PLANNING GROUP)

VOTING BALLOT FOR FISCAL YEAR 2025.

We \_\_\_\_\_ County, will remain in the NCKLEPG for  
Fiscal Year \_\_\_\_\_.(July 1-June 30)

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
County Chair

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

We \_\_\_\_\_ County, agree to pay – as County Match - \$1500  
For Fiscal Year \_\_\_\_\_ . **Due by July 1**

\_\_\_\_\_ YES

\_\_\_\_\_ NO

\_\_\_\_\_  
County Chair

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## ZONING BOARD TERMS

Martha Tasker 2-2023 through 2-2026  
Chris Lawson 2-2023 through 2-2026  
Mark Walker 2-2023 through 2-2026

\* Phil Ballou 2-2025 through 2-2028  
\* Jeff McHenry 2-2025 through 2-2028 — looking for replacement  
\* Arlan Bacon 2-2025 through 2-2028

Robert Jilka 2-2024 through 2-2027  
Gary Keating 2-2024 through 2-2027  
Joshua Hulse 2-2024 through 2-2027

Appointments are for three year terms

### Prior Appointments

Randy Gantvoort  
James Scharplaz  
Bob Minneman  
Larry Doud  
Kelley Zuker  
Bob Klein  
Richard Harlan  
Brent Johnson  
Dawn Wolf  
J.P. Metzler  
Shannon Luthi  
Connie Preheim  
Cameron Stanley  
Pete Haney

RESOLUTION 25-05

WHEREAS, the Board of County Commissioners of Ottawa County, Kansas, met on the 10th day of February, 2025, in regular session to consider the matter of funding Year End Transfers from 2024, and;

WHEREAS, pursuant to the following:

Transfer From	Transfer To	Amount	K.S.A.	Notes
County General				
Custodial	County Capital Outlay Reserve	\$ 96,800.00	K.S.A. 19-120	Non - Budgeted
Emergency Management	PS Radio Maintenance/Upgrades	\$ 10,000.00	K.S.A. 19-119	Non - Budgeted
Emergency Management	Emergency Management Capital Outlay	\$ 10,000.00	K.S.A. 19-119	Non - Budgeted
Transfers	Law Enforcement Center Capital Outlay	\$ 135,000.00	Res 25-05	Non - Budgeted
Election	Election Capital Outlay	\$ 3,000.00	K.S.A. 19-119	Auth 5,000
Road and Bridge	Special Machinery	\$ 200,000.00	K.S.A. 68-141g	Non - Budgeted
Noxious Weed	Noxious Weed Capital Outlay	\$ 100,000.00	K.S.A. 2-1318	Auth 31,816
Fire District #1 O&L General	FD #1 Capital Outlay	\$ 2,367.00	K.S.A. 19-3612c	Non - Budgeted
Fire District #2 MPLS General	FD #2 Capital Outlay	\$ 60,000.00	K.S.A. 19-3612c	Non - Budgeted

BE IT THEREFORE RESOLVED, that the Ottawa County Clerk is hereby authorized to transfer the above funds. Adopted this 10th day of February, 2025, by the Board of County Commissioners, Ottawa County, Kansas.

THE OTTAWA COUNTY BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS

OF OTTAWA COUNTY, KANSAS

\_\_\_\_\_  
Scott Mortimer, Chairperson

\_\_\_\_\_  
Carla Grund, Member

\_\_\_\_\_  
Duane Morris, Member

ATTEST:

\_\_\_\_\_  
Tammi Cox, County Clerk

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# 2025 ENVISIONING GOALS

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## YEAR 1

### Pay Scale

1. Meet with Arnold Group - February
- 2.
- 3.

### Benefits/Insurance

1. Committee meeting in February
- 2.
- 3.

### Stay Revenue Neutral

- 1.
- 2.
- 3.

### In House Budget

- 1.
- 2.
- 3.

### Transient Guest Tax

1. Repealing Resolution 23-10
2. Ebel working on new charter resolution
- 3.

## **YEAR 1-4**

Use of Jail

Equipment Replacement Plan

Communication with community and staff

Search for Grant Funding

Relationship with Commission and staff

Economic Development

Capital Outlay Planning

## **YEAR 4-10**

Granite Road

Courthouse Upgrades/Maintenance

Adequate Reserves in Funding

Museum Decisions