

**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 30, 2022. Those present were:

Rob Roberts, Chairman	Shane Krull, County Administrator
Tyler Vaughan, Pro-Tem	Shelley Woodard, County Counselor
Danny Gallagher, Commissioner	Janet White, County Clerk
Phil Dixon, Commissioner	Wendy Newton, Operation Support Specialist
George Pretz, Commissioner	

News: Doug Carder, Miami Republic News

Visitors: Dustin Hawkins, Jennifer McDaniel, Gerald Rittinghouse

CALL TO ORDER

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

PUBLIC COMMENT

Dustin Hawkins, 22428 W 287th St, read a speech, which he turned in along with a printout of the statute to the County Clerk. Mr. Hawkins stated he served as a local Miami County Law Enforcement Officer and was also in the Marine Corps. Mr. Hawkins believes that the appointment of Matt Kelly as Undersheriff by his father Frank Kelly was not only morally and ethically wrong but also illegal. He cited Kansas State annotated 46-246a which states "No state Officer or employee shall advocate, or cause the employment, appointment, promotion, transfer or advancement to any office or position of the state of a member of such officers household or a family member." He stated that by continuing to allow Matt Kelly's appointment of Undersheriff by his father and to allow his career in Miami County Law Enforcement; you are in violation of the laws you and the Kelly's have sworn to uphold. He believes this is a clear-cut case of nepotism.

CONSENT AGENDA

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

- Approval of minutes of the county commission meeting on March 23, 2022
- Approval of AP payment vouchers and payroll
- Grant of Easement | 22006-LS Dennis (A22-03-018)

Commissioner Gallagher seconded; the vote was unanimous.

UNFINISHED BUSINESS

The Commissioners decided to table the Agreement with Toshiba until next week. The Agreement was to provide cloud based DocuWare document management services. Miami County is currently in contract (A17-12-022) with Toshiba to provide DocuWare document management software (DMS) and services utilized by the human resources department. Commissioner Gallagher moved to **table this item for one week for review by Toshiba's legal department**. Commissioner Vaughan seconded; the vote was unanimous. (A22-03-12)

NEW BUSINESS

Holly Ray, HR Director, requested the Commissioners to consider a Resolution to approve the closure of non-emergency county offices on October 10, 2022, for Employee Education and Training. Commissioner Pretz asked if Employee Appreciation Day could also be incorporated to which Ms. Ray answered that maybe the luncheon could be, but the day already had a very tight schedule, and she believes the focus should be on the education and training of the employees. Commissioner Gallagher moved to approve as presented, Commissioner Vaughan seconded; the vote was unanimous. (R22-03-020)

Matt Oehlert, Road & Bridge Project Manager, requested the Commissioners to consider awarding a

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Contract and Commitment of County funds, administered through KDOT (Kansas Department of Transportation), to Miles Excavating, Inc. for the Metcalf 2.0 project. The total commitment of county funds is \$1,133,000.00. Commissioner Dixon moved to approve as presented, Commissioner Pretz seconded; the vote was unanimous

Matt Oehlert, Road & Bridge Project Manager, requested the Commissioners to consider awarding design services for Miami County Project #21-07-ST (682)/ RFP 2022-002 Road Rehabilitation with three bridge polymers located on Old Kansas City Road from Osawatomie City Limits north to 335th Street to Schwab Eaton for \$13,988.00. Commissioner Pretz moved to approve as presented, Commissioner Dixon seconded; the vote was unanimous

Matt Oehlert, Road & Bridge Project Manager, requested the Commissioners to consider awarding design services for Miami County Project #21-08-ST (683)/RFP 2022-003-287th Street Rehabilitation & Bridge 15-H.3 Replacement located on 287th Street from Osawatomie Road 1600 ft east to Bridge 15-H.3. to Schwab Eaton for \$44,979.00. Commissioner Gallagher moved to approve as presented, Commissioner Vaughan seconded; the vote was unanimous

Matt Oehlert, Road & Bridge Project Manager, requested the Commissioners to consider awarding design services for Miami County Project #21-14-SB (689)/RFP 2022-004-Bridge 1-F.2 replacement located on 399th Street 0.12 mile east of Crescent Hill Road to Schwab Eaton for \$35,995.00. Commissioner Pretz moved to approve as presented, Commissioner Dixon seconded; the vote was unanimous

David Delp, Codes Director, requested the Commissioners to consider approving and authorizing the award of vehicle bid 2022-008 for the staff of the Building Codes Department to Louisburg Ford in the amount of \$43,179.20. He stated there was a condition that if the bid was accepted after April 1st the amount would increase by \$1000. He believes the truck should be available later this year. Commissioner Dixon moved to approve as presented, Commissioner Gallagher seconded; the vote was unanimous

Shane Krull, County Administrator, requested the Commissioners to consider approving and awarding the Airport Lighting bid to Strukel Electric Inc. in the amount of \$507,253.25. Mr. Krull stated Strukel Electric is who performs periodic maintenance/repairs and put in the original lighting. He would submit for the FFA (Federal Aviation Administration) grant which would cover 90% of the cost leaving the county to cover the remaining 10%. He stated the project would most likely be implemented in 2023. Commissioner Pretz moved to approve as presented, Commissioner Dixon seconded; the vote was unanimous

Janet White, County Clerk, requested the Commissioners to consider approving the renewal agreement with SOE Software Corporation dba SCYTL for Election Night Reporting software in the amount of \$3,300 per year for 3 years (2022-2025). Ms. White stated if over 20 hours would be needed it would be an additional \$150 an hour. Commissioner Vaughan moved to approve as presented, Commissioner Gallagher seconded; the vote was unanimous

COMMISSIONERS COMMENTS

Commissioner Pretz stated that 2 or more Commissioners could be at the Wayne Minckley retirement party this Friday at Town Square in Paola on April 1st from 10 am to 2 pm.

Chairman Roberts stated that contrary to what you heard earlier today he is still under the belief that the Sheriff has the authority to appoint who he chooses.

Shelley Woodard, County Counselor, responded to Mr. Hawkins earlier comment by saying "The statute that the gentleman provided applies to state offices, you would think of the Department of Revenue and the Department of Transportation, it does not apply to the Sheriff and there is an Attorney General opinion out there that specifically says even if the County had its own nepotism policy that it would not apply to your elected officials. So, the pay plan does. When we enact county wide policies most of those do however the appointment and firing of their employees is left to the elected official. Even if the County had its own anti-

nepotism laws under home rule it would not apply to the Sheriff's Department."

Chairman Roberts stated that having open mic is you get to hear good things and things that are uncomfortable. That is the beauty of having transparent conversations. He stated he supports Sheriff Kelly and his right to appoint who he chooses. Ms. Woodard stated the Sheriff did supply a copy of the Attorney Generals Opinion. (This opinion has been given to the County Clerk). She continued that "it is not my understanding that the statute has ever been interpreted that way that would apply to the Sheriff. It has only been interpreted to apply to the state level offices like KDOR (Kansas Department of Revenue), KDOT (Kansas Department of Transportation) things like that. I do not know where the AG (Attorney General) office would fall in that since it is the only elected office but I'm sure they have plenty of attorneys on their staff to figure that out."

Shane Krull, County Administrator, stated that we should be conscientious of a finite tipping point when someone comes and raises concerns with non-elected personnel issues. How we choose to respond and engage in a public setting.

PRESENTATIONS/AWARDS/PROCLAMATION

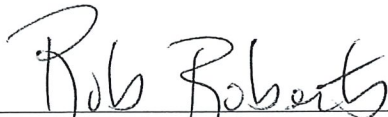
Retirement Celebration for Steve Lyman, Finance Director, after 22 years of service. Chairman Roberts Proclaimed March 30th as Steve Lyman Day.

ADJOURNMENT

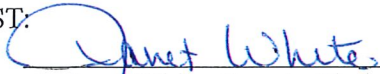
The meeting was adjourned at 1:47 p.m.

(Seal)




Rob Roberts, Chairman

ATTEST:


Janet White, County Clerk