

Bourbon County Commission Meeting

Meeting minutes April 20, 2026, 5:30 PM

210 S National, Fort Scott, KS 66701

Attendance

Clint Walker, Mike Hazen, Jean Tucker, Tim Emerson, Mike Wunderly, Jamea Whitney, Scott Christiansen, Casey Brown, Jason Yount, Kyle Parks, Pete Owenby, Anne Dare, Nick Graham, Jason Silvers, Marlon Merida, Jennifer Hawkins, Teri Hulsey, Bob Reed, Bill Pitts, Nick Ruhl, Tanner O'Dell, Dean Bailey and several other county employees.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Prayer

Commissioner David Beerbower offered the opening prayer.

Introductions

- Commissioner Samuel Tran (District 1)
- Commissioner David Beerbower (District 2)
- Commissioner Joe Allen (District 3)
- Commissioner Greg Motley (District 4)
- Commissioner Mika Milburn-Kee (District 5)
- Deputy County Clerk, Lesley Herrin

Approval of Agenda

Several amendments were made to the agenda. Commissioner Beerbower requested adding an executive session under KSA 4319(b)(1) for non-elected personnel for consultation of sick leave. Commissioner Allen requested adding an executive session under KSA 4319(b)(4) for trade secrets discussion with the county counselor by phone at 7 PM. Commissioner Milburn-Kee requested adding several items: An executive session under KSA 4319 (b)(1), Elm Creek Quarry discussion under old business, transfer station hours discussion under new business, and a disaster proclamation resolution under new business. The treasurer requested moving department updates above the executive sessions due to prior commitment.

The hay bid opening was moved up on the agenda due to its published time requirement.

Motion: Commissioner Tran moved to approve the agenda as amended. Commissioner Milburn-Kee seconded. Motion carried unanimously.

Motion: Commissioner Milburn-Kee moved to move the hay bid opening up on the agenda. Commissioner Tran seconded. Motion carried unanimously.

Motion: Commissioner Milburn Kee moved to open the hay bid. Motion died for lack of second.
(Commission continues with the process)

Hay Bid Opening 5:35PM

Commissioner Tran opened two sealed bids for hay leases. One location (Native Road west of Oak Grove Cemetery) received no bids. The two bids received were both from the same bidder: \$5 for the radio tower location at 250th Street and \$600 for the Prairie Road location.

Motion: Commissioner Beerbower moved to accept the bids received for \$600 and \$5. Commissioner Motley seconded. Motion carried unanimously.

Approval of Minutes 04.13.26

Commissioner Milburn-Kee requested corrections to the executive session notes, specifically that the vote should reflect "no action" rather than "with action" for the KSA 75-4319(b)(4) session with Commissioner Motley. She also noted concerns about payroll discussion accuracy in the minutes.

Motion: Commissioner Milburn-Kee moved to correct the minutes as requested. Commissioner Tran seconded. Motion carried with Commissioner Motley abstaining.

Approval of Accounts Payable

Three accounts payable were presented: April 15, 2026, for \$6,590.70; April 16, 2026, for \$345.96; and April 17, 2026, for \$286,279.61.

Motion: Commissioner Tran moved to approve the accounts payable as presented. Commissioner Allen seconded. Motion carried unanimously.

Department Updates

Jennifer Hawkins

Treasurer Jennifer Hawkins provided updates on tax collection. Property taxes are due May 10th, with May 11th being the last day to pay without penalties since the 10th falls on a Sunday. The office will extend hours from 7 AM to 7 PM on May 7th and 8th. Remote tax collection will be conducted throughout the week in various cities: Garland (Monday), Mapleton (Tuesday), Uniontown (Wednesday), Fulton (Thursday), and Bronson (Friday) from 5-7 PM. The online tax portal is now active. Commissioner Milburn-Kee asked for an update on the tax sale. Regarding the tax sale, the firm hired is handling the process and is currently in the title research phase, with an estimated completion date of August-September. Commissioner Beerbower requested contact information for the firm doing the tax sale. Jennifer also requested communication if she is needed to be present at meetings for updates and that she doesn't always watch the meetings.

Executive Session - Commissioner Beerbower

Motion: Commissioner Beerbower moved to enter executive session pursuant to KSA 75-4319(b)(1) for nonelected personnel matters involving sick leave discussion. The session included the five commissioners and Bob Reed for 20 minutes, returning at 6:10 PM. Commissioner Motley seconded. Motion carried unanimously.

Motion: Commissioner Tran moved to return to regular session with no action at 6:11 PM. Commissioner Milburn-Kee seconded. Motion carried unanimously.

Motion: Commissioner Beerbower moved to enter executive session pursuant to KSA 75-4319(b)(1) for nonelected personnel matters involving sick leave discussion. The session included the five commissioners and Bob Reed for 20 minutes, returning at 6:22 PM to the commission chambers. Commissioner Motley seconded. Motion carried unanimously.

Motion: Commissioner Tran moved to return to regular session with action at 6:22 PM. Commissioner Beerbower seconded. Commissioner Beerbower, Tran, Motley and Allen voted in favor and Milburn-Kee voted no.

Commissioner Beerbower made a motion to continue the precedent set with the employee regarding their time off situation for one week.

Motion: Commissioner Beerbower moved to continue the precedent set with this employee on his time off for one week. Commissioner Motley seconded. Commissioner Beerbower, Tran and Motley voted in favor with Commissioner Allen abstaining due to the precedent being set prior to his tenure and Commissioner Milburn-Kee voting no.

Public Comments

Three individuals addressed the commission:

Mike Wunderly spoke about concerns regarding the Elm Creek Lake and the rock quarry proposal. He noted the overcrowding at Lake Fort Scott and expressed concern about converting Elm Creek Lake into a rock quarry, as it would eliminate recreational opportunities for rural residents.

Todd Miller, an ordained elder and county employee, thanked the commission for their service and for opening meetings with prayer. However, he expressed concern about Commissioner Tran using the Lord's name in vain during the previous meeting and called for a public apology. He emphasized the importance of maintaining higher standards as elected officials and encouraged the commission to seek divine guidance in their decision-making.

SEKCAP representative presented information about two programs. First, they requested a letter of support for an emergency solutions grant application for rapid rehousing services across their 12-county jurisdiction. Second, they provided an update on their transportation services, noting they had aligned their fiscal year with the county's and provided ridership data showing usage throughout Bourbon County. They requested a letter of support and \$24,000 in total support from all county entities to maintain the transportation service.

Old Business

Planning Commission - Milburn

Planning Commission representatives presented updates on the comprehensive plan RFP process. Five firms responded with proposals ranging from approximately \$38,000 to \$117,000. The planning commission recommended interviewing three firms: Confluence (\$105,600), MPC (\$98,000), and Foster and Associates (\$35,600-\$39,800 plus expenses on a time and materials basis).

The commissioners discussed the significant price differences and scope variations. Foster and Associates were noted as having less community engagement scope but more county responsibility for tasks. Confluence was praised for comprehensive scope and experience, currently working on Cherokee County's plan. MPC has extensive Kansas experience.

Commissioner Tran emphasized the importance of the comprehensive plan as a tool for economic development and grant applications, noting that the end product quality should be the primary consideration rather than just cost. The planning commission was authorized to proceed with scheduling interviews with the three recommended firms.

Juvenile detention - Sheriff/Angie Eads

Sheriff Martin, County Attorney, James Crux and Angie Eads, Director of Sixth Judicial District Community Corrections, presented data on juvenile detention usage from 2018 through March 2026. The data showed inconsistent annual usage, with significant portions of detention days attributable to a small number of repeat offenders.

Ms. Eads discussed House Bill 2329, which extends maximum detention limits from 45 to 90 days and creates automatic detention for repeat misdemeanor offenders within three months. She indicated that Johnson County's study suggested the bill would only marginally increase detention days. She explained that judges typically detain juveniles who pose public safety risks regardless of the time limits.

County Attorney Crux noted that of the approximately 1,225 billable days from 2019-2024, 543 days were attributable to one juvenile, with another 175 days from a second juvenile. He emphasized that most detention stays are relatively short, with this year's 50-60 days primarily due to an out-of-state runaway case.

The commission discussed various detention center options and costs: Girard offers a flat contract rate (previously \$134,000), Johnson County charges \$150 per day, and other counties like Shawnee charge \$300 per day with restrictions. The commissioners agreed to schedule a work session after Commissioner Allen's return from the next meeting at Girard to make a final decision before the July 1 deadline.

Commissioner Tran requested a three-minute recess. Commissioner Motley and Milburn-Kee remained in the commissioner chambers.

Vacation & Sick Leave Resolution - Beerbower

Commissioner Beerbower presented a revised version of his proposed resolution to standardize the county's vacation and sick leave policy, incorporating changes based on feedback received since the prior week's discussion when it was tabled.

Commissioner Beerbower's Proposed Changes:

Commissioner Beerbower walked through the primary revisions to the resolution:

On *vacation leave*, he proposed moving all employees onto a January 1 through December 31 calendar year for award purposes, eliminating the current accrual structure that results in staggered individual dates. Under his proposal, new hires would receive no vacation from their date of hire through the end of their first fiscal year, at which point they would receive 40 hours. The proposed scale going forward would be:

- Year 0–1: No vacation
- Years 2–9: 80 hours (2 weeks)
- Years 10–15: 120 hours (3 weeks)
- Years 16–19: 160 hours (4 weeks)
- Year 20+: 200 hours (5 weeks)

He noted this changes the language from "accruing" to "awarding" vacation, reflecting his view that vacation is given as a benefit of employment rather than earned incrementally.

On *payout at separation*, he revised an earlier draft that had eliminated payout entirely. The new version allows payout of unused vacation at separation, subject to a 10-year minimum service requirement. Payout is capped at the applicable carryover maximum (200 hours) and made at the employee's base rate at time of separation. Employees separated for misconduct or dishonesty may be denied payout.

He also added a *grandfather clause* providing that all employees hired prior to January 1, 2026, would have their accrued PTO balances frozen at current levels, with no additional accrual until their balance falls below the maximums in the new policy. He explained this prevents penalizing long-term employees who have already earned more than what the new scale would award at their years-of-service level.

On *sick leave*, Commissioner Beerbower proposed maintaining 80 hours per year but standardizing the maximum banks across shift types to align with FMLA: 480 hours for 8-hour shift employees, 504 hours for 12-hour shifts, and 672 hours for 24-hour shifts. He proposed that sick leave payout (at 25%) would be available only upon retirement as defined by KPERS (age 65 with 5 years of service; age 60 with 30 years; or any age where age plus years of service equals 85).

He also noted that a dependent care leave provision he had drafted should be removed as a separate category and incorporated into the general sick leave definition.

Commissioner Milburn-Kee's Response:

Commissioner Milburn Key delivered a detailed statement opposing broad policy changes and recommending only a narrow, targeted correction. She argued that many of the complaints driving the proposed resolution stemmed from misunderstandings of the policies already adopted by the commission, rather than flaws in the policies themselves. She summarized the key factual background:

She noted that Resolution 6-22, which had allowed sick leave to be available to new hires on day one, was never incorporated into the employee handbook and was unknown to both current commissioners and the executive assistant during the payroll transition. She stated that auditors had flagged sick leave being used before it was earned, and that Resolution 6-22 itself included repayment provisions, supporting the interpretation that it was a loan arrangement rather than an unconditional grant.

She described the payroll transition as complex, noting that multiple spreadsheets with hire dates had been provided to the executive assistant and that approximately 33% of entries between two source documents did not align. The executive assistant appropriately used official employee records rather than conflicting spreadsheets to make corrections.

Commissioner Milburn-Kee stated she had reviewed the cases individually and found that, in her assessment, only two employees were genuinely adversely affected—and both of those cases involved a classification change from exempt (salaried) to nonexempt (hourly), not a true separation from service. She proposed a narrow handbook amendment: changing the language "leave accrual based on employment status" to "most recent full-time status," which would restore accurate accrual dates for those two employees.

She distributed documentation including: a comparison of the two hire date spreadsheets with inconsistencies marked, an auditor notes referencing sick leave being used before earned, current pantry system records, longevity dates, and applicable resolutions.

Discussion:

The discussion that followed was extensive and at times heated. Commissioner Beerbower pressed for clarification on the sources of data inconsistencies and argued that regardless of how errors arose, employees should not be penalized for mistakes they had no role in creating. He maintained that the volume of complaints he continued to receive from employees reflected a genuine, ongoing problem rather than isolated misunderstandings.

Commissioner Milburn Key repeatedly stated that she had verified, case by case, that only two employees were negatively affected, and challenged Commissioner Beerbower to conduct a similar review of the 40-plus names that had appeared on various complaint lists. She stated that front-loading vacation at the start of each year creates a liability when employees separate before earning that time, and that she had already been informed of two such instances that year.

Commissioner Allen offered a broader perspective, stating that the commission needed to move forward rather than continuing to relitigate past practices meeting after meeting. He suggested that rather than spending more time auditing what happened before January 1, 2026, the commission should accept where things stand and ensure the policy going forward is clear and fair.

Commissioner Motley stated simply that he wanted whatever leave balances employees believed they had as of December 31, 2025, restored without question. "I'm not interested in looking back," he said. "I just want their expectations that fit on 12/31/25 to be restored. I don't care how it's done. It just needs to be done."

Commissioner Milburn Key noted that many employees had already self-corrected through normal accrual, and some had already reached or exceeded their prior balances.

One county employee, Tanner Odell, addressed the commission voluntarily. He stated that in January or February 2026, he had lost 35 hours and 15 minutes of sick leave. Chairman Tran explained in detail that Mr. Odell had been front-loaded sick leave he had not yet earned, and the audit corrected that balance. The 15-minute discrepancy was explained as a remainder from a 45-minute medical appointment he had taken against a one-hour increment system. Mr. Odell indicated he understood the theory but remained uncertain about some specifics.

Chairman Tran called a brief recess to allow tensions to settle, noting "we're trying to do the people's work" and asking all parties to calm down.

Following the recess, Commissioner Milburn-Kee moved forward with her targeted proposed change:

Commissioner Tran noted he would not be taking comments from the Gallery and many county employees walked out sharing their frustration with the commission.

Motion: Commissioner Milburn-Kee moved to change the handbook language regarding leave accrual for employees who changed from exempt to non-exempt status, using their full-time hire date rather than status change date. Commissioner Tran seconded. Motion carried unanimously.

The main resolution was tabled for one week to allow commissioners time to review the complete revised document.

Motion: Commissioner Tran moved to change the agenda and moved Commissioner Allen's executive session up on the agenda. Commissioner Allen seconded. Motion carried unanimously.

Executive Session - Commissioner Allen

Motion: Commissioner Allen moved to enter executive session pursuant to KSA 75-4319(b)(4) for trade secrets discussion with the five commissioners and county counselor, Bob Johnson, by phone for 17 minutes, returning at 8:55 PM to discuss contract negotiations and return to the commission chambers. Commissioner Tran seconded. Motion carried unanimously.

Motion: Commissioner Tran moved to return to regular session at 8:55 PM with no action taken. Commissioner Motley seconded. Commissioner Beerbower, Tran, Motley and Allen voted in favor. Milburn-Kee was not present for the vote.

Elm Creek Discussion

Commissioner Milburn-Kee raised concerns about the Elm Creek quarry project, citing citizen feedback about the property's intended purpose as public recreation. She made a motion to halt current operations pending full board review.

Commissioner Tran provided background on the county's quarry needs, explaining that the Blake quarry is playing out and the Shepherd quarry produces lower-quality rock. He noted that Elm Creek was approved by the previous administration and offers high-quality rock without lease concerns, though the project would take decades to complete. He also mentioned the lake's current leaking condition and the estimated million-dollar repair cost.

Commissioner Beerbower opposed the quarry, citing potential damage to recreational use and availability of alternative lease sites. He advocated pursuing grants to repair the dam and developing the lake for RV camping. He encouraged Commissioner Tran to do a deep dive into the cost to produce our own rock versus buying from local business.

Commissioners Motley asked Mike Wunderly what changed the dynamics of less attendance at Elm Creek Lake. Mr. Wunderly said it was most likely due to Fort Scot Lake expansion and the neglect of the shelters and areas around Elm Creek Lake.

Commissioner Allen shared positive memories of the lake and supported exploring its recreational potential. It is a fishing lake not a boating lake and it takes a select type of person to explore this type of recreational opportunity.

Motion: Commissioner Milburn-Kee moved to hold quarry operations at Elm Creek. Commissioner Beerbower seconded. Motion carried unanimously.

Motion: Commissioner Tran moved to have Commissioner Allen contact Director Allen to cease operations at Elm Creek. Commissioner Milburn-Kee seconded. Motion carried unanimously.

Motion: Commissioner Beerbower moved to move the disaster proclamation resolution 20-26 up on the agenda. Commissioner Motley seconded. Motion carried unanimously.

Resolution for Disaster Proclamation

Emergency Management Director Lou Howard requested a disaster proclamation for storm damage that occurred on April 17, 2026. The proclamation declares a state of local disaster emergency for all of Bourbon County for 14 days unless it is terminated earlier or renewed.

Motion: Commissioner Milburn-Kee moved to approve the disaster proclamation resolution 20-26.
Commissioner Motley seconded. Motion carried unanimously.

The resolution was signed by all commissioners, and Director Howard indicated she would contact all cities the following day to assess damage.

Commission Comments

Commissioner Beerbower noted that time constraints prevented discussion of several agenda items and suggested continuing them the following week.

The remaining items on the agenda were moved to the following meeting.

- Meeting Resolution
- 2025 Kanren Invoice
- Maintenance Supervision
- Transfer Station Hours
- Commissioner Milburn-Kee Executive Session

Adjournment

Motion: Commissioner Milburn-Kee moved to adjourn the meeting at 9:20 PM. Commissioner Tran seconded. Motion carried unanimously.

ATTEST:



Susan E. Walker
Susan E. Walker, County Clerk

THE BOARD OF COMMISSIONERS
OF BOURBON COUNTY, KANSAS

[Signature], COMMISSIONER
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5/4/26

Date Approved

