

**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 September ~~20~~ 20, 2023. Those present were:

Tyler Vaughan, Chairman	Alex Gilmore, Associate,
George Pretz, Pro-Tem	Fisher, Patterson, Saylor & Smith
Keith Diediker, Commissioner	Stacey Weaver, Deputy County Clerk
Rob Roberts, Commissioner	Shannon Gaboni, Operation Specialist
W. Jene Vickrey, Commissioner	

Visitors: Dustin Hawkins, Scott Lee, Krista Lee, Mark Cantrell, Jeff Oliver, Natasha Avara-Tarret, Kaelee Allen, Steven Speakman

CALL TO ORDER

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

PUBLIC COMMENTS

Dustin Hawkins, 22428 W. 387th Street, wanted to come and talk to the Commission about a railroad crossing at Hansen. Mr. Hawkins says that it is becoming dangerous and annoying. It is the only crossing available to get from Fontana to Paola and that twice this past week, in the mornings when people are trying to get to work, a train has been stopped on the railroad tracks. He says it is an inconvenience but also dangerous for law enforcement and EMS to try to get down to the area in an emergency. Mr. Hawkins says he does not know if the Commission will be able to do anything about it, but he feels it is a safety issue at this time and would like them to look into a possible solution.

Scott Lee, 36140 Victory Road, owner of Miami Tow Company in Paola, KS wanted to address the Commission with concerns that the tow laws are not being followed by the sheriff's department. Mr. Lee handed out a packet with the laws and would like the Commission to do some research on the subject as he feels they have not been followed or observed by the sheriff's department. Mr. Lee wanted to address another issue, as he has filed multiple complaints with the Sheriff and Undersheriff of Miami County regarding advertisements of other tow truck companies at the sheriff's department, which after he complained were removed. On 9/12/2023 around midnight, Mr. Lee had a driver, who was currently towing another vehicle, stop when she came across an accident. She made sure the driver was ok and helped him get his location so the sheriff's department could be dispatched. The driver was so appreciative that he requested her to come back and tow his vehicle, which she did. The citizen shared a story with the drive while she was towing his vehicle and said that the sheriff's deputy on scene tried to convince him to go with another tow truck company, which Mr. Lee claims has happened multiple times. He has made complaints directly to the Undersheriff and the sergeant who was at the scene of the accident has had many complaints filed against him. Mr. Lee would like the Commission to do something about the tow rotation because it is a "joke". Chairman Vaughan said he will get together with the department head and County Administrator to research and revisit this issue. Commissioner Pretz would also like Mr. Lee to review the tow laws and point out what he thinks are both good and bad aspects. Mr. Lee says he is ok with how it is written; his issue is the sheriff's department not recognizing or following the law.

CONSENT AGENDA

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

- Approval of minutes of the county commission meeting on September 13, 2023.
- Approval of AP payment vouchers
- 23008-SUB: Hoover Farms

Commissioner Vickrey seconded; the vote was unanimous.

NEW BUSINESS

Shane Krull, County Administrator, requested the Commissioners to consider approving the Hillsdale EMS Facility Site Design Request for Supplemental Agreement with Schwab Eaton. As Schwab Eaton (SE) nears the completion of the site design of the Hillsdale EMS facility and surrounding infrastructure, they have discovered items to be addressed that weren't in the original scopes: design of a sewage ejector pump system for the building, dedication of utility easements on the site for various utilities, and construction administration services. The additional amounts are as follows: sewage ejector pump system design \$12,180.00, legal descriptions, exhibits, and easement docs \$3,120.00, bidding services and construction administration \$8,500.00 (not to exceed), and a reduced design fee of \$650.00. The total comes to \$24,450.00. Commissioner Roberts moved to approve as presented, Commissioner Diediker seconded; the vote was unanimous.

Sitting as Miami County Fire Board District #2 (MIFD2)– 1:21 p.m.

Shane Krull, County Administrator, requested the Commissioners to consider approval of updated contract with Johnson County Fire District #2 (JCFD2) due to the increase in valuation. A clause in the contract signed on 08/08/2022 allows for renegotiation if the assessed valuation increases over 15%. The increase in the assessed value was 18.6%. JCFD2 is asking for additional funds on top of the automatic 6% specified in the existing contract and for it to be raised from 6% to 9.6% per year during the life of the contract. Additional cost per year with the 3.6% increase are: 2024 for \$12,686.00, 2025 for \$13,477.00, 2026 for \$14,704.00, and 2027 for \$15,109.00. The current mill levy for MIFD2 should support the raise in the contract and the prices will remain fixed for the remainder of the contract. Commissioner Roberts moved to approve as presented, Commissioner Pretz seconded; the vote was unanimous. (A23-09-067 ref. A22-08-043)

Exiting as Miami County Fire Board District #2 – 1:23 p.m.**STAFF COMMENTS**

Shane Krull, County Administrator, said that Mark Whelan, Emergency Management Coordinator, was recognized for his 43 years of service for the Fire and Emergency Management Fields in Johnson and Miami County. Mr. Krull would like to express his gratitude for the years of service that Mr. Whelan and his family has bestowed in this region and Miami County has benefited from his involvement.

J. Colin Reynolds, County Attorney, wanted to update the Commission that he will be losing his Deputy County Attorney at the end of the month. There is also a vacancy in the 2nd County Attorney position. The County Attorney's office will be looking to outsource the county's appellate work to the Attorney General's office and the cost of that outsourcing will come from vacancy savings. The additional cost will be factored into the budget for 2025. Miami County has approximately 3 to 4 appeals a year and the cost to the county will be approximately \$6,000.00/year to outsource. Chairman Vaughan asked how long it takes to get someone hired and up to date. Mr. Reynolds said it won't take too long as they are only looking at hiring candidates with criminal background experience. Commissioner Roberts would like Mr. Reynolds to provide a report on the case load the attorney's office currently has and Mr. Reynolds agreed to provide that to the Commission.

COMMISSIONERS COMMENTS

Commissioner Roberts wanted to point out a flyer that will be available in the newspaper starting next week that advertises open house dates to inform and educate the citizens of Miami County on the issues and potential solutions to restore the historic courthouse. Commissioner Roberts was over there the other day taking pictures of the interior of the building and the next day he returned to take pictures of the exterior. During his second outing he found a piece of the roof that had fallen to the ground, which he presented at the meeting.

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Commissioner Pretz announced the courthouse open house times and dates. The first open house will take place on Friday September 29th, 10 a.m. to 3p.m. and the second one will take place on Monday October 9th, 5 p.m. to 8 p.m.

Commissioner Roberts announced appointments to the Council of Aging Board. The new board members are Steve Cowman for the Paola Area, replacing Kathy Peckman and Karen Shepherd for the Northwest Area. Commissioner Roberts moved to approve as presented, Commissioner Vickrey seconded; the vote was unanimous.

EXECUTIVE SESSION

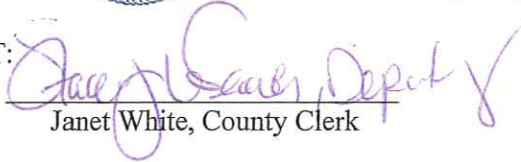
Commissioner Roberts moved to have an Attorney-Client Privilege Exception Session to discuss legal advice for 30 minutes beginning at 1:40 to include the Commissioners, County Administrator, and County Counselor and Planning Director. Commissioner Diediker seconded; the vote was unanimous. No action was taken at this time. Chairman Vaughan reconvened the regular meeting at 2:10.

ADJOURNMENT

The meeting was adjourned at 2:10 p.m.


Tyler Vaughan, Chairman

ATTEST:


Janet White, County Clerk