

**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 29, 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	Stacey Weaver, Deputy County Clerk
George Pretz, Commissioner	

Press: Doug Carder, Miami County Republic, Jennifer McDaniel, Miami County Communications

Visitors: Rick Stone, Brent Ludwig

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 June 15, 2022
- Approval of AP payment
- Grant of Easement: 21040-LS (Fisher Trust)
- Grant of Easement: 22008-LS (Morales/O'Keefe/Rigney)
- Grant of Easement: 22010-LS (Pope)
- Add-on: Tax Rebate of \$36,368 for Neighborhood Revitalization Project
- Add-on: Additional Action Item – Resolution amending Miami County position classification and pay scale for Road & Bridge Department

Commissioner Gallagher seconded; the vote was unanimous.

NEW BUSINESS

Katie Jardieu, Assistant Planning Director, requested the commissioners to consider the approval for a conditional use permit allowing retail sale of agricultural equipment in a Countryside zoning district for Stone Farms at 9280 W 319th Street. Ms. Jardieu stated that the planning commission voted 7 to 0 with 1 abstention, to approve with modifications to some conditions. The changes included additional screening may be required and activities associated with the C.U.P. could not occur outside of agreed upon hours. Commissioner Gallagher asked Ms. Jardieu about any changes to the signage regulations, and she stated that there was no change and that she had not received any written permission from other landowners. Rick Stone, 9280 W. 319th, stated that he has signatures from all landowners where his directional signs are located. Commissioner Gallagher then asked for clarification on how many signs are allowed per the regulations. Ms. Jardieu stated that sign regulations allow for one wayfinding sign off-site and one on-site and that this is something that will need to come into compliance. Mr. Stone stated that he did not understand why his business was under scrutiny when others have signs up in the county. He asked why his consignment auction was also in question when he believed that that had been resolved previously. Chairman Roberts asked if this was something that needed to go back to planning commission. Ms. Jardieu clarified that the auction would only be allowed in a commercial district, so this is not something that was discussed in the planning commission. Teresa Reeves, Planning Director, clarified that the matter in front of the commission is for the commercial use permit only, not any other issues. Chairman Roberts then asked Mr. Stone if he felt that the conditions were something that he would like to move forward with. Mr. Stone agreed, with some reservation. Commissioner Vaughan stated that he would like a review from the County Counselor of the consistency of the enforcement of signs going forward. With some of the issues that have come before the commissioners lately, he would like more information on the non-negotiables of C.U.P.s moving forward. Mr. Stone invited the commissioners to come see his operation. Shelley Woodard, County Counselor, elaborated that many of the regulations do not allow variances to avoid any possible bias or discrimination issues. Chairman Roberts complimented Mr. Stone on his business and stated that he would ask to the planning commission to take up this issue with the regulations regarding only having one sign, however, at this time the regulations are

restrictive, and we must follow what is set forth. Ms. Jardieu then asked that the commission clarify about the screenings that may be required. The commissioners agreed that the screening in place was adequate. Commissioner Pretz moved to approve as presented, Commissioner Gallagher seconded; the vote was unanimous.

Katie Jardieu, Assistant Planning Director, presented a conditional use permit for Ludwig Airstrip/Foxtrot Field. The planning commission denied the motion in a 5 to 3 vote. They had added some conditions including that this C.U.P only applied to property owner, as the only pilot, that there was no lighting condition, and no signage or taxiways. Liability insurance with Miami County as the certificate holder and compliance with FAA were also conditions to be met. Ms. Jardieu explained that FAA regulations apply at 500 feet above ground. The issue at hand is whether the applicant would be able to get to 500 feet before the end of his property. Commissioner Vaughan then asked for the substantiation for denial from the planning commission and if there was a county regulation that they are stating for denial. Chairman Roberts stated that the documents were not clear on the reasoning on denial from the planning commission. Shane Krull, County Administrator, stated that the minutes from the planning commission meeting showed that the surrounding landowners had concerns about the noise and how it could impact their livestock. Discussion among the commissioners focused on the concerns about the denial from the planning commission, especially at such a wide margin and with approval from the FAA, without much in the way of reasoning. Ms. Jardieu countered that the planning commission would argue that the relative gain to public health safety and welfare by the destruction of the value of nearby property is potentially greater than the hardship imposed by the individual landowner if there were livestock. Ms. Woodard recommended that the issue be tabled to discuss more legal and procedural questions before moving forward with a vote. Brent Ludwig, 15833 W 158th, stated that in reading the FAA regulations, it does state 500 feet, except when taking off or landing. He also stated that he has spoken to surrounding landowners and they have been ok with him moving forward after discussion about concerns. Commissioner Pretz moved to table the issue for three weeks, Commissioner Dixon seconded, the vote was unanimous.

Chairman Roberts announced that the County Commissioners will now be sitting as the Fire District #1 Fire Board.

Mark Whelan, Emergency Management Coordinator, stated that Fontana Fire Department is interested in purchasing a UTV and he had been in contact with a sales representative from Hexco Motorsports in Oshkosh, WI. He has confirmed the sales price of \$16,314.57, but not in the color requested and would not have, until 2023. Mr. Whelan has also been in contact with Reno Powersports who also sells the requested UTV with add-ons at the same sales price of \$18,099 and will be checking for any governmental discounts that could be applied. Mr. Whelan requested that the commissioners table the issue while he continues to do more research. Commissioner Pretz moved to table the issue for one week, Commissioner Dixon seconded, the vote was unanimous.

Chairman Roberts adjourned the Fire Board meeting.

Sara Denney, Payroll/Benefits Coordinator, requested that the commission approve the proposed resolution amending the staffing of the Miami County Sheriff's Office, effective July 2, 2022. The resolution eliminates four deputy jailer positions and turns five deputy jailer positions into deputy sheriff positions. Commissioner Dixon moved to approve as presented, Commissioner Vaughan seconded, the vote was unanimous.

Ms. Denney requested that the commission approve the proposed resolution establishing the Code Services Career Development Plan, effective July 2, 2022. The plan is part of an incentivizing program for employees to gain International Code Counsel Certifications. Commissioner Dixon congratulated Dave Delp for thinking outside the box and developing this plan. Commissioner Dixon moved to approve as presented, Commissioner Gallagher seconded, the vote was unanimous.

Ms. Denney requested that the commission approve the proposed resolution amending the staffing of the Miami County Road & Bridge Department, effective July 2, 2022. The resolution changes the classification and pay scale for those who operate heavy equipment and require CDLs. The changes increase the current staffing and allows for greater hiring of new employees. Commissioner Gallagher moved to approve as presented, Commissioner Dixon seconded, the vote was unanimous.

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STAFF COMMENTS

JR McMahon, Road & Bridge Director, acknowledged that Matt Oehlert and Jeff McGuire worked hard to make all the staffing changes happen and thanked HR and Sara Denney for their work. He also stated that his department would start chip sealing next week and asked the commissioners for 2-3 weeks for a report from him on how that is progressing.

Mark Whelan updated the commission on Josh Haynes, the Linn County firefighter who passed last week while fighting a fire in Pleasanton. He explained that firefighters, EMS, and Sheriff staff from around Miami County provided escort services from the Johnson County line to the Linn County line. They then helped to cover services in Linn County so that their staff could attend funeral services.

COMMISSIONERS COMMENTS

Commissioner Vaughan stated that the three approvals for different departments that were given today for more money were a positive thing, but that those department heads worked hard to make sacrifices to make them happen.

Commissioner Pretz stated that more than 2 commissioners could be at the Miami County Airport on to meet with US Representative #3, Sharice Davids at 9:00 a.m. on July 6, 2022.

PRESENTATION, AWARDS, AND PROCLAMATION

Chairman Roberts recognized Katie Forck, Register of Deeds, citing her 26 years of service to Miami County, and congratulating her on her retirement. He then declared that June 29, 2022, is "Katie Forck Day" and presented her with a celebration flag for those who retire from Miami County.

Ms. Forck thanked everyone that for 26 years and stated that she will miss everyone, but she is going to something new and is excited. Chairman Roberts then invited everyone to a reception in Katie's honor on June 30, 2022, from 2:00 p.m. to 4:00 p.m. in the Commission Chambers.

Chairman Roberts announced that effective July 1, 2022, there will be a new Register of Deeds, Jamie Homrighausen. Ms. Homrighausen said that she was honored to have the opportunity.

EXECUTIVE SESSION

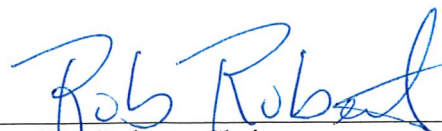
Commissioner Pretz moved to have a Land Acquisition Exception Executive Session to discuss acquisition and sale of land for 5 minutes beginning at 2:15 to include the Commissioners, County Administrator, and County Counselor. Commissioner Dixon seconded; the vote was unanimous. No action was taken at this time. Chairman Roberts reconvened the regular meeting at 2:20.

Commissioner Pretz moved to have an Attorney Client Privilege Executive Session to discuss legal questions regarding C.U.P. for 20 minutes beginning at 2:23 to include the Commissioners, County Administrator, and County Counselor. Commissioner Dixon seconded; the vote was unanimous. No action was taken at this time. Chairman Roberts reconvened the regular meeting at 2:43.

ADJOURNMENT

The meeting was adjourned at 2:43 p.m.

(Seal)


Rob Roberts, Chairman

ATTEST:


Janet White, County Clerk

