

**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 May 25, 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 Specialist
George Pretz, Commissioner	

Visitors: Briannan Patience, Ryan Patience, Rob Kirk, Todd Luckman, Bob Bigley, Pansy Bigley, Jerry Bennett, Trenton Morris, Marvin Vail, Jennifer McDaniel, Gerry Starr, Leonard Stumpff, Janet Scalet, Jason Pruitt

CALL TO ORDER

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

CONSENT AGENDA

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

- Approval of minutes of the county commission meeting on May 18, 2022
- Approval of AP payment vouchers and payroll
- Right-of-Way Purchase-Epstein Limited Partnership (A22-05-032)
- Right-of-Way Purchase-Russell K. Johnson and Patricia R. Johnson (A22-05-033)
- Right-of-Way Purchase-3RGK, LLC (A22-05-034)
- Add-On: Order of Correction of Irregularities

Commissioner Gallagher seconded; the vote was unanimous.

NEW BUSINESS

Chairman Roberts opened the public hearing for an amended petition for attachment of lands to Rural Water District No. 2 at 1:01pm.

Todd Luckman, attorney for Rural Water District 2, stated that the petitioners who live in the far northeast section of Miami County would like to be connected to water lines and the RWD2 representative stated that they are supportive of this action. Johnson County did receive notice and no response was received.

Gerry Starr, 5306 W. 164th Place, owner of Wind Ridge Ranch stated that he would like water to drink.

Chairman Roberts closed the public hearing at 1:06pm.

Commissioner Pretz moved to approve as presented, Commissioner Gallagher seconded; the vote was unanimous. The resolution will be presented at next week's meeting.

Chairman Roberts opened the nuisance violation hearing next on the agenda.

Dave Delp, Building Codes Director, presented for the codes department for the notice of nuisance violation. Mr. Delp stated that the complaint was received on April 20th, the property was visited on April 22nd, where five code violations were found and photographed. A letter was sent to property owners on April 27th and the hearing in front of the commissioners was requested on May 19th. Mr. Delp presented photographic evidence of the violations. The property was revisited on May 24th, where three violations were still present, but progress had been made and two counts had been rectified.

Ryan Patience, 22615 Quivira Road, Bucyrus, stated that he was unaware that he was in violation of county codes and that the material and vehicles present are serving a purpose for him and his family. Mr. Patience wants to know what he can do to keep his vehicles and stay in compliance with County Codes.

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Commissioner Vaughan asked Mr. Delp what his department would require for Mr. Patience to keep his vehicles and comply with County Codes. Sam Peace, Building Inspector, stated that the vehicles would need to be screened from the public, but Zoning would also need to be involved. Shelley Woodard, County Counselor, stated that the County Code states that inoperable vehicles must be contained in a building but does not define a building. Shane Krull, County Administrator stated that in the past, inoperable vehicles have had to be removed or stored inside.

Briannan Patience, 22615 Quivira Road, Bucyrus asked the commissioners for more time to get the property into compliance with County Code and provided additional photographic evidence of the progress that has been made.

Commissioner Dixon asked Mr. Patience how much additional time would be needed to get the property into compliance. Mr. Patience stated that he thought that an additional 30 days would be sufficient.

Mr. Delp stated that if the construction materials that are to be used were stacked neatly and out of view, then those charges would be considered taken care of. The vehicles would need to be appropriately screened.

Ms. Woodard summarized that counts 2, 3, and 4 have been dismissed, count 1 and 5 are still active and will need to be addressed. The county has no objection to the requested additional time for clean-up. Commissioner Vaughan moved to approve with the condition that counts 1 and 5 are cleared up with sixty days of additional time, Commissioner Dixon seconded; the vote was unanimous.

Matt Oehlert, Road & Bridge Project Manager, requested the commissioners to approve Project 22-01-CO (690) Notice to proceed with Superior Bowen Asphalt Company, LLC. He stated that the project would begin on June 20th, with a duration of 30 working days. Commissioner Gallagher approved as presented, Commissioner Vaughan seconded; the vote was unanimous.

Katie Jardieu, Assistant Planning Director, requested the Commissioners to consider the approval for a conditional use permit for Twelve64 Off-Road, the subject property of approximately 40 acres is located at the southeast corner of W 239th St and Bethel Church Rd. Ms. Jardieu stated that the public hearing was held April 5th. The planning commission wanted more information, so it was continued until May 3rd. On May 3rd, conditions were added, and the resolution was passed with a 5/2 vote. The opposing voters felt that condition 12, where the road had to be widened to 20 feet at the applicant's expense, was prohibitive.

After some discussion between the commissioners, it was decided to allow the applicants and property owner to speak about their property but would not take debate on the public hearing.

Rob Kirk, 38902 W. 215th, stated that they are anxious to start the racing season, but had concerns on some of the conditions presented. He asked about the dust control measures and Mr. Krull stated that there had been an edict for several years. Mr. Kirk then wanted more clarification on the potential road and culvert repair near the property, as well as the widening of the road, at the applicant's expense. He asked that the two conditions be removed, but all other conditions would be met.

Marvin Vail, 1405 W 8th St, Edgerton, stated that complaints in the past were not related to the track. They are trying to provide a safe place for kids to go, with a structured event.

JR McMahon, Road & Bridge Director, stated that the culvert in question is the property of Miami County and therefore, they must be the ones who do any inspections and repairs. The culvert has been reinspected and will be replaced within 10 years. He felt that the biggest concern for the applicant would be when the bridge and culvert are being replaced, that there would have to be an alternate entrance.

Chairman Roberts asked to clarify what that meant for the condition presented. Teresa Reeves, Planning Director, suggested that it be removed from the permit. She went on to explain that for the condition requiring widening the roads, that it is a zoning issue. In the regulations, 20 feet improved surface width is required for emergency vehicles. Mr. McMahon stated that these conditions would be cost prohibitive and

would estimate that the budget for that project would be \$250,000.

Leonard Stumpff, 36753 231st, stated that for him it was all negative. There is too much dust, trash, and noise. He is concerned that property value will drop with the addition of the track.

Janet Scalet, 36827 231st, stated that she was unaware of the public hearing and had a problem with excess trash and the noise in the area.

Mr. Kirk stated that the events that they hold are for families and children, to keep them active and off of computers. He again asked for the commissioners to reconsider the two conditions in question.

Commissioner Gallagher asked Ms. Jardieu and Ms. Reeves if all other applicants are required to have 20-foot roads for approval. Ms. Reeves stated that that was true but didn't think that any others had to be changed so dramatically.

Commissioner Pretz moved to deny the CUP request, there was no second; the motion died for a lack of a second.

Chairman Roberts stated that the cost was a lot to ask of someone wanting to hold events and that a special event request would be an easier process. Mr. Krull explained that the special events requests are not meant to circumvent the zoning regulations. Commissioner Pretz stated his concern for lowering the value of the properties nearby.

Chairman Roberts asked the applicant if they wanted the application approved as presented. He stated that if it were approved, the applicant would be responsible for all the conditions and the costs associated with them. He clarified that the second contested condition cannot be overridden by the commissioners, as it is part of the adopted county codes and regulations.

Mr. Kirk stated that other people in the area are doing the same things and that they haven't been given the requirements that are being asked of him. Chairman Roberts stated that these regulations have been in place for over 20 years and the commissioners do not have the ability to override them. He stated that if the applicant cannot agree to the conditions, there is no reason to approve.

Commissioner Vaughan motioned to table the issue for 1 week for legal review. After discussion among the commissioners, the motion was amended to 3 weeks, seconded by Commissioner Gallagher; the vote was unanimous. (R22-05-027)

Shelley Woodard, County Counselor, presented the process for accepting the petition for vacation of County Road by adjacent landowners. She clarified that they would not be vacating the road today, only accepting the petition for vacation. She stated the process would include filing a bond by the petitioner, recommended at \$300, a property viewing, setting a meeting, and notification requirements among other steps before a vote would happen. She recommends that the commission accepts the petition. There was discussion among the commissioners about the amount of the bond as well as how the money will be used. Ms. Woodward stated that the bond would be used for any county incurred expenses, including the property viewing and publication. She stated that the bond would be paid to the county clerk and that with acceptance of the petition, the amount could be set after further research.

Pansy Bigley, 17745 373rd Street, stated that the commissioners had vacated a road recently. She also stated that it would be more costly to make the road passable and keep the property cleared. She stated that they have put a gate across the road, and it has helped, but has not completely solved the issue.

Jason Pruitt, 37107 Ridgeview Road, stated that an amendment to the petition abandoning the road at the property juncture, meaning that an easement would no longer be required, could be beneficial. Ms. Woodard was supportive of the amendment of the petition. She recommended that both parties engage the services of an attorney. Mr. Pruitt asked if a viewing could happen while the petition was being amended. Chairman Roberts stated that the commissioners would have to have a signed petition before moving forward.

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Chairman Roberts stated that the petitioners have some adjustments to the petition. Commissioner Gallagher moved to table the issue for 1 week, Commissioner Vaughn seconded; the vote was unanimous.

APPLICATIONS

Janet White, County Clerk, requested the commission to accept a bid from KOMTEK for \$16,570.58 to contract them to send out Senate Bill 13 notifications. Commissioner Vaugh moved to accept as presented, Commissioner Pretz seconded; the vote was unanimous.

STAFF COMMENTS

Justin Eimers, County Appraiser, shared a handout with the commissioners that showed the self-storage valuation hearing results. There were 9 properties that were appraised, with 4 of the 9 properties reduced.

COMMISSIONERS COMMENTS

Commissioner Pretz stated that more than 2 commissioners could be at Election 101 on May 25th at 6:00pm.

Commissioner Pretz stated that more than 2 commissioners could be at the Miami County Republican Party on May 26th at 6:30pm at Beethoven's in Paola.

ADJOURNMENT

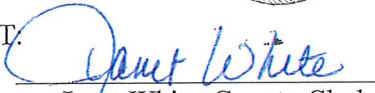
The meeting was adjourned at 3:23 p.m.

(Seal)




Rob Roberts, Chairman

ATTEST.


Janet White, County Clerk