

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 June 30, 2021. Those present were:

Rob Roberts, Chairman	Shane Krull, County Administrator
Tyler Vaughan, Pro-Tem	Shelley Woodard, County Counselor
George Pretz, Commissioner	Janet White, County Clerk
Phil Dixon, Commissioner	Casey d'Augereau, Executive Secretary
Danny Gallagher, Commissioner	

News: Doug Carder, Miami Republic News

Visitors: Ted Beauchamp, Marla England, Jennifer Williams, Charlie Koch, David Heger, Shay Hanysak, Staci Cook, Ed Reschke, Sheila Schultz, Jim Kaup

CALL TO ORDER

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

PUBLIC COMMENTS

Ted Beauchamp, 23205 Moonlight Rd, Spring Hill, questioned if the Commissioners know the speed limit on 223rd Street? Shane Krull, County Administrator, stated east of Spring Hill to 69 Highway is 45 mph and west of Spring Hill is 55 mph. Mr. Beauchamp agreed and continued by saying there is no difference in the quality of the road on the east side verses the west side. Mr. Beauchamp stated Gardner Rd is very similar where it is 45 mph on the Johnson County side, and it is 55 mph on the Miami County side. Mr. Beauchamp is requesting a study be done of these roads and for the Commissioners to consider reducing the speed limits from 55 mph to 45 mph. Chairman Roberts believes this to be a fair request and will have Road & Bridge take a look at the traffic and see what action needs to be taken.

Jennifer Williams, 21993 Moonlight Rd, Spring Hill, asked the Commissioners if they are all receiving all the emails and correspondence being sent in on the Petition of Golden, KS and are they meeting in a committee to review each letter? Ms. Williams stated the documents she submitted prior to the public hearing, she got the impression that not all the Commissioners had read them yet. Chairman Roberts stated the process is for the Clerk's office to process all documents/emails, once their process is completed the documents are sent to the Commissioners and to the administration office to post to the website. Chairman Roberts stated the Commissioners will set a deliberation in the weeks to come, but the schedule has not been set yet. Once the schedule is set it will be posted to the website so that everyone will have the schedule.

CONSENT AGENDA

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

- Approval of minutes of the County Commission meeting on June 23, 2021
- Approval of AP payment vouchers
- Grant of Easement 21017-LS Pippen (A21-06-031)
- 2 Grants of Easements 21024-LS Miami County Investors, LLC (A21-06-032 & A21-06-033)
- County Administrator salary increase
- Add-ons:
 - Orders of Corrections
 - Sutherland building lease agreement
 - Discussion with County Special Counselors on Golden

Commissioner Gallagher seconded, the vote was unanimous.

NEW BUSINESS

Mark Whelan, Emergency Management Coordinator, requested the Commissioners (sitting as Miami County Fire District 1 Board) to consider authorizing additional funds up to \$10,000 for the purchase of emergency lighting and equipment for the Osawatomie Fire Department (OFD) previously approved. An amount of \$50,000 was approved to purchase both the OFD vehicle and equipment. A request for 3 bids was sent out, a bid from Mutiplicity, LLC in the

amount of \$23,174.81 was only bid received back. This will be \$8,736.21 over budget. Mr. Whelan started the City of Osawatomie has agreed to put in \$10,000 to help with the cost of the truck and equipment. Commissioner Pretz moved to approve a total of \$60,000 for the purchase of the truck and equipment, originally approved for \$50,000, approving an additional \$10,000, Commissioner Dixon seconded; the vote was unanimous.

Chairman Roberts stated Miami County leases a building on the north end of town owned by the Sutherland Family in order to store the Personal Protective Equipment (PPE) needed by the county. It is required that MICO gives plenty of notice if the intent is not to continue the lease agreement after the end of the year. Commissioner Dixon moved to have the Chairman sign the letter ending the lease agreement at the end of the 2021-year, Commissioner Pretz seconded. Chairman Roberts stated the letter has been drafted by the Miami County Counselor and it is to be sent directly from her. The vote was unanimous.

Chairman Roberts asked Commissioner Gallagher to step out while there is a discussion about Golden. Commissioner Gallagher left the Chambers at 1:12 p.m.

Jim Kaup, Miami County Special Counselor, recommends the Commissioners officially ending the Public Hearing held on June 23, 2021. Mr. Kaup suggest the ending time to be at 4:30 June 30, 2021 and anything received after 4:30 should not be considered a part of the official record for the Golden Petition. Commissioner Vaughan moved to show the Public Hearing on the Petition for Golden close at 4:30 June 30, 2021, Commissioner Dixon seconded; the vote was unanimous.

Mr. Kaup would like to know what additional information the Commissioners are needing to move forward with this petition. Chairman Roberts handed out a document and stated he had intended on presenting this during the Commissioners comments but since Commissioner Gallagher is out of the Chambers, he will share it at this time. Chairman Roberts handed out a document listing "Potential Expert Testimony & Questions":

- 1) Sheriff Kelly:
 - a) We need a detailed written report of the current level of service.
 - i) What should the City of Golden expect?
 - ii) What if the citizens of Golden find a need for additional Law Enforcement?
 - b) Please provide preliminary costs estimate for each additional increase in service level
 - i) Additional Officer(s)
 - ii) Additional equipment
 - c) Petitioners indicated in their petition that with the intermodal there would be an increase in crime; do you see this happening?
 - d) Could you provide us with a current crime activity within the region?
 - i) Northern Miami County and southern Johnson County
 - e) Truck traffic:
 - i) How does a county and/or city regulate heavy truck traffic, the type we are having in this region?
 - ii) Can the city and/or county create a designated truck route?
 - iii) Can the county or city restrict access to local roads from heavy truck traffic?
 - iv) Who has jurisdiction to oversee and inspect currently and if a new city is created?
 - f) Those intermodal trucks are traveling on the county roadways.
 - i) What would it cost to implement a team of law enforcement dedicated to enforcement and regulation of heavy truck traffic on the county roads?
 - ii) Do the roads in that part of the county need to have a lower speed limit and how would that be enforced?
- 2) County Counselor work with the County Clerk:
 - a) If a new city is created what is the county's role and responsibility in the process of creating a new city government?
 - b) Please identify the various government officials that would need to be created. The election processes and would the county be required to perform
- 3) Road and Bridge Director:
 - a) A detailed list of existing roads and the following data are requested:
 - i) Name of each road
 - ii) The number of miles within each road

- iii) Type of road; example: gravel or pavement
 - iv) Current conditions
 - v) Road classification and current speed limits
 - vi) Last three years of maintenance and cost
 - vii) Anticipated expenses to maintain the current level and condition of the roads
 - b) Identify subdivisions within the defined area:
 - i) Current conditions of subdivision streets
 - c) Bridges and culverts:
 - i) Quantity locations and conditions
 - ii) Scheduled maintenance and/or replacements with cost
 - iii) Review of past repairs
 - d) Snow removal:
 - i) If the City of Golden is created; what level of snow removal should the residents expect?
 - e) Summarize for the Commission:
 - i) The anticipated cost of maintaining a mile of gravel road, a mile of chip/seal road and a mile of asphalt road so that the citizens of Golden have a better understanding of what the cost might be (should they request the county to perform the work).
- 4) County Appraisals:
- a) Much concerns have been expressed relating to property values being harmed as more warehouses are built in the area close to residential. Please provide actual home/land sales in that area.
 - b) A look back at property values equal to 3 – 5 years to establish a trend of what someone could expect going forward.
 - c) Property values for improved and unimproved in areas surrounding the proposed City of Golden and southern Johnson County.
- 5) Hillsdale watershed: would like to have this considered the 17th criterion:
- a) As the warehouses are built is it damaging the quality of water?
 - b) Please bring an expert to the commission to review

Commissioner Vaughan stated he would add a couple of things to the list Chairman Roberts provided:

- 1) Would like the opinion and feedback from the County Counselor on the sample contract submitted by the Attorney for the City of Golden.

- 2) Planning and Zoning Director to give an evaluation of the use of the land in that area.

The Hillsdale watershed is to be added as a 17th criterion for the consideration of the incorporation of a city. Deliberations will be done in open session. Mr. Kaup handed out a copy of the letter attached to the Public Hearing Agenda dated June 23rd addressing the State Law (K.S.A. 15-121) and stated the transcript of the Public Hearing should be available next week. Mr. Kaup stated there are a few taxes collected by Miami County that will need to be shared if the City of Golden is incorporated per State guidelines. Mr. Krull questioned if all 4 Commissioners are to be present at each Golden meeting? Mr. Kaup stated they are not required to be at each meeting, but it is preferred that they all be present. Mr. Krull and Chairman Roberts agreed that the deliberations will begin in August 2021 due to various Commissioners not available in parts of July 2021.

Commissioner Gallagher rejoined the regular meeting in session at 1:46 p.m.

APPLICATIONS

Janet White, County Clerk, stated the Clerk's office has received the notice for a Cereal Malt Beverage (CMB) back for the Dollar General Store in the Hillsdale area from the township. Requested the Commissioners to consider approving the CMB. Commissioner Pretz moved to approve the CMB for the Dollar General Store in the Hillsdale area, Commissioner Dixon seconded; the vote was unanimous.

STAFF COMMENTS

Mark Whelan, Emergency Management Coordinator, gave an updated handout on the COVID-19 situation in MICO. There is a total of 2,806 cases as of June 30, 2021 in MICO, an increase of 12 since June 23rd, with 4 residents having a variant strain of COVID-19. No new deaths in MICO from COVID-19.

Chairman Roberts asked Mr. Whelan if he would be able to provide an update on the new 911 radio system within the

next month. Mr. Whelan stated current radio testing of the area is being done working on the edges of the county and it is proving to be very good. Deputies are stating no dead zones at this time.

Matt Oehlert, Road & Bridge Project Manager, gave an update on the Creamery Bridge stating the stamped plans were received last week and the plans have been provided to construction companies to bid and provide their earliest start date.

Shane Krull, County Administrator, stated Kenny Cook's last day with MICO will be on Friday, July 2nd, and has done a great job for MICO and will be going to Franklin County Kansas as their Planning & Zoning Director. Thanked Kenny. In addition, this will leave the county short staffed in the Planning department and MICO will need to implement a short-term process. As people walk into the Planning & Zoning Department, they will need to be prepared to drop their requests in a basket and the Planning & Zoning Department will respond to them as quickly as they can.

EXECUTIVE SESSION

Commissioner Vaughan requests a 15-minute Personnel Exception Executive Session for personnel review to include the Commissioners; Shane Krull, County Administrator; and Shelley Woodard, County Counselor to begin at 1:57 p.m. Commissioner Gallagher seconded; the vote was unanimous. Regular meeting reconvened at 2:11 p.m., no action taken.

Commissioner Vaughan requested an Attorney/Client Executive Session about Golden for 30 minutes beginning at 2:15 p.m. to include: Chairman Roberts; Commissioner Vaughan; Commissioner Dixon; Commissioner Pretz; Shane Krull, County Administrator; Shelley Woodard, County Counselor; Sheila Schultz and Jim Kaup Special County Counselors. Commissioner Pretz seconded; the vote was unanimous. Regular meeting reconvened at 2:45 p.m.

Commissioner Pretz moved to extend the Attorney/Client Executive Session for 10 minutes beginning at 2:46 p.m., Commissioner Vaughan seconded; the vote was unanimous. Regular meeting reconvened at 2:56 p.m. no action taken.

ADJOURNMENT

The meeting was adjourned at 2:56 p.m.



Rob Roberts, Chairman

ATTEST:

Janet White, County Clerk