

**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 April 29, 2026. Those present were:

George Pretz, Chairman	Shane Krull, County Administrator
Tyler Vaughan, Pro-Tem	Andrew Holder, County Counselor
Keith Diediker, Commissioner	Stacey Weaver, Deputy Clerk
Paul Scruggs, Commissioner	Cari Foster, Operation Support Specialist
W. Jene Vickrey, Commissioner	

Visitors: Richard Lord, Allison Richardson, Clayton Richardson, Jeff Axmann, Debbie Axmann, Jake Robison, Richard Henderson, Alan Lehman, David Young, Bryan Ruoff

CALL TO ORDER

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

CONSENT AGENDA

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

- Approval of minutes of the County Commission Meeting on April 15, 2026
- Approval of accounts payable payment vouchers and payroll
- 2026-011-LS: Hall, Shane A. and Amy M. Grant of Easement Agreement (**A26-04-023**)

Commissioner Diediker seconded; the motion carried, and the vote was unanimous.

PRESENTATIONS AND AWARDS AND PROCLAMATION

Proclamation - National Nurse Appreciation Month. Commissioner Vaughan highlighted the Commissions appreciation for the nurses, noting that Miami County is blessed to have a strong nurse's presence in both the Health Department and the Sheriff's Office serving the citizens of Miami County. Captain Andrew Roush, Sheriff's Office, shared the nurses within the Sheriff's Office have made a significant impact, emphasizing appreciation for the medical staff and the tireless collaboration with the Health Department. Mackenzie Kelly, Assistant Health Director, thanked the amazing women in both the Health Department and the Sheriff's Office. She stated that the work they do in our community would not be possible without the collaboration and support from each other, our Board, and partnering agencies. She emphasized that the work does not go unnoticed and is deeply appreciated.

Proclamation - National Correction Officers Week May 3-9, 2026. Commissioner Vaughan acknowledges the hard work and dedication the Correction Officers serving inside the jail, expressing appreciation for their service. Captain Andrew Roush, Sheriff's Office, also spoke, thanking the staff and expressing gratitude to the Commissioners for recognizing their staff.

ACTION AGENDA

Sitting as the Fire District #1 Board 1:09 p.m.

Mark Whelan, Emergency Management Coordinator, recommended the replacement for the remaining two slide-in units for the Louisburg Fire Department brush units. The bearings in B636/B637 have failed on the booster reel (2002/2013 units) and parts are no longer available. This is in addition to the problems discussed at a previous study session. Feld Fire came in at the lowest price of \$18,998.00 per unit for a total cost of \$37,996.00 to be funded from the capital budget. Mr. Whelan noted that when a pickup truck is replaced the slide-in unit can be moved to the new truck. He also stated that they had a replacement brush unit including a chassis in the budget for \$150,000.00, however three slide-in units cost less than a full brush truck. The expected life span of the slide-in units should last 20 years. Commissioner Vickrey commented the three units is less than what had been budgeted for a brush truck. Mr. Whelan stated the savings is \$90,000.00. He

also noted that the trucks were inspected by a certified fire mechanic and found no issues with the chassis or engine. Commissioner Diediker motioned to approve the purchase of two slide-in units, Commissioner Vickrey seconded; vote taken: 5 in favor; 0 opposed, the motion passes.

End sitting as the Fire District #1 Board 1:13 p.m.

Matthew Oehlert, Road and Bridge Engineering Project Manager, requested the Commission to authorize the Commission Chair to execute the Construction Engineering (CE) agreement with Baldrige Engineering, LLC in the amount of \$78,400.00. Mr. Oehlert stated the agreement for Construction Engineering (CE) Services with Baldrige Engineering, LLC for the 2026 Asphalt Corrective Maintenance Program project number 26-01-CO-670 and the 287th and Osawatomie Rd Intersection Project number 21-08-ST-683. Four bids were received, with Baldrige Engineering, LLC the low bidder with a price of \$48,150.00 for the 2026 Asphalt Corrective Maintenance Program, and \$30,250.00 for the 287th and Osawatomie Rd Intersection Project for a total lump sum amount of \$78,400.00. Chairman Pretz asked how many days they estimated to have an inspector for the Asphalt Corrective Maintenance Program? Mr. Oehlert answered 120 days for both projects to be completed. Commissioner Vickrey thanked Mr. Oehlert for working to keep Miami County on budget. Commissioner Vaughan motioned to approve as presented, Commissioner Diediker seconded; vote taken: 5 in favor; 0 opposed, the motion passes. (A26-04-024)

Matthew Oehlert, Road and Bridge Engineering Project Manager, requested the Commissioners to authorize Project 26-02-SB (706) and authorize staff to solicit for design services for the replacement of Culvert 951. Mr. Oehlert stated this project for design services for culvert 951 replacement located on 287th Street approximately 0.25 mile east of Oxford Road. The current structure is a 16-foot concrete slab that was closed by Miami County Road and Bridge on March 6, 2026, due to scour damage to the west abutment. The cost for this Special Bridge in 2026 is \$60,000.00 for Geotech, survey, design, right-of-way, and utilities. The cost for this Special Bridge in 2027 is \$340,000.00 for Construction and Construction Engineering (CE) for a total of \$400,000.00. Commissioner Vickrey thanked Mr. Oehlert fast tracking and emphasizing that it is a safety concern for the community living in the area due to a one lane bridge around curves. Commissioner Diediker motioned to authorize Road and Bridge to solicit for design services, Commissioner Vickrey seconded; vote taken: 5 in favor; 0 opposed, the motion passes.

Kenneth Cook, Planning Director, requested the Commission to consider the 2026-001-CUP: New Observatory (ASKC) and sign the resolution. Mr. Cook stated the Astronomical Society of Kansas City (ASKC) operates the Powell Observatory in Louis Young Park in Louisburg. They are seeking to relocate due to limited space and increasing light pollution that impacts their operation. The property is located in the agriculture district and observatories are not listed in Miami County's regulations. However, through the Conditional Use Permit (CUP) process Miami County has allowed community centers, museums and other types of facilities to happen. This falls under the CUP process. The Planning Commission held a public hearing and voted in favor 6 for approval – 2 voted against. There was a two week period for a protest petition, in which a protest petition was filed with the Clerk's Office with enough signatures. Per state statute if a protest petition of more than 20 percent of surrounding property owner within a 1000 feet of the property sign the petition a super majority (three-fourths) vote from the Board of County Commissioners, so four out of five must vote in favor of it for it to pass. 89 percent of the property owners within a 1000 feet signed the protest petition. "The courts have also ruled the Board of County Commissioners with the County cannot make a decision solely based off of the public view of the neighbors." "So, any decision does needs to be made based more off of sort of the land use facts associated with the case, as to whether something is approved or denied, or any other conditions that might need to be added." There was a concern of the traffic impact. A traffic study was done, and Road and Bridge staff reviewed the information and found no issues. A complete review was done by an engineer and found this project does not warrant any improvements. The subject property is located at the northwest corner of 359th Street and Cold Water Springs Road. The City of Drexel is a half mile east of the property. The observatory has limited hours of operations. It is typically open

on Saturday evenings during certain months. Members and other groups may have access outside of those hours to use the facility. During unique celestial events special events are held outside of their normal operating hours usually once or twice a year. There are years that have no unique celestial events and years there have been three events. The Planning Commission made the following recommendations: 1. To change the CUP from a ten year CUP to a twenty year CUP. 2. No amplification outside the building after 10:00 p.m. at the latest. 3. A maximum of five special events may be held per year not to extend past midnight. 4. A correction to change final occupancy to prior to a build permit issued for storm water plan will need to be submitted. Chairman Pretz asked if dust control is required on the gravel? Mr. Cook answered yes the Planning Commission as a whole felt it was appropriate. Commissioner Vickrey asked if a septic system would be required? Mr. Cook answered yes, they would have to be in compliance with Miami County's Environmental Health Code. Richard Henderson, 2211 West 120th Terrace, Leawood, KS, stated he is a long term member of the ASKC. The Powell Observatory was opened in May of 1985. In 1985 the population of Louisburg was around 1800 people and now there are around 5000 people with Johnson County on the observatory's doorstep. About 85- 90 percent of our visitors come from the Kansas City Metropolitan area. The other ten to fifteen percent come from all over the Midwest, all over the United States, and some that are international. We own and operate one of the largest telescopes in a five state area. We are one of a handful of public observatories that are accessible to the public. Commissioner Diediker feels the observatory is going from one bad situation to another by moving within a half mile of another city. Before the 20 years are up the light infringement might be the same as the light infringement you are having now. Mr. Henderson stated we took light readings from all over Miami County. The light reading from the property we purchased is significantly lower. Commissioner Scruggs stated he weighs the pros and cons, is it a value to Miami County. With the hours of operation and the proximity to Drexel he does not feel the County would get any advantage besides people shopping or gassing up, he does not see the economic development for the county. It goes against the Comprehensive Plan, will the county have to maintain the roads because of the traffic? There is also the concern of safety, and property values. He has nothing against observatories and what they are doing is great. As I go down the check list of what is best for the county, I cannot vote for this. Chairman Pretz stated it is America and you went through the process, I think it is acceptable, it truly is economic development getting people to the southern part of the county. He does not see it affecting the rural atmosphere. It is on a main corridor of Miami County. I would like to keep them in Miami County. Commissioner Vaughan added to Commissioner Pretz comments, anytime you have any type of this development you get residence pushback. He acknowledged the residence and the concern. They have been a pillar in our community for over 40 years. The two things' people know of Miami County are the Cider Mill and the Observatory. There are always winners and losers in any of these decisions. Any type of business, commercial, industrial development the residences loose. Commissioner Vaughan motioned to approve the CUP as recommended, Chairman Pretz seconded; A roll call vote was taken. Commissioner Diediker-nay, Commissioner Vaughan-yes, Chairman Pretz- yes, Commissioner Scruggs-nay, Commissioner Vickrey-yes, 3 in favor; 2 opposed (Commissioner Diediker and Commissioner Scruggs), the motion fails. (R26-04-018)

Kenneth Cook, Planning Director, asked the Commission to consider the request to renew a conditional use permit (CUP) for an existing RV Park. Mr. Cook stated this property located at southeast corner of 335th and Metcalf Road in the NW ¼ of Section 5 Township 18S Range 25E had a CUP for the operation of a RV park and RV storage. The property is zoned commercial C-2. Miami County was contacted by a representative of the property owner looking for updates on the current status of the property. After doing research staff determined the CUP expired a couple of years ago and some conditions of approval for the CUP were not fully in compliance. The CUP has changed ownership since being approved. The new owner had not been fully aware of all the conditions and restrictions. Miami County have been working with the owner to bring the property into compliance. There was a public hearing on the request. The main item that would change from the current CUP to the new CUP is the property owner is proposing to add additional RV and boat storage spaces and the location of the spaces changing from behind the property on a concrete pad to farther

east shown as a parking lot. The Planning Commission voted unanimously (8-0), with Topher Philgreen abstaining recommending the approval of the CUP. Richard Lord, 33356 Metcalf Road, Louisburg, thanked the Commission for considering the request. The entire Code Department and Zoning Department have been helpful in navigating through all of the regulations. Once we were made aware of the conditions and restrictions not met, we have been working to rectify them. Commissioner Diediker motioned to approve the CUP for Rutlander Outpost RV Park, Commissioner Vaughan seconded; a roll call vote was taken. Commissioner Diediker- yes, Commissioner Vaughan- yes, Chairman Pretz- yes, Commissioner Scruggs- yes, Commissioner Vickrey- yes, 5 in favor; 0 opposed, the motion passes. **(R26-04-019)**

Kenneth Cook, Planning Director, requested the Commission to sign the Resolution authorizing the Appointment of Planning Commission (PC) as Board of Zoning Appeals (BZA) and Amendments to Article 23 and By-Laws. Mr. Cook stated this in reference to 2026-001-TA. An option that staff suggested for the Board of County Commissioners to consider is for the Planning Commission be designated as the Board of Zoning Appeals. While staff would note that the Board of Zoning Appeals is specified by K.S.A. 12-759(a) as consisting "of not less than three or more than seven members", K.S.A. 12-759(g) further specifies that "A planning Commission also may be designated as a Board of Zoning Appeals under this section." While staff are aware of a number of other communities that have nine-member planning commissions and which said planning commissions are also designated to serve as the Board of Zoning Appeals, staff requested the County legal counsel to review this option. Upon review, County legal counsel noted that "While the statute does not explicitly state that the 3-7 limit is waived when the PC serves as the BZA, the fact that the legislature authorized the designation of the PC to act as the BZA suggests the legislature intended this option and that the membership limitation in (a) does not apply in that scenario. I believe this is consistent with how other Kansas jurisdictions apply the statute in practice." Chairman Pretz clarified Mr. Cook mentioned the BZA Board is dwindling down. Mr. Cook stated there has been five years where there has not been a full BZA Board. Currently there are four members out of seven members, one member is on the PC Board, so there are three members that will be impacted. Ken Patrick the current Chairman is an individual that has served on the BZA since it started in 1992. Chairman Pretz mentioned doing a proclamation. Commissioner Vaughan motioned to approve as presented, Commissioner Vickrey seconded; vote taken: 5 in favor; 0 opposed, the motion passes. **(R26-04-020)**

STAFF COMMENTS

Frank Burrow, EMS Chief, introduced their B Shift Lieutenant Cole Oakland. Mr. Oakland stated they have been working on a data project for the past two years. As a result of their efforts, they were presented the Mission Life Line Bronze Achievement Award for Dedication to insuring access to best practices to the life saving care. This is part of the American Heart Association initiative to advance the system of care for patients with high risk, time sensitive diagnoses. They are continuing to work towards the next step silver and gold levels of recognition.

Shane Krull, County Administrator, reported that Miami County was awarded \$650,000.00 from Kansas Department of Transportation (KDOT) Aviation Division for asphalt improvements on the east side hanger complex. He stated the county had been previously awarded \$850,000.00 from KDOT for the project Miami County will do this summer on the west side. We have received \$1.5 million from KDOT, which requires a ten percent local match, so \$150,000.00 of local money for a million dollars' worth of asphalt work at the airport. It allows us to keep the pavement indexes at a level sufficient for the Federal Aviation Administration (FAA) to continue providing funding to Miami County on an annual basis.

COMMISSIONERS COMMENTS

Commissioner Vaughan announced there could be more than two Commissioners present at the Bean Coffee and Cafe in Spring Hill May 5, 2026, from 8:00 a.m. to 10:00 a.m. Channel 41 News will be there. Commissioner Vaughan stated he went to the ribbon cutting for Whiskey Ranch Northeast of Miami County.

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It is a great facility and an opportunity to bring people down to Miami County for the World Cup and on-going. He appreciates continued development in Miami County.

Commissioner Vaughan commented it is America and residences do not always lose.

Chairman Pretz commented they went through the process, that is how it ended up, we try to be as fair as we can with the process.

Commissioner Vickrey stated driving through Hillsdale in Miami County and seeing all the responses our residence and our employees gave with the destruction, now seeing the signs all over Paola of roofs being fixed, it is great to live in a place where when someone here has tragedy we pull together. I am thankful for that.

Chairman Pretz pinpointed the severe weather Miami County has had and thanked the citizens and staff for all their efforts.

EXECUTIVE SESSION

Commissioner Pretz moved to have an Attorney-Client Privilege Exception (K.S.A. 75-4319) Executive Session for 30 minutes beginning at 2:15 p.m. to include the Commissioners and County Counselor. Commissioner Vickrey seconded; the motion carried, and the vote was unanimous. No action was taken at this time. Chairman Pretz reconvened the regular meeting at 2:45 p.m.

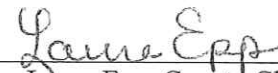
ADJOURNMENT

The meeting was adjourned at 2:45 p.m.




George Pretz, Chairman

ATTEST:


Laura Epp, County Clerk