

**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 March 19, 2025. Those present were:

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

Visitors: Harriet Lard, Thomas Webber, Dino and Robin Motta, Bill Osborn

CALL TO ORDER

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

PUBLIC COMMENTS

Thomas Webber, 28814 Victory Road, asked if Paola Lake belongs to the City of Paola or Miami County? Commissioner Pretz stated only the City of Paola. Mr. Webber thanked the Commissioners for everything they do. Mr. Webber stated a special thank you to Commissioner Scruggs. Mr. Webber said he got ahold of Commissioner Scruggs and visited with him at the house. Mr. Webber stated Commissioner Scruggs told him that the city is involved with the detour on Victory Road, that the county was not involved. Mr. Webber said the county dumped rock on the road then we get a couple of snowstorms, with the storms and the maintainer that came out, all the rock is now in the ditch. Mr. Webber stated he is not happy with the maintenance of the road he lives on and feels there are a lot of dirt roads that could use rock. Mr. Webber stated he heard a rumor last year that the County did not have money for rock. Mr. Webber talked about the roads getting chip and sealed last year. His property assessment went up around \$20,000.00, he believes others went up too and feels with the amount of taxes being paid he does not feel the taxpayers are being treated fairly. Commissioner Pretz thanked Mr. Webber for his thoughts.

Robin Motta, 17905 W. 319th, stated she feels people should not be awarded for bad behavior or poor decision making, and that is in reference to the contractor on the Hillsdale project. She feels that it is too late for the contractor to come back and ask for more money. Ms. Motta stated she agrees with Commissioner Diediker that the contractor was the low bidder and if the County pays him more money it would probably equal the same amount as what someone else would have bid. Ms. Motta stated with everyone's property taxes going up and people being sensitive the County needs to be wise on how to spend tax dollars.

Ms. Motta stated the Treasure and her office, in her opinion no one has come in with a gun, people may have gestured it, and it sounds like she gets a lot of verbal abuse, but glass of any kind won't stop the angry ones from coming in, if anything it may make it worse. Ms. Motta stated we are in Miami County and asked why we are acting like we are in the inner city? Ms. Motta stated in 2000 Johnson County made the treasure a non-elected position years ago and seems that it would be wise to look into.

Ms. Motta feels that any work on the Court House should be held until the information on the feasibility of the building comes back. Ms. Motta stated the building can be taken off the historical list.

Ms. Motta stated the county should think outside the box regarding the use of the extra space on the second floor in the jail.

Ms. Motta stated the Sheriff talked about the things he sends people to in a recent meeting, and he comes in over budget all the time. She feels the Sheriff needs to stop sending people to lots of things if he is going over budget and said the Sheriff needs to stay on budget like everyone else and spend the taxpayer's money wisely.

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Commissioner Pretz thanked Ms. Motta.

CONSENT AGENDA

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

- Approval of minutes of the County Commission Meeting on March 5, 2025
- Approval of AP payment vouchers and payroll
- Grant of Easement (GOE) Agreement: 250001-LS (Peuser) (A25-03-012)
- Approve orders of corrections
- Add-On- Action Agenda number five to evaluate CB Construction Services in the amount of \$18,500.00 for the Concrete work at the EMS station.

Commissioner Diediker seconded; the vote was unanimous.

NEW BUSINESS

Shane Krull, County Administrator, stated the Kansas Water Pollution Control Revolving Fund Loan Agreement is for the debt associated with the construction removing the Sewer Plant in Bucyrus and piping the effluent around four and a half miles to the City of Spring Hill's Wastewater Treatment Facility. Mr. Krull stated the cost of the project is estimated around \$3.8 million. Mr. Krull stated funding has been secured through a variety of sources to include Sparks money from the US Treasury in the amount of \$1 million, the City of Spring Hill \$250,000.00, Small Systems grant from KDHE for \$1.5 million, \$305,000.00 grant from the Community Development Block Grant Program through the Department of Commerce, Forgivable Loan Balance of \$850,000.00 awarded from KDHE which leaves us with a balance of \$1,420,000.00 that is associated with the project. At its conclusion we would move to permanent financing through USDA Rural Development for a 40-year loan that in addition to the loan has a grant of approximately \$89,000.00. Mr. Krull stated, "this instance it is a 20-year loan at 2.33 percent interest to fund \$1,420,000.00 worth of construction cost." Commissioner Vaughan moved to approve the signing of the Kansas Water Pollution Control Revolving Fund Loan Agreement. Commissioner Vickrey seconded; the vote was unanimous. (A25-03-013)

Matthew Oehlert, Road and Bridge Engineering Project Manager, stated this is in reference to project number 22-02-CO (691) which is a guard fence replacement and is requesting the Commissioners to authorize to solicit bids for construction and solicit price proposals for construction inspection for the FAS 270 Bridge Guard Fence Replacement located on Hedge Lane Road over the Marais des Cygnes River. Mr. Oehlert stated this is to remove the bridge ends, repour them for upgraded bolt patterns to meet the crash worthy standards and meet grading aspects. Commissioner Diediker reminded Mr. Oehlert to check in on our dirt piles the County has to see if it would be suitable for some of the backfill. Commissioner Diediker moved to approve as presented, Commissioner Vaughan seconded; the vote was unanimous.

Matthew Oehlert, Road and Bridge Engineering Project Manager, stated this is in reference to project number 22-07-ST-CO (702) and is for the maintenance program for 2025 the Asphalt and the Rehabilitation subgrade for 223rd Street which is part of the quarter cent sales tax. Mr. Oehlert requested the Commissioners to authorize to solicit bids for construction and solicit price proposals for construction inspection for the 223rd Street Road Rehabilitation and 2025 Asphalt Program. The contracted work will be located on 223rd Street from Woodland Road to US-69 Hwy; 223rd Street from US-69 Hwy to Metcalf Road and Metcalf Road from 215th Street to 271st Street. Mr. Oehlert stated the budget for the project is \$1.6 million out of the quarter cent sales tax budget and about \$4 million out of the Road and Bridge line item 4 (asphalt and project line item). Commissioner Vaughan appreciated Mr. Oehlert for his hard work for putting this big project together last minute with not a lot of time to get it done. Commissioner Vickrey moved to solicit bids for the 223rd Street 2025 the Asphalt program, Commissioner Vaughan seconded; the vote was unanimous.

Matthew Oehlert, Road and Bridge Project Manager, this is in reference to project number 25-01-SB (703) Award and agreement for the 2025/2026 Bridge Inspection price proposals RFP 2025-001. This is the inspection bid that was open March 11, 2025, with Kaw Valley Engineering, Inc. being the only bidder. Mr. Oehlert stated Kaw Valley Engineering submitted on the base bid which is the bridge inspection on 237 bridges for \$95,940.00 and a price proposal for the culvert and short span structures for \$217,360.00. Mr. Oehlert suggested the Commission accept the base bid for the bridge inspections and reject the alternate price proposal for the culvert and short span structure inspections. Commissioner Diediker moved to approve only the bridge inspection for \$95,940.00, Commissioner Vaughan seconded; the vote was unanimous.

(A25-03-014)

Chairman Pretz stated this is an add-on concerning CB Construction Services. Shane Krull, County Administrator, stated September 6, 2024, the County issued a notice to proceed to CB Construction which cleared the contractor to move forward with construction during the 230 days to complete the project. Mr. Krull stated the construction company applied for a building permit and purchased an engineered steel building on our behalf that would be erected on site that would house the EMS crews. There was a two-month lead time, once we got the engineered plans stamped, the building would be designed and erected. The building permit was issued within 7 days of applying, but we did not do a deferred submittal in the middle which would have allowed the construction company to do more site work than what took place. The construction company was not able to start the concrete work until the middle of October. The first of November the construction companies' concrete supplier implemented a standardized winterization fee that increased the cost of the concrete vs what they had bid. The contractor Goodart Construction had to take steps to address cold weather using blankets for insulation on the subgrade during multiple pours over a period of time. Mr. Krull stated the delays and concrete cold weather measures was about a \$23,000.00 change order that was presented. The construction company had taken the cost down to around \$21,000.00 and then agreed with the loss of overhead and profit the construction company settled on \$18,500.00 in lieu of pursuing against the County the general conditions of the contract which allows the construction company liquidated damages of \$2,100.00 a day for delays that is outside of their control. It would be a legal question that we would have to pay the County Counselor \$205 per hour for attorney fees if we opt to go to court. Mr. Krull stated the steps and cost taken with winterizing the concrete he feels was for the betterment of the project. Mr. Krull took responsibility for not forecasting financial repercussions of not getting a deferred permit and apologized. Chairman Pretz asked Mr. Krull if he knows when we received the plans from the Architect? Mr. Krull stated the plans of the building came from the supplier. Chairman Pretz asked if the Permit Department did not wait for the plans for the permit? Mr. Krull stated the design and the submittal for the permit were two separate things. Commissioner Vaughan stated, "bottom line to it was lesson learned on both sides, I appreciate that they agreed to remove their profit out of there." Commissioner Diediker stated for a company that bids these projects, fifty or so a year, and it is going to span through the wintertime should know there is going to be type of hiccups, and they should have had that in, in the beginning. Commissioner Vaughan stated the reason he is comfortable with the cost is the contractor was willing to come off their margin, he is happy with the product for the cost the County got: the project is almost done, they are a local Paola based General Contractor company as well. They acknowledged their error, we acknowledge our error, and we are not paying them profit it is a pass-through to their sub who is also a local concrete company. Commissioner Vickrey stated the letter is dated November 21, 2024, and asked Mr. Krull if we are under contract for the number of days to complete the project by the contractor and can the contractor legally charge the County for the extra days? Mr. Krull stated "in respect to the general conditions, he is stating that essentially, you've delayed me 32 days on that which has a cost of roughly \$1200.00 per day on that that equates to \$37,157.00. Instead of asking for general conditions they are asking for a change order that was originally about \$23,000.00 negotiated down to \$18,500.00 and would forgo the pursuit of general conditions. Commissioner Vaughan moved to approve the \$18,500.00 for CB Construction, Chairman Pretz seconded; the vote was 3 approve to 2 nay -Commissioner Diediker and Commissioner

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Scruggs.

STAFF COMMENTS

Shane Krull, County Administrator, stated over the last ten to fourteen days the Rural Fire department has been busy with grass fires. The Fire Department has had numerous calls and no injuries to date. There has been property impact and some equipment damages, and I appreciate their hard work.

Commissioner Pretz stated, "I would second that and our Road and Bridge Department helps them out also."

COMMISSIONERS COMMENTS

Commissioner Vickrey he expressed the Commissioners condolences to the Juarez family for the loss of Anthony Juarez. He was a volunteer fireman and active in the community. He went to school with my kids. He will be missed.

Chairman Pretz stated tomorrow morning March 20, 2025 at 9:30 am there is an open house at the new Veterans Affairs (VA) Building, there could be two or more commissioners there.

Chairman Pretz stated Osawatomie is having a City /County Meeting on March 25, 2025, at 9:00 in the City Center. There could be two or more commissioners there.

ADJOURNMENT

The meeting was adjourned at 1:42 p.m.

(Seal)




George Pretz, Chairman

ATTEST:


Laura Epp, County Clerk