

**THE MINUTES OF THE REGULAR MEETING
OF THE BOARD OF COMMISSIONERS
OF MIAMI COUNTY, KANSAS**

The Board of Miami County Commissioners met in regular session, in the Commission Chambers, Miami County Administration Building, Paola, Kansas, on March 8, 2023. Those present were:

Tyler Vaughan, Chairman	Shane Krull, County Administrator
George Pretz, Pro-Tem	Shelley Woodard, County Counselor
Keith Diediker, Commissioner	Stacey Weaver, Deputy County Clerk
Rob Roberts, Commissioner	Shannon Gaboni, Operation Specialist
W. Jene Vickrey, Commissioner	Wendy Newton, Operation Specialist

Visitors: Jennifer Williams, Craig Haley, Joe Jacklovich, Darleen Medlin, Don & Karen Hatsell, Justin Donaldson, Michael Minden, Mara Dowling, Brian Dowling, Bobbie Debrick, Tim Stamper, Kelly Roberts, Lance Anderson, Daniel Creason, Bryan Yalowitz, Don Oliver, Jeff Oliver, Kristi & Wayne Gaul. Katie Dotterer, Dave Bueker, Shirley Seck, Rodney & Stacy Miles, Paul House, Tim Meaux, Troy LaFrance, Matt Kriesel, Michelle Maimer, Connie Ebeck, Jason Eastland, Mike Martin, Charles Purvis, Dustin Hawkins, Jennifer Karr, Raymond Scott Estes, D. Smith

CALL TO ORDER

Chairman Vaughan called the meeting to order at 1:00 p.m.

PUBLIC COMMENTS

Chairman Vaughan wanted to share some facts prior to public comment. The County overall increased assessment was 19.68% for 2024 Budget consideration. The Commission will go into budget conversations starting in June and they will discuss what the mill levy will be set at for 2024. Chairman Vaughan said it is very important to understand that a raise in valuation does not necessarily mean a raise in taxes, they are two separate things. Three of the five sitting Commissioners voted to become revenue neutral last year and reduced the mill rate by 6 points. The County did not take in any more money in 2022 than they did in 2021. Valuations went up in 2022 and not any more tax dollars were taken in from the County. The Appraiser is state regulated, and the County Commission cannot tell him how to value properties and they have no authority over the County Appraiser. The Appraiser functions within a 10% margin of error through the state and in the last two years (2021 and 2022) he has been within the low 90% of fair market value. Chairman Vaughan stated that everyone has a right to an informal meeting with the Appraiser and noted the stack of handouts with the appeal form printed on it.

Stacy Miles, 28818 W. 303rd Street, lives on the West side of the railroad tracks and there are a lot of issues with the railroad that no one addresses. She feels like they are the lesser part of town because they still pay taxes and need to get over the tracks. From the trains derailing to the waiting at the tracks, it is dangerous. She stated she is concerned about the hike in her appraisal amount on her earth contact home and what that would do for her taxes and that she may not be able to afford to retire. She also asked why the breakdown was not on the website. She was also concerned with why the Appraiser was running VIN numbers on her property while there to measuring a building. Ms. Miles stated that people coming from other places who can afford higher prices for homes during a time when there is a housing shortage driving up the prices. She says she cannot afford that. She also thought that when a person builds/buys a home that should be the taxes they pay until they sell or refinance. Otherwise, she believes they are paying for their houses a couple times over in taxes. Commissioner Pretz explained that the County went revenue neutral and did not take in \$1 more but that does not mean that the city and school boards did the same and if Ms. Miles received an increase it is coming from the schools and city. Commissioner Roberts asked Eric Sandberg, Road & Bridge Director to make a note of where the jurisdiction of the railroad tracks was at and that the County and City could possibly work together as it has been a topic of conversation in years past.

Tim Stamper, 16910 W 327th Street, voiced his concerns over his appraisal on his 120-year-old farmhouse where he has lived for over half a century and the endless request to receive more revenue from people who

cannot give more. He stated people do not realize that a huge portion of all property taxes goes to the school district and state and believes they are out of control. He stated he believed the state was sitting on 2 to 3 billion dollars in excess revenue. He said that he has never seen the unpaved county roads in worse condition and bridges out everywhere. He believes the square is not as vibrant as it once was and that we need to somehow attract business here. You cannot do it with sky high taxes. He stated maybe it is time to put a 1%-2% sales tax on real estate and let the overzealous buyers that want to come purchase 40 acres for their kids to ride 4-wheelers on, or write a check for half a million dollars, who don't care.

Justin Donaldson, 27431 E. Turkey Creek Road, stated he was concerned about his appraisal price on both his house and land and the associated comparables he received, of which his own house was one, since he does not receive many services through Miami County. Mr. Donaldson stated him, and his neighbors would be forming an informal HOA to deal with the squatters, trash, and the road condition of Turkey Creek which he would not even call a gravel road but a mud road. He has also been told by the county that emergency vehicles would not come out to his property due to the road conditions. The water comes from Franklin County Rural Water District 6, their kids go to Franklin County and Wellsville schools. He also wanted clarification on what revenue neutral is and what it means when the County is no longer revenue neutral. Mr. Donaldson said he was going to appeal but he feels like they will be doing this every single year. Chairman Vaughan said that Mr. Donaldson seems to have plenty of information to take to an informal meeting and that would be the next step. He also stated that the condition of the road at Turkey Creek is a whole different story and 3 of the Commissioners are familiar with it.

Jennifer Williams, 21993 S. Moonlight Road, thanked the Commission for their revenue neutral explanation and presented the Commissioners with a handout. She stated that the problem is the Commissioners are 1 vote out of 5, for one municipality out of possibly 3-5 included in your tax levy. She discussed her concerns with the appraisal values and possible increase in taxes as well as the property value increase affecting those who apply for Homestead. She believes COVID has brought forth the instability in the housing market, healthcare and good and services. Ms. Williams also said she has a problem with Shelley Woodard, County Counselor, having a conflict of interest because, in her opinion, Ms. Woodard in her past job represented the State of Kansas and successfully argued a multi-million-dollar oil and gas valuation case; that's against the people. Ms. Williams emphasized that on Ms. Woodard's LinkedIn it states that her primary focus is for legal ethics and that she represented the departments interest. She stated the County Counselor took to Twitter about her and made public comments that were inappropriate because she has a different political and personal agenda. Commissioner Roberts commented that the focus needs to be on the taxes and attacking the staff is not fair. Ms. Williams stated she was not attacking staff but is giving the facts. She also brought up her concern with building a new courthouse and the price attached to it. Chairman Vaughan wanted to highlight a few things; there has been no decision on the courthouse, that a \$50,000,000 courthouse is not acceptable, and the Commissioners are working on other options. They do have a requirement to provide a safe and adequate place for our judges which is a broader conversation and is not linked into this current situation with appraisal values and taxes.

Connie Ebeck, 507 E Ottawa Street, stated that her family has lived in Paola since 1938 and is concerned about her property valuation and impending increase in taxes. She believes her valuation is too high and was told this was due to location. Ms. Ebeck used to be proud to live in Paola all her life but not anymore. She asked who is responsible for things going up all the time? That is what she does not understand and going up all at once. Ms. Ebeck was also concerned with the amount of people who have moved into Miami County from Johnson County; these people want to turn Miami County into Johnson County. Prices of everything has gone up, where does it stop? Chairman Vaughan stated they are asking the same because the price of fuel has doubled, the price of trucks has doubled, the price of everything has doubled. Commissioner Pretz wanted Ms. Ebeck to understand the problem. 2021 Paola School District mill levy was 50, 2022 it was 50, was not lowered. 2021 Paola City mill levy was 43 and did lower one mill in 2022. 2021 County mill levy was 46, 2022 it was 40. The County did something. They lowered it 6 mills, the other large taxing entities did virtually nothing. Chairman Vaughan encouraged Ms. Ebeck to talk to those other taxing entities and ask why they did that, as that is up to them. Chairman Vaughan wanted to clarify that the Commission does represent the people and the staff works under the Commission's direction, so

the staff works for the Commission, the people elect the Commission to represent them. The people do not hire staff to represent them. The Commission hires staff. The people can vote the Commission out, they cannot fire staff and the 5 Commissioners represent the people which creates the structure of the County.

Scott Estes, 31411 W. 231st Street, stated he has is concerned about his property valuation increase and has appealed that increase for the past 7 years. He believes his mobile home has been misclassified by the Appraiser's office for the past several years and has appealed to the Board of Tax Appeals (BOTA). He says if you look at his appraisal his mobile home is appraised for more than he can buy a new mobile home installed on his property. Chairman Vaughan encouraged Mr. Estes to go to appeals and stated they all own property here and live here and their appraisals went up also. He reiterated that appraisals going up does not mean a tax increase. The Commission had worked for 3 months to keep revenue neutral while costs doubled last year and as County overall taxes were not increased.

Charles Purvis, 27340 Highland Drive, asked for clarity on what revenue neutral means. Commissioner Pretz said it means that the County will not take in \$1 more than it did in the previous year. Mr. Purvis also wanted to know where he could get a copy of the other taxing entities and how close do the comps have to be to your house, distance wise? He also felt he should be compensated for the time when his home was overvalued. He proposed that seniors, who have paid off their homes while living in it, should not have to pay property taxes at a certain point whether that be at 65 or some arbitrary figure. Commissioner Pretz wanted Mr. Purvis to understand a freeze on property tax for seniors would have to come from the Kansas State Legislature as a state statute. Mr. Purvis also asked how frequently the properties must be reevaluated?

Wayne Gaul, 14325 W. 299th Street, said that he was frustrated that every year they have lived in their home (31 years) their appraised value has gone up. As he is on a fixed income due to being retired, he would like to see some sort of relief for seniors that doesn't drive them out of their homes as he loves living in Miami County. He also stated he went to register his car and was astounded by the amount of fees associated with that. Wasn't sure if those were County or State fees.

Dustin Hawkins, 22428 W 387th Street, is a Marine Veteran, served with the Miami & Linn County Sheriff's Office and the Paola Police Department. He stated he is concerned that since his appraised value went up so much this time that in the following years the taxes will reflect that. He stated he believes people buy houses they can afford but after the taxes goes up, then the insurance goes up, they cannot afford the house anymore. He asks that the Commission reassess the values of the home so that two years down the road the taxes don't catch up to it.

Chairman Vaughan stated that the thing they control is the mill levy and he welcomes everyone to come to the budget meetings held in June.

Bobbie Debrick, 20100 W. 335th Street, wanted to know if the county newspaper came to the meetings anymore and if they print what the meeting was about. She stated the videoed meetings were difficult to get to on the website.

Timothy Meaux, 27925 Crescent Hill Road, thinks that people living outside of the city limits should not be taxed the same as living inside city limits. This is due to not being on public sewer, having paved roads, etc. and feels he is paying "Johnson County taxes" for rural Miami County services.

Shirley Seck, 1110 Centennial Road, stated that 2 years ago she complained about her appraisal and was told they compare it to other houses around her. She says the Appraiser has no idea what the inside of her house looks like and she has not done any upgrades and can't be compared to her neighbors who have done upgrades. She also said that any amount of complaining will not change anything.

Justin Donaldson, 27431 E. Turkey Creek Road, asked who do we need to address to get changes in the appraisal process? Chairman Vaughan answered that would be a state conversation and you can reach out to your state legislators. Here at the county, you can have an informal meeting with our Appraiser to answer any questions on your appraisal.

Charles Purvis, 27340 Highland Drive, again wanted to address the Commission to bring to light some

relief programs (he did not reference one by name) and says the high appraisals are making people not qualify for these programs. He also stated as long as there are property taxes you will never own the house you live in.

Commissioner Pretz stated that he understands everyone came to the County since they are agents of the State. The State created the Counties, and we are charged with hiring an Appraiser and Staff under state statutes. He continued that the County went revenue neutral this year, so everyone needs to go to the local school district and if you live in a city go to your local meetings and share your concerns with their budgets.

Chairman Vaughan summarized that the Commission is transparent and always has been. They produce a budget that accounts for every dollar spent. He then encouraged the constituents to attend budget meetings, be involved and give feedback.

Kate Dotterer, 25390 Sunset Lane, wanted to know if the Commissioners had to approve the appraisals like Johnson County. The Commission replied that no they do not.

Timothy Meaux, 27925 Crescent Hill Road, wanted clarification that the Commission hires the Appraiser, and they stated yes, they do. He said didn't you notice the values going up? Chairman Vaughan stated that according to the state the Appraiser can have a 10% margin of error and that our Appraiser is at .91. This means he is 9% under fair market value according to the State. Mr. Meaux stated that due to a feed lot across the street, that the Commission gave approval for, there is a fly problem that should affect the value of his property. Commissioner Roberts told him that he should contact the Kansas Department of Health and Environment as they regulate those type of businesses.

Michelle Minden spoke on behalf of her mother and asked the question what do you use to determine what is farm and what is residential? Chairman Vaughan said he would have the Appraiser speak about this in a bit.

Dustin Hawkins, 22428 W 387th Street, asked if there were any background on all the people who have bought land. He says over the last year a lot of the new owners are from Johnson County who can afford to pay more for houses. This is what is making our appraisals go up. He wanted the County to take in consideration that these new homeowners have more money than the people already living in Miami County.

Don Oliver, 30436 Metcalf Road, wanted to say that if there was a reasonable increase, 5%-6%, he would be happy living in Miami County. He wants to live here as long as he wants to, not as long as he can afford to.

Justin Eimers, County Appraiser, said he appreciated everyone being there and for their comments. He also encouraged anyone who wants to sit down with him personally to do so. Regarding comparison, they try to find the closest comparable as possible but sometimes must move their range out as there are specialty type homes such as earth contact, or log cabin. They do not use Zillow values, they use Marshall and Swift Cost Evaluation Service, which is used across the country. As far as what determines Agriculture properties versus Commercial properties, etc. it all comes down to use. Mr. Eimers also stated that the breakdown should be up and available on the county website. Commissioner Roberts wanted to know if a stay could be put on all values, Mr. Eimers said no that cannot be done because he is required to value property at market value and unless the market was stagnant, he can't leave the values the same. Also wear and tear and improvements can cause the value of the home to fluctuate.

Jennifer Karr, 8420 W. 239th Street, wanted to suggest that the comparison homes be posted. She also had questions on the comps and if the County Appraiser is comparable to an independent one but said she would not get into it any further.

CONSENT AGENDA

Commissioner Pretz moved to approve the Consent Agenda, as follows:

- Approval of minutes of the county commission meeting on March 1, 2023
- Approval of AP payment vouchers

- Add-On: Order of Correction of Irregularities

Commissioner Vickrey seconded; the vote was unanimous.

NEW BUSINESS

Eric Sandberg, Road & Bridge Director, requested the Commissioners to consider approving Darryl White as Noxious Weed Supervisor for 2023. Commissioner Roberts wanted to know how long Mr. White has been the Noxious Weed Supervisor and what qualifies him to do so. Mr. White stated that he has been the supervisor for 8 years and growing up on a farm and working at the CO-OP qualifies his expertise. This along with a yearly 3-day conference and Southeast district monthly meeting gives him continuing education he needs. Commissioner Pretz moved to approve as presented; Commissioner Diediker seconded; the vote was unanimous.

Eric Sandberg, Road & Bridge Director, requested the Commissioners to consider approval of the 2022 Eradication Report and 2023 Noxious Weed Management Plan. Commissioner Pretz moved to approve as presented, Commissioner Diediker seconded; the vote was unanimous.

Christena Beer, Health Department Director, requested the Commissioners to authorize the Chairman to sign Kansas Department of Health and Environment (KDHE) Aid to Local Application package Signature Page for intent to apply. Commissioner Roberts asked Ms. Beer to clarify that these are the base grants that the County is eligible for year after year. Ms. Beer stated that yes, they are the general aid to local package and requires qualification. Commissioner Roberts also wanted to know if the grants are subject to state budget or federal? Ms. Beer stated that 3 of the 5 grants are set amounts predetermined prior to the application process and with the other 2 the Health Department decides what to work on based on the needs of the County. The grant cycle is from July 1st to June 30th. Commissioner Pretz moved to approve as presented, Commissioner Roberts seconded; the vote was unanimous.

Cathy Cooper, Director of Community Corrections, requested the Commissioners to authorize the Chairman to sign the Kansas Department of Corrections (KDOC) - Adult Services Amendment for the FY2023 2nd Quarter Fiscal Report on behalf of the 6th Judicial District Community Corrections. Ms. Cooper stated in the 2nd Quarter they needed to have some money moved around and line items adjusted in the amount of \$9,308.50. They were able to move the money around due to salary and benefits vacancy saving from the First Quarter of this fiscal year. A laptop was replaced for one of their adult probation officers and due to an increase in the adult caseloads drug testing costs have increased dramatically. The bulk of the line-item adjustments are involving drug testing supplies and the services from the laboratories which came to \$7,988.74. Commissioner Pretz wanted to clarify that the Kansas Department of Corrections fiscal year starts July 1st. Commissioner Pretz moved to approve as presented, Commissioner Diediker seconded; the vote was unanimous. **(A23-03-005)**

Sara Denney, Payroll/Benefits Coordinator, requested the Commissioners to consider a Resolution establishing an annual stipend for the chairperson of the Board of Miami County Commission. Chairman Vaughan wanted to say that he did not bring this on the agenda, but this is a practice that the Commission has had before that the Chairperson makes \$1,000 annually more because the Chair goes to a few more meetings and this is finalizing that Resolution. Sara Denney, Payroll/Benefits Coordinator said this was implemented back in January 2019 but as far as they could tell there was no official action taken on this stipend. This Resolution shores it up and brings them back into compliance and would be retroactive to January 2023. Commissioner Pretz wanted to note that this started years ago, and one Chairman denied it and the stipend resumed after he was Chairman for two years. Commissioner Diediker moved to approve as presented, Commissioner Roberts seconded; the vote was unanimous. **(R23-03-013)**

Commissioner Roberts requested the Commissioners to add to the agenda authorization for Shelley Woodard, County Counselor and Eric Sandberg, Road & Bridge Director to confer with KDOT to concur that the County could move forward with restricting heavy truck traffic for 223rd Street and Gardner Road,

south from 215th to County line all the way through its jurisdiction as well as 223rd from Gardener Road east to the city limits of Spring Hill. The Commissioners have been reviewing a study by Pfefferkorn Engineering of 223rd Street and Gardner Road. Pfefferkorn has recommended that the County move forward with restricting heavy truck traffic on those two roads, since overtime allowing trucks over 48,000 lbs. will deteriorate the condition of the road. Those roads were never designed for those heavy trucks. Commissioner Roberts moved to approve as presented, Commissioner Vickrey seconded; the vote was unanimous.

Chairman Vaughan requested the Commissioners to allow Shelley Woodard, County Counselor to move forward with KDOT asking them to concur that the County could move forward with restricting heavy truck traffic for 223rd Street and Gardner Road. Commissioner Roberts wanted to clarify that nothing in the Pfefferkorn Engineering report stated that the road was unsafe, nothing. The report states that the continual use of the road by heavy trucks would drastically reduce its usability overtime and what the Commission wants to do is save the investment they have made. Should KDOT come back and be in support of that then the County would possibly move forward with other actions. Commissioner Roberts moved to approve as presented, Commissioner Vickrey seconded; the vote was unanimous.

APPLICATIONS

Chairman Vaughan stated a comment was received through the Clerk's email from Judy Rauber regarding Miami County property taxes and appraisals.

STAFF COMMENTS

Shane Krull, County Administrator would like to acknowledge that Cathy Cooper, Director of Community Corrections will be retiring later this month. Cathy has provided over 30 years of service to the 6th Judicial District Community Corrections Department and since 2011 has served as the Director. Mr. Krull noted that Cathy was the original Juvenile Intake Coordinator for Miami County, and her service, endeavors and management are very much appreciated.

Sara Denney, Payroll/Benefits Coordinator wanted to update the Commission that after 6-7 months we are in the blackout/transition phase with KPERS-457 Plan. The ICMA and Nationwide accounts have been terminated and employees will be able to start utilizing the KPERS-457 benefits the first payroll of April. She also wanted to update that there is a scheduled supervisor training on April 6th from 10 a.m. to 2 p.m.

Holly Ray, HR Director with a reminder that the 23rd and 24th of March there will be the Strategic Planning Session and she is hoping all the Department Heads and Commissioners will be there. It will take place in the Commission Chambers from 9 a.m. to 3:30 p.m.

J. Colin Reynolds, County Attorney wanted to update the Commission on how some things are going. They have hired a new County Attorney who previously worked for the County, left 15 months ago and wanted to come back. Mr. Reynolds wanted to thank HR with all their help with that matter. He also said that there are interviews scheduled for the assistant spot starting next week and are continuing to receive applications; things are moving in a great direction. Shelley Woodard, County Counselor, commented that Mr. Reynolds took over an existing large jury trial case that was complicated and successfully navigated that with no additional attorneys in his office. Mrs. Woodard said it would be worth noting that Mr. Reynolds did a good job and received a successful outcome for what he was looking for and would like to acknowledge that. Mr. Reynolds then wanted to thank various agencies for their help and resources to include Osawatomie Police Department, several other officers who are now working at other agencies and his staff. He wanted to make clear that he did his part, but a lot of others did as well, and he would not have been able to do it alone.

COMMISSIONERS COMMENTS

Commissioner Pretz said the County Commission received correspondence from the Miami County Republican Party requesting the presence of County Commissioners at a March 25th 10 a.m. to 12 p.m.

meeting about a Property Tax Community Forum at the Paola Community Center. There may be more than two Commissioners present. Commissioner Pretz again made note of the Strategic Planning Session where there will certainly be more than two Commissioners present March 23rd and 24th starting at 9 a.m. and ending roughly at 3:30 p.m.

Commissioner Vickrey said he would be there at the 25th Property Tax Community Forum.

Chairman Vaughan wanted to remind everyone that there will be no Board of County Commissioners meeting next week March 15th due to more than two Commissioners being absent. Chairman Vaughan also said he appreciates everyone's input on the appraisals and having that conversation with the Commission.

Shirley Seck, who had previously spoken, wanted the Commissioners to clarify that no decision had been made on the courthouse. Chairman Vaughan answered no, no decision has been made on a new courthouse.

EXECUTIVE SESSION

Chairman Vaughan moved to have a Personnel Exception Executive Session to discuss a non-elected personnel matter for 30 minutes beginning at 2:40 to include the Commissioners and County Administrator. Commissioner Pretz seconded; the vote was unanimous. No action was taken at this time. Chairman Vaughan reconvened the regular meeting at 3:10.

ADJOURNMENT

The meeting was adjourned at 3:11 p.m.

(Seal)

A handwritten signature in black ink, appearing to read "Tyler Vaughan", with a long horizontal flourish extending to the right.

Tyler Vaughan, Chairman

ATTEST:

A handwritten signature in blue ink, appearing to read "Janet White", written over a horizontal line.

Janet White, County Clerk