

**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 February 26, 2025. Those present were:

George Pretz, Chairman	Shane Krull, County Administrator
Tyler Vaughan, Pro-Tem	Laura Epp, County Clerk
Keith Diediker, Commissioner	Cari Foster, Operations Support Specialist
Paul Scruggs, Commissioner	Staci Wilson, Operations Support Specialist
W. Jene Vickrey, Commissioner	

Visitors: Bo Gerken, Nolan Banks, Sharon Haley, Joel Haley, Perla Villarreal, Cathy Flake, Angela Patterson, Joe Flake, John Hinman, John F. Kennedy, John Maddock, Brad Goodart, Rusty Gerken, Nancy Bogner, Beth Armstrong, Courtney Crawford, Brian Messner, Robin Motta, Lee Mott, Ofelia Banuelos, Juan Banuelos, Moises Garcia, Ginny Gabbert, Jennifer McMahon, Jason Mitchell, Jeff Oliver, Roger Shipman, Lila Holler, Dale Holler, Racheal Wood, Richie Sinclair, Jeff Goana, Chris Tidd

CALL TO ORDER

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

PUBLIC COMMENTS

Jennifer McMahon, 320 Brown Ave, stated that she has concerns that Tricia Lee, County Treasurer has some concerns for her safety and did not deposit two months of collected taxes for interest. She wants to know how much interest was lost in that two months by her not depositing the money. She also wants to know if it has been deposited now. Commissioner Vickrey stated that the Treasurer did put it in a money market account, and it was a small amount that was lost, he does not know the exact amount.

Ms. McMahon asked what the security issue is, are we all at risk coming into this building? Chairman Pretz responded that this is an individual interpretation, and he feels safe. Ms. McMahon wanted an explanation of what the Treasurer needs to be safe in this building. Chairman Pretz responded that the Treasurer has requested more petition/division between the customer and the employees. Commissioner Scruggs stated the way it was handled wasn't right, but through this process he went to the sheriff and found that there are several occurrences per month in the office. Commissioner Scruggs stated that what the Treasurer did was wrong, very wrong but there is a safety issue that hasn't been addressed for three years and the Treasurer went through two executive sessions and a budgetary process.

Ms. McMahon asked if they could provide all county employees with safety? Commissioner Scruggs replied, "We can try." Ms. McMahon asked, "Do you ever think that how you treat people can cause a reaction." Commissioner Scruggs replied yes, that is the reason he asked about de-escalation training. Ms. McMahon asked if they considered this a hissy fit or bullying? Commissioner Scruggs stated that he considers this an issue that was not addressed a long time ago, that evolved into where we are at now and he thinks that she made some mistakes and now it matters what we do going forward.

Ms. McMahon asked what the procedures are for a recall on an elected county employee. Chairman Pretz stated that this is in a state statute and that our County Clerk is well versed in that and would be glad to help you. Ms. McMahon states that she has a no bullying tolerance. Commissioner Scruggs stated that he is not condoning what the County Treasurer did and that he is only explaining the process that led up to how we got here, and how we can solve the problem.

Ms. McMahon says she would like to know how much money was lost by the taxpayers due to the Treasurer not depositing the tax money for interest, and if that was a violation of her job? Commissioner Vickrey stated that it was always deposited, the Treasurer just put part of the money in a money market. Commissioner Vickrey stated that he does not know if the Treasurer stated clearly what her intentions were, and he thinks it would have been much better if she had. Commissioner Scruggs stated that he felt the same way as Ms. McMahon when this first happened – he felt that we should recall the Treasurer, too. But he feels now that there are two sides to every story, and there is a valid safety issue here.

Ms. McMahon asked why we do not have a full-service DMV in the county, what do we need to do to get a full-service DMV in the county? Chairman Pretz stated that the County Treasurer is a separate elected official, it's her shop to run as long as she follows state statutes. Ms. McMahon stated that she will be looking into the recall procedure.

Jason Mitchell, 201 N. Ray St, stated he wants to give a glimpse of some conversations he has had with our Planning & Zoning (P&Z) department. He's built tens of millions of dollars' worth of projects up in Johnson County. Mr. Mitchell has a friend that was doing some remodeling in Miami County, so he came down to Miami County to help this friend. Mr. Mitchell states that his experience with the P&Z department was atrocious. The only thing they seemed to do was to be able to say no and offered no advice on how to move forward. There was no list of what he needed to finish completing to get his permit or what the inspections would be so he could plan.

Mr. Mitchell said he looked at a lot of land and wanted to build in Miami County. Mr. Mitchell called the P&Z department and asked how he could do this, he was told no, that would never happen in Miami County. Mr. Mitchell then went to Johnson County and said it was much easier there. Mr. Mitchell said he will continue to build, but he will never build in Miami County and states that there are a lot of contractors that will not build in Miami County. We should really start looking at our staff.

Chris Tidd, 21455 W 239th St, said he came to apply for a permit and was told by P&Z that it would be 10 to 15 days which he says is outrageous. Mr. Tidd asked, "Do you know how many building permits are applied for in a month?" Mr. Tidd ended up getting the permit in three days. He stated that the lady in P&Z told Mr. Tidd it would take five to seven days to grade the 44-question septic/sewer test and said he cannot wrap his head around the length of the time frames as the contractors have to wait on these permits. Mr. Tidd states that Kenny does a great job and is through with his notes and Road & Bridge was helpful as well. Mr. Tidd complains that the P&Z department makes the public feel like they are being a burden when they come in for help.

Joel Haley, 26642 W 319th St, wants to talk about an incident he had with a County Planner and the applicant. Mr. Haley states that the project went to the Planning Commission, and it passed 5-1. Mr. Haley stated that Planning and Zoning and the Clerk's office were impeccable through this process. Mr. Haley said that the applicant showed up to his house unannounced and wanted to talk to him. He invited him in, and the applicant wanted to know how to stop the petition and had one of Mr. Haley's fliers. He asked what the complaints were like he would go fix everything to stop me from going door to door. Mr. Haley responded that even if you satisfy mine there were other neighbors who had issues. The applicant responded that no other neighbors are opposed to this re-zoning. Mr. Haley responded that other neighbors had issues and after some back and forth with the applicant asked him to leave. The applicant tells Mr. Haley that the next time he gets elected he will get their taxes to go down and Mr. Haley does not feel that was appropriate to say. Mr. Haley's son put a post on Facebook regarding this incident, and then the applicant came back later that day to apologize to Mr. Haley. Mr. Haley said he knows it's a state statute for 1000 feet separation for zoning of industrial but thinks it should be a lot farther out. He also spoke about the various petition process issues and believe he could be improved via the county website.

Courtney Crawford, 30842 Indianapolis Rd, said she has been building a house in the county. Ms. Crawford went to get her construction loan at her bank, finding out there was a lien on their property. The District Court said the county put a \$400.00 lien on their property because of unpaid taxes. Ms. Crawford went to the Treasurer's office and was told the lien was from an old lease that was sold on their property, and was told the bill of sale was not good enough for the county. Ms. Crawford said they have fought it for a year and a half and said the county finally decided to accept the bill of sale for the piece of equipment that was purchased. She said what would have happened if somebody came through and bought my lien debt when it was the counties fault. She said she had another issue arise when trying to get her building permit for her new house. She said she was treated rudely in the Planning and Zoning department when going in to turn in her letter of intent. Ms. Crawford then spoke to the director of the department and asked him if she was being treated rudely because of what she posted on Facebook, and he stated that he could see both sides. Ms. Crawford feels county employees need to be re-trained on how to keep personal & business feelings separated.

Robin Motta, 17905 W 319th St, stated the need for Miami County office to have a CDL. Ms. Motta does not feel like we need to be making a fortified fort for the county Motor Vehicle department. Ms. Motta asked, "No one carries a weapon in the building, do they?" Ms. Motta had heard rumors that employees in the Motor

Vehicle department carry weapons which she says could be a very dangerous situation. Ms. Motta stated that we will all be in bubbles if we keep going at this rate. She said that you need to learn to how to deal with people, some are not customer service minded and may need to transfer into another position. Ms. Motta stated that there is a reputation with the Motor Vehicle department here, it's kind of an attitude. Ms. Motta stated that we all know we need industry here to help lower our taxes and wants to encourage that to improve, per the Planning Commission's rules. Ms. Motta says that our County Treasurer needs de-escalation training. Ms. Motta spoke of the old courthouse and asked us to remember how much money is sitting there, and that is what needs some money and planning and a future. Ms. Motta states that we should all treat each other how we would like to be treated, and you can usually de-escalate most situations.

CONSENT AGENDA

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

- Approval of minutes of the County Commission Meeting on February 19, 2025
- Approval of AP payment vouchers and payroll
- Agreement – 24031-LS: Scott Hanf – GOE (A25-02-005)
- Bond and Oath for Sugar Creek Township Treasurer / Trustee
- Add-On: Waive the base fee for Tidd Tree Company CUP Request (duplicate charge)
- Add-On: Two Individual Abatements on special assessments

Commissioner Diediker seconded; the vote was unanimous.

PRESENTATIONS AND AWARDS AND PROCLAMATION

Acknowledging the recent retirement of firefighter Captain Joe Flake, after 30 years of service. Chairman Pretz spoke of appreciation for Mr. Flake's service, for all he has done. Commissioner Vickrey thanked Mr. Flake for his years of service. Commissioner Diediker appreciated Mr. Flake for dedicating that many years as a volunteer. Mr. Flake mentioned that when he said yes to being a volunteer in the fire department "he had no idea it would be a big part of 30 years of my life." "Thank you for this."

NEW BUSINESS

Shane Krull, County Administrator, requested the Commissioners to authorize Miami County to enter into a loan agreement with KDHE (Kansas Department of Health and Environment) and said, "this resolution is the final item we need to adopt before we can move forward with signing the loan agreement with KDHE." Mr. Krull stated that the loan agreement will behave as a construction loan. The project totals \$1,420,000, with an estimated cost of \$4.4 million. The county is contributing one million in ARPA (American Rescue Plan Act) money. The City of Spring Hill is contributing \$250,000 of ARPA money, a small-town grant from KDHE of \$1.5 million is secured, and a Community Development Block Grant of \$305,126 was secured, leaving \$1.4 million short of totally funding the project. At the conclusion of the construction project KDHE will forgive 60 percent of the loan, which will be another grant of \$852,000. This will leave a final principle of \$568,000, which will be permanent financing through the U.S. Department of Agriculture Rural Development loan. Commissioner Vaughan stated this started six years ago, and instead of taking on a four million re-vamp of the current sewer system this whole process got us to a liability of \$568,000. Commissioner Vaughan moved to approve as presented, Commissioner Vickrey seconded; the vote was unanimous. (R25-02-007)

Laura Epp, County Clerk requested the Chairman to sign the Contract Extension Amendment with SOE Software Corporation for Elections which originated in 2012. These services are for Election Night Reporting (ENR). This extension is for a three-year term, increasing our costs by \$300 annually, which was budgeted. The contract would go into effect April 30, 2025, to April 30, 2028. Chairman Pretz moved to approve as presented, Commissioner Vaughan seconded; the vote was unanimous. (A25-02-006)

Kenneth Cook, Planning Director, requested the Commissioners to approve the application to rezone approximately 7.82 acres from Commercial (C-2) to Heavy Industrial (I-2) in accordance with Sections 8 and 22 of the Miami County Kansas Zoning Regulations. The subject property is located just west of Old KC Rd, directly behind the Gerken Rent-All property (24005-Z). Mr. Cook stated that there was a mistake in the staff report, the vote was five in favor, one opposed and one abstention and said it was correct in the Planning Commission minutes. The Planning Commission voted five in favor, one opposed, with Gerken recusing himself to recommend

approval of the request to re-zone the property. Mr. Cook stated that there were petitions submitted. After reviewing the petitions, according to his calculations, it came to 17.1 percent - which according to the State of Kansas if more than 20 percent you would need a super majority vote of the Board of County Commission. Chairman Pretz asked how the site plan plays into going to I-2, Mr. Cook responded the Miami County Zoning and Regulations requires a site plan approval. Commissioner Vaughan asked if we are only voting on the re-zoning, not the site plan? Mr. Cook stated the Board of Commission is only considering the re-zoning to the I-2 District. Commissioner Vickrey moved to approve the zoning request from C-2 to I-2, Commissioner Scruggs seconded; the vote was unanimous. **(R25-02-008)**

Kenneth Cook, Planning Director, requested the Commissioners to consider denying the request for a Conditional Use Permit (24004-CUP: Banuelos Ranch Arena) to allow an equestrian event arena in the Agricultural zoning district. Mr. Cook stated the applicant came in and requested the Commission to consider tabling this request to give them more time to work with the Planning Department and the Road and Bridge Department. He said The Planning Commission made a recommendation of denial of the request based off the review of the Golden Criteria. The main issue was the road does not meet our recommended minimum standards; another issue was the character of the neighborhood. Commissioner Vaughan asked the three options we have is to agree with the Planning Commission, not agree with the Planning Commission, or to push it back? Mr. Cook replied "correct." Mr. Vaughan asked if we push it back to the Planning Commission what does that process look like? Do we need to give them direction of what we would like them to look at, another publication, another public hearing, whole new CUP process? Mr. Cook stated if pushed back to the Planning Commission with conditions it will not need to go through another publication or public hearing. Commissioner Scruggs asked how many people attend the events? Mr. Cook replied the applicant specified 150 people would attend the event. Mr. Cook stated we did have a protest petition turned in and with my calculation we are at about 49.4% of the property owners within 1000 feet signing, so it would require a super majority vote of the Board of County Commission. Chairman Pretz asked for clarification: We had three Planning Commissioners abstain from voting and that turns them into a, yes? Mr. Cook stated that was his understanding that abstention votes will go with the majority vote. Perla Villarreal and Ofelia Banuelos introduced themselves. Ms. Villarreal stated they have heard all the concerns. They have talked to Road and Bridge but has not gotten an estimate back. Banuelos Ranch is willing to do any of the upgrades that is necessary, but understand the road is the biggest concern. Ms. Banuelos asked the Commission to give them more time to work with the Planning Commission and Road and Bridge. Chairman Pretz asked, "You are talking seven events? Are you having events now? How many people are attending?" Ms. Villarreal stated just family events with 30 to 40 people. Mr. Pretz asked you are wanting 150 to 200 people to be able to attend? Ms. Villarreal stated they are putting the max number out there. Commissioner Vaughan stated "My hesitation of moving forward with a yes/no vote, if you get denied today then it blocks you out for a year. I do not like the fact there were two absent Planning Commissioners and three who abstained. I do not feel good about the vote from the Planning Commission." Commissioner Vaughan moved to send it back to the Planning Commission with instructions, Commissioner Vickrey seconded; the vote was unanimous.

Kenneth Cook, Planning Director, requested the consideration for approval of the Conditional Use Permit for a contractor's shop and yard, including outside storage of construction equipment and materials, and equipment repair in the Countryside Zoning District (24005-CUP: Goodart Contractor Shop & Yard). Mr. Cook stated they received a letter from the neighbor across the street in favor and he is not aware of any complaints the Miami County has had. There are two resolutions in your packet depending on the screening requirement. The Planning Commission did not recommend the screening need to happen now with the applicant owning both properties. Mr. Cook stated the applicant asked if there was a possibility to extend the CUP to 25 years. The resolution says ten years as that is the standard. Chairman Pretz asked if the CUP goes with the land or the person. Mr. Cook stated the CUP goes with the land. The applicant stated he does not want to have to do this again nor does he want his kids to have to do this. Commissioner Vaughan moved to approve the updated resolution with a 20-year limit CUP, Commissioner Vickrey seconded; the vote was unanimous. **(R25-02-010)**

STAFF COMMENTS

Mark Whelan, Emergency Management Coordinator, spoke about a house fire on the morning of February 16, 2025, at Old Kansas City Rd north of W 255th Street. Units from Johnson County Fire District #1, Miami County Emergency Medical Services and Miami County Sheriff deputies, Road and Bridge, and Evergy assisted. The cause of the fire was undetermined, the preliminary damage estimate is \$300,000 to the house and contents.

Sandra Lucas, County Appraiser, states that the county appraisals have mailed out the notices of value and should be hitting the taxpayers' mailboxes within the next week. Ms. Lucas said that there has been a 6 percent tax increase for rural areas, 4 percent tax increase for City of Louisburg, 5 percent tax increase for City of Paola, 3 percent tax increase for City of Osawatomie and just under a 4 percent tax increase for City of Spring Hill. That is the medium increase. Ms. Lucas said there are some legislations bills that could be passed, a 3 percent cap on values or a six-year rolling value and that if passed will require the county computer system to be updated and may cost the county some money. Ms. Lucas said that personal property, SB10 are exempting personal property such as boats, all-terrain vehicles, and golf carts and that could affect county budgets. Commissioner Vaughan asked if Ms. Lucas could provide the commission the average median for rural/city since 2020. She said she would be able to provide that.

COMMISSIONERS COMMENTS

Commissioner Scruggs spoke about the complaints made asking if we have created a culture of "No" versus "How can I get you to a solution." He said are there many good people who work in this building, do our department heads need training, do we have responsibility for safety? Maybe we need training on how to talk to people, not just de-escalation training.

Shane Krull, County Administrator, stated we do provide countywide training periodically and says they strive to do better.

Commissioner Vaughan stated that he will not be present for the March 12, 2025, meeting and believes there will be a resolution next week canceling the meeting as there will not be a quorum.

Chairman Pretz stated that in government, everything is a process with many steps, and it takes a lot of patience; we can all do better on both sides. He also said there could be more than two Commissioners at the State of the City Address put on by the Paola Chamber of Commerce on the town square held on Tuesday, March 4, 2025, at 7:30 a.m. They are involving the Paola School District, and the County.

EXECUTIVE SESSION

Commissioner Vaughan moved to have a Confidential Data (trade secrets) Exception Executive Session to discuss matters relating to the security measures of Miami county's Information System. For 30 minutes beginning at 2:55 p.m. to include the Commissioners, County Administrator, Casey Brown, Information Technology, and Integrated Solutions Group (ISG). Commissioner Diediker seconded; the vote was unanimous. No action will be taken at this time. Chairman Pretz reconvened the regular meeting at 3:25 p.m.

ADJOURNMENT

The meeting was adjourned at 3:25 p.m.




George Pretz, Chairman

ATTEST:


Laura Epp, County Clerk