

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 15, 2021. Those present were:

Rob Roberts, Chairman	Shane Krull, County Administrator
Tyler Vaughan, Pro-Tem	Shelley Woodard, County Counselor
Danny Gallagher, Commissioner	Stacey Weaver, County Clerk Deputy
Phil Dixon, Commissioner	Casey d'Augereau, Clerk Support Assistant
George Pretz, Commissioner	

News: Doug Carder, Miami Republic News; Gene Morris, Miami Republic News

Visitors: Josh Barnett, Jennifer Williams, Eleanor Zuvanich, Marla England, Charlie Koch, Jennifer Whitlow, Hannes Poetter

CALL TO ORDER

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

PUBLIC COMMENTS

Josh Barnett, 33959 Cedar Niles Rd, Paola, thanked the Commissioners for not taking a stand on a mask mandate within the schools. Mr. Barnett passed out a document to the Commissioners stating this document is on USD 367's website and USD 367 will be following these standards. Commissioner Pretz questioned who came up with this document. Mr. Barnett stated it is understanding that it came from Miami County Health Department (MCHD). Mr. Barnett stated he has a couple of issues with the document: 1) there are multiple scenarios and 2) there are 2 standards. There is a standard for a person that has been given the shot and a standard for someone that did not get a shot. The parents are making the decision for the kids to get the shot or not, this determines how the child is being treated at school. Mr. Barnett believes this is discrimination. Mr. Barnett stated there were 2 high school athletes that tested positive for COVID. They had siblings playing on the volleyball team one of the siblings also tested positive for COVID. No one was informed of the positive test results because it wasn't a "known Variant of Concern", he was unaware that there were "Variant Concerns" and "Non-Variant Concerns". Mr. Barnett received a call on Wednesday stating his daughter is unable to play in a volleyball tournament on Saturday unless she has a rapid COVID test, and it is negative. This notice came from the school not the MCHD. MCHD is getting the information to parents too late, the schools are playing "Health Department". Mr. Barnett does not agree with the protocol handed out and if MCHD doesn't have the staff to do the job, why hasn't the County hired additional help. Commissioner Vaughan asked if Mr. Barnett does agree that he doesn't want the County to mandate a mask. Mr. Barnett stated that is correct but believes the protocol the school board approved shouldn't be as harsh as it is. Mr. Barnett would like to see a middle ground. Commissioner Pretz stated Doug Shane spoke at a meeting a couple of weeks ago and Commissioner Vaughan was to follow-up with MCHD. Commissioner Vaughan stated he has visited with Chairman Roberts and County Administrator, Shane Krull about having a meeting. The meeting has not taken place yet but there are things to discuss in a meeting with MCHD. Chairman Roberts stated he was a part of the superintendent's meeting and the actual document handed out from Kansas Department of Health and Environment (KDHE) and it was pretty extensive. Each of the superintendents needed something less restrictive than the KDHE document. The superintendents, Mr. Barnett's included, negotiated the less restrictive document. MCHD was only implementing what KDHE put out. If the school board believes something different needs to be implemented, they need to convey that to the superintendent. They can work with MCHD and Mr. Krull to see what latitude they might have. Mr. Barnett stated whether it is a school board, KDHE, or MCHD protocol it still borderlines discrimination and sometimes a person shouldn't have to follow recommendations when there's a difference between what's right and wrong. Mr. Krull believes it is important to note that the Osawatimie School Board, Mr. Barnett is a member of, adopted the document as their protocol and it was the majority vote. Mr. Krull stated he too was in attendance of the superintendent meeting with Chairman Roberts and the protocol they came up with was a part of the mitigation to keep the children from having to wear masks. Mr. Krull stated what the county should be concerned with is the children's safe return to school, which he believes the document Mr. Barnett handed out is. Mr. Barnett stated if they are talking about vaccinated or non-vaccinated kids, having 2 sets of standards; there's no less likelihood of them carrying the virus, there's no less likelihood of them getting the virus, or transmitting the virus; so why would we have a different set of standards? Mr. Krull stated from the standards aspect of it has been consistent through the process in terms of those that have been vaccinated and those that haven't been. Mr. Krull stated we aren't the ones making it up, it is handed down to us from KDHE. Mr. Barnett stated, "we are making it up and that's the problem", since

“you” (Mr. Krull) are directing your statements to “me” (Mr. Barnett) as a school board member. Mr. Krull stated he is trying to understand if Mr. Barnett is there as a school board member or a parent. Mr. Barnett stated in the beginning as an individual. Mr. Barnett asked what are the variants of concern? Shelley Woodard, County Counselor, advised Mr. Barnett to refer to the Centers for Disease Control and Prevention’s (CDC) website for the list of Variants and Variants of Concern.

Eleanor Zuvanich, 29000 W 223rd, Spring Hill, thanked the Commissioners for allowing her time to speak. Reading from a document she shared with the Commissioners, Ms. Zuvanich is concerned with the increased traffic flow on 223rd St from big trucks. Ms. Zuvanich stated she is a fan of big trucks. Trucks are a vital part of farm operations: moving cattle, grain hauled, and hay bales transported. Ms. Zuvanich is not a fan of semi-trucks hauling cargo containers. She is located between Gardner Rd and Moonlight Rd on 223rd St, the speed limit is 55 mph. It is a two-lane blacktop road with no shoulder that crosses two cement box bridges each having no railings. The road markings are old and disappear on rainy nights. In the past 4 years there have been 3 car incidents she has witnessed veering off the road traveling across the ditch and destroying her fence and pasture. Each of these incident’s cost between \$1,800 and \$2,400 to repair. Neighbors have also had incidents/accidents to their property. Ms. Zuvanich asked two rhetorical questions: 1) Why would truckers want to use 223rd St. when engineers hired by Logistic Park, the state and interstate have designed a traffic route that is safe and effective for them to use? 2) Why would Miami County (MICO) want to put its residents in jeopardy by encouraging 223rd St. to be a corridor for truck traffic?

Jennifer Whitlow, 31700 W 217th St., Spring Hill, stated her family travels 223rd St and Gardner St all the time, their kids attend school in Gardner and Overland Park. There has been talk of making 223rd St a truck route to make it easier for Kubota and Hostess. She witnessed a fatality accident involving a truck driver that was confused about his location, got out of his truck to ask another truck driver if they were on the right road only to be struck by an oncoming vehicle that didn’t see him in the dark. The month following that a truck driver stopped in the middle of the road and stopped Ms. Whitlow to ask if he was on the right road for Hostess. Ms. Whitlow stated this is not ok. Ms. Whitlow called Johnson County (JOCO) Road & Bridge asking for signs to be moved back for safety. She was informed by JOCO they did not put the sign up it was Edgerton and JOCO is not happy about the sign because JOCO did not want the trucks directed on that road. This road is not designed for truck traffic. There are school buses on this road, kids driving to school, and Miami County (MICO) residents that are on this road daily. No one wants to see anyone get hurt, and that is the MICO residents of that area’s fear. Ms. Whitlow believes MICO residents should be able to use their roads and get to their destinations safely. Ms. Whitlow thanked the Commissioners for their time.

Jennifer Williams, 21993 Moonlight, Spring Hill, stated she is here today as a Miami County resident, Golden aside, moved here about 7 years ago. At the time, the south part of I-35 wasn’t developed, and we were protected from a lot of stuff. We don’t have a way to get to Paola, Spring Hill, Gardner or anywhere safely when we are sharing these narrow roads with these trucks. Ms. Williams shared a picture from her cell phone of one of the narrow roads, stating if a person is faced with the decision to die by hitting a tractor/trailer or die by hitting a hit; you have nowhere to go because the roads are narrow, and the ditches are deep. Ms. Williams stated the State and Federal have engineers that develop a road system that is well thought out so that the trucks can have the proper shoulders, proper width, and minimum amount of curves, so the drivers don’t have mailboxes to contend with and they don’t have to turn around in someone’s drive. Ms. Williams stated the county can restrict the truck traffic on these roads. Ms. Williams stated one fatality is too many. There’s a problem, before it becomes a fatal problem we are asking for the County’s help.

CONSENT AGENDA

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

- Approval of minutes of the County Commission meeting on September 8, 2021
- Approval of AP payment vouchers and payroll
- Add-on: Consider an agreement for temporary surveyor for Miami County, Jim Schmitz

Commissioner Gallagher seconded; the vote was unanimous.

NEW BUSINESS

Matt Oehlert, Road & Bridge Project Manager, requested the Commissioners to consider approving a change order in the amount of \$13,251.50 for Project 15-07-SB(637) Bridge 11-B.2 Replacement. Mr. Oehlert requested a larger material like rip rap and more of it be used on this project. There is no need for a budget revision as there are additional funds remaining. Original agreement (A20-12-001) price \$142,340.12, with the change order of \$13,251.50 the new total will be \$155,591.62. Commissioner Pretz moved to approve the change order as presented, Commissioner Dixon seconded; the vote was unanimous. (A21-09-051)

Shelley Woodard, County Counselor, requested the Commissioners to consider approving a resolution restricting the public access to Victory Road North of 311th Street to the termination point of the road. The residents this will affect have submitted a written request to have this road gated. Counselor Woodard stated this area is mainly pasture but there are 2 homes in there. People are coming down this road and illegally dumping. It is costly for the landowners to clean this up each time it happens. The gate would have a keypad entry providing emergency services the entry code to gain access when needed. Counselor Woodard invited Hannes Poetter to come to the podium on this subject. Hannes Poetter, 16755 W 299th St, Paola, stated the road in question is between 311th and Wea Creek where the road terminates. There used to be a bridge at the creek, but the bridge was taken out about 15 years ago. Mr. Poetter stated it is a wooded area where the bridge used to be. People use this area as a party area as well as an illegal dump area leaving mattress, condoms, drug paraphernalia and appliances. The gate would be set back about 240-250 feet with a turnaround area allowing people to turn around when they realize it is not a public road. The keypad will be electronically controlled. Chairman Roberts stated this was brought to his attention about a year ago. Chairman Roberts stated he has been out there, and it acts like a public road, but it isn't. Chairman Roberts would be supportive of the county vacating the road if vacating is a possibility, but for now is supportive of the gate provided the gate is at the expense of the homeowners. Chairman Roberts asked JR McMahon's opinion. JR McMahon, Road & Bridge Director stated this type of thing typically comes to Road & Bridge and he advises them that it is not within the policy. Mr. McMahon stated in this situation he believes the property owners are submitting a reasonable request. Commissioner Pretz stated he has a contingent for the motion, whoever makes it, he wants it to include that the landowners have to sign a waiver stating the county is not liable if the emergency services are unable to gain access in a timely manner. Chairman Roberts agrees it is a fair request. Commissioner Pretz moved to approve the resolution for the gate with a waiver signed by the owners waiving emergency liability; having a rock surface access of an alternate route and that the gate is installed at the homeowners' expense. Commissioner Gallagher seconded; the vote was unanimous. (R21-09-034)

Shelley Woodard, County Counselor, requested the Commissioners to consider approving an agreement for a temporary surveyor for reviews with Jim Schmitz. The County's current surveyor is not available due to a medical emergency. Commissioner Dixon moved to approve as presented, Commissioner Gallagher seconded; the vote was unanimous. (A21-09-052)

APPLICATIONS

Stacey Weaver, Deputy County Clerk, requested the Commissioners approval for a Special Event Permit for No One Fights Alone 5K/Walk to be October 3rd at the Night Hawk Winery (16381 W 343rd St., Paola). Commission Dixon stated he would like to have the fees waived for this event, it has been waived in the past. Ms. Weaver stated they are asking for the fees and surety bond to be waived. Commissioner Dixon moved to approve the Special Event Permit waiving the fees and surety bond, Commissioner Gallagher seconded; the vote was unanimous.

STAFF COMMENTS

Matt Oehlert, Road & Bridge Project Manager, gave a couple of updates on:

- Metcalf 2.0, will have a public meeting at the City Hall of Louisburg on September 30th 5:30 to 7:00 p.m.
- Creamery Bridge

Ms. Weaver stated there was an error in the date for the Special Event Permit, it is to be held on October 2, 2021. Commissioner Dixon moved to amend the date from October 3rd to October 2, 2021 for the Special Event Permit, Commissioner Vaughan seconded; the vote was unanimous.

JR McMahon, Road & Bridge Director, stated there have been a lot of citizen comments on the roads/traffic of 223rd St. Mr. McMahon, Commissioners, County Counselor and Road & Bridge have been working on a presentation for that area. Have been waiting to present while the Petition for the City of Golden is being resolved, if the Commissioners would like it presented sooner Mr. McMahon stated he would be willing to do so. Commissioner Vaughan stated he believes it is important to focus on the full road not just the portion of the road involved in the Petition for the City of Golden. Mr. McMahon agreed.

Mark Whelan, Emergency Management Coordinator, gave a handout showing updates on COVID-19 with the following:

- Still no update on the 3rd booster shot
- 90% of the current COVID hospitalizations are from those that have not been vaccinated

September 15, 2021

Page 4

- Still working on getting the 5 – 11-year-olds cleared to receive the vaccine by the end of the year
- Total Cases as of September 15^h is 3,820 which is an increase of 160 since last September 8^h
 - Currently 200 - 210 active cases which is a 10.70% positivity rate for the last 2 weeks
- Miami County Health Department (MCHD) shows 54 deaths, increase of 3 from last week

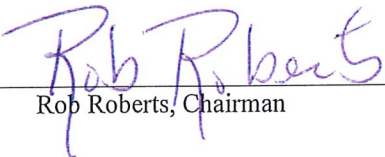
COMMISSION COMMENTS

Chairman Roberts stated it is exciting to set aside time to acknowledge a remarkable accomplishment. Chairman Roberts introduced Bubba Starling as the Silver Medal Olympian of Miami County. Mr. Starling stated he was approached in May to join the US Baseball Team to participate in the Olympics in Tokyo. Played the first 3 games, received a concussion during the 3rd game and wasn't able to play the last 2 games. The US Team earned a silver medal in the Olympics. Chairman Roberts presented a plaque to Mr. Starling for his outstanding achievement and representing Miami County.

ADJOURNMENT

The meeting was adjourned at 2:13 p.m.




Rob Roberts, Chairman

ATTEST:


Janet White, County Clerk