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 1, 2023. Those present were:

Tyler Vaughan, Chairman	Shane Krull, County Administrator
George Pretz, Pro-Tem	Shelley Woodard, County Counselor
Keith Diediker, Commissioner	Janet White, County Clerk
Rob Roberts, Commissioner	Wendy Newton, Operation Specialist
Jene Vickrey, Commissioner	Shannon Gaboni, Operation Specialist

Visitors: Frank Bannister, Dennis Koch, Cliff Blackmore, Gerald Rittinghouse, Mary Stephenson

CALL TO ORDER

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

PUBLIC COMMENTS

Frank Bannister who resides at 19815 S. Gardner Road, Gardner, KS 66030 came to discuss the intermodal traffic on Gardner Road and 223rd St. Mr. Bannister said he appreciates the steps that have been taken by the County regarding the heavy/truck traffic on Gardner Road and 223rd St. Although he appreciates those steps, he does want to see the strip of 223rd St. between Gardner Rd. and 169 Highway restricted. He would also like to see the piece of Gardner Rd. that the County is responsible for between 223rd St. on North where it joins Johnson County restricted as well. Mr. Bannister stated that there is no reason for trucks to be using Gardner Road and that during the hours of 7-9 a.m. and 4-6 p.m. traffic stacks up outside of the school as this is drop off/pick up time. Further restrictions would make it safer for driver's and school children. Chairman Vaughan stated he appreciated the public comments and that the County is very focused on the issue. Chairman Vaughan said that Shelley Woodard, County Counselor would give an update next week as well.

CONSENT AGENDA

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

- Approval of minutes of the county commission meeting on February 22, 2023
- Approval of AP payment vouchers and payroll

Commissioner Roberts seconded; the vote was unanimous.

NEW BUSINESS

Kenneth Cook, Planning Director, requested the Commissioners to consider a resolution approving conditional use permit for the operation of a catering business for Chris Cakes located at 247th St. and State Line Road. Mixing of the product and deliveries by large truck of materials and supplies happen at the property, but no cooking. Employees of Chris Cakes that operate the catering business will come to this location once a week to pick up their material and then take it with them so the amount of time on site and traffic generation is considered minimal. The Planning Commission, after taking consideration from presentations by the public did make a recommendation of approval after modification on two conditions; 1) Removing the limit on the number of employees that operate with the business and 2) Providing more freedom of use of screening material to make sure it complies with screening requirements and not specifically that it needed to be Cedar trees. Commissioner Pretz moved to approve as presented, Commissioner Vickrey seconded; the vote was unanimous. **(R23-03-010)**

Kenneth Cook, Planning Director, requested the Commissioners to consider a resolution approving to rezone approximately 160 acres from Agricultural (AG) to Countryside (CS) located at the intersection of 271st St. and Crescent Hill Rd, SW of Hillsdale Lake. The rezoning request is to reduce the current AG minimum lot size from 20 acres to the current CS minimum lot size of 15 acres. Mr. Cook stated that 271st St. is a county road and is probably the most restrictive when it comes to development of the property It does not meet the current standard for road improvements. Crescent Hill Rd. located on the West side of the property is a chip seal road that does meet all the minimum requirements for any kind of development. The Planning Commission after reviewing comments from the public and the Golden Criteria from the Staff Report did make a recommendation for approval of the rezoning request. Commissioner Diediker said he was concerned about keeping it AG related as was in the comprehensive plan and that this is several miles away from any close town. Commissioner Diediker stated he was leery of splitting up the 160-acre property like that and would feel better about it if it were 20 acre lots. Commissioner Roberts moved to approve the recommendation to rezone this property as CS, Commissioner Vickrey seconded; the vote was 4-yes;1-no (Commissioner Diediker). **(R23-03-011)**

Sitting as Miami County Fire Board at 1:18 p.m.
Mark Whelan, Emergency Management Coordinator, requested the Commissioners to consider approving a quote for the Louisburg Fire Engine. Mr. Whelan stated that they purchased a used fire engine from Johnson County Fire District in October of 2022 for $225,000 with anticipated delivery in December 2023. Two quote packages were presented. Quote Package #2 involves a total of 4 fire vendors along with Home Depot to the tune of $112,145. 95. Quote Package #1 involves 6 vendors for just a little over $113,000 plus another $4,000 for what needs to come from Home Depot or Lowe's for a total of $117,296.43. Mr. Whelan recommends going with Quote Package #2 which includes a new hose and nozzle, electric extrication tools and fans, phone and various other equipment to make the engine stand alone on a fire scene. Chairman Vaughan wanted to clarify that the original budget for a new engine was $450,000 and with the acquisition of a used engine and all the fittings the total comes in well under the defined budget of $450,000. Chairman Vaughan wanted to commend Mr. Whelan for accomplishing the fire engine acquisition under budget. Commissioner Pretz moved to approve Quote Package #2 as presented, Commissioner Diediker seconded; the vote was unanimous.
Exiting as Miami County Fire Board at 1:22 p.m.

Cathy Cooper, Director of Community Corrections, requested the Commissioners to consider approving the Sixth Judicial District Community Corrections KDOC - Adult Services Budget with the additional FY2022 Unexpended Funds Award in the amount of $18,747.66. Community Corrections is planning on utilizing the funds in the area of drug testing for adult offenders in the amount of $10,000. The remaining balance of $8,747.66 will be assigned to our non-admin salary and benefits. The department was surprised as it has been several years since the department has received unexpended money. Commissioner Roberts moved to approve as presented, Commissioner Diediker seconded; the vote was unanimous. **(A23-03-004)**

Shane Krull, County Administrator, requested the Commissioners to consider approving the resolution canceling the commission meeting on March 15, 2023, due to more than 2 Commissioners being absent and April 26, 2023, for the KCCA Meeting where at least 3 Commissioners will be attending. Commissioner Pretz moved to approve as presented, Commissioner Roberts seconded; the vote was unanimous. **(R23-03-012)**

APPLICATIONS
Janet White, County Clerk presented the CMB License for Nighthawk Vineyard and Winery that has been received back from the Township Board and is ready for the Chair to sign off on. Commissioner Roberts moved to approve as presented, Commissioner Diediker seconded; the vote was unanimous.

STAFF COMMENTS

Mark Whelan, Emergency Management Coordinator, sitting as Miami County District 1 Board, gave an update last week on losses for 2022 and pre-incident values. The Fire Chief in Lynn Valley sent an email with total losses in their response are of $19,000 with a pre-incident value of $23,000. This includes an $18,000 loss on a fully involved vehicle and another $1,000 damage of damage due to an overheated bearing on a bailer. Mr. Whelan is still waiting to hear back from Wellsville and will hopefully have that soon. Also, Mr. Whelan wanted to let the Board know that MARC appreciates them signing off on the Resource Sharing Agreement and that Miami County was the first one to sign off on it.

COMMISSIONERS COMMENTS

Commissioner Pretz wanted to make notice of meetings or events coming up where there may be more than 2 Commissioners attending. First would be the Robing Ceremony of Judge Richard Fisher, March 3rd, 2-4 p.m. at the courthouse. Second is the State of the City, County and Schools, March 7th, 7-8:30 at the Paola Country Club. Third is the quarterly City/County Meeting. This year it will be on March 7th in Osawatomie at 10 a.m. Lastly, the Legislative Breakfast will be on March 4th at Holy Trinity Catholic School in Paola from 7 a.m. to 9 a.m.

Commissioner Roberts wanted to make a statement clarifying that he does not support the $50,000,000 for a new courthouse facility. He is supportive of it going before voters for a sales tax increase as a possible way of paying for it. He does agree with the need for new courtrooms and facility but would like to figure out what that needs to be. TrainorHL provided a great Needs Study that communicated the facility needs today as well as in 30-40 years. Commissioner Roberts thinks the Commission needs to authorize the County Administrator to put an RFP out to find other potential options and what that may look like regarding size of the building and something that would be more affordable that the constituents could get behind. He would also like the Commission to consider visiting other on market buildings that are around the downtown area so they recognize there may be other options. He would like that done in a very public fashion and as a team. Chairman Vaughan summarized that Shane Krull, County Administrator was instructed to move forward to evaluate options on the site and he advised he thought it would be wise to seek additional bids. Chairman Vaughan wanted to warn of the condensed timeframe if a sales tax was to go before the voters this voting cycle. Chairman Vaughan wants it to be very, very clear that if they were going to decide to add it to the ballot this year there was not a lot of time to juggle back and forth between 20 different ideas. He wants the focus to be what can be done and what the alternatives are for actions that can be taken to solve the immediate issues in the interim until a decision is reached. Shane Krull, County Administrator noted dates and timelines and that a minimum of 30 days would be needed to advertise, a period of time for the marketplace to engage on exactly what it is the County is soliciting from them and after submittals are received the reality is it would be an additional 14 days to hold interviews and select the firm with an additional 2 weeks to finalize the contract. If the firm is needing to assist on the ballot question another 45 days for design concept and probable costs on whatever is decided. Currently he said it is challenging to engage the market when there is no clear decision on what exactly the County wants to do as the spectrum is currently very wide. Commissioner Pretz then asked if there was an ability to go back to TrainorHL and ask them to provide an additional scaled back bid. Mr. Krull said that they have fulfilled their contractual obligation and any further engagement may bring about a new set of financial terms. He did recommend opening the possibility of who could be the architect and afford an opportunity for other entities to see the County's level of interest. Chairman Vaughan narrowed it down and said that the Commissioners have information and options and stated that Mr. Krull needs the Board to decide in the next 2 weeks to come up with a meaningful RFP process and would like to see it on the March 8th Study Session for discussion. Commissioner Roberts would like to overcome the public perception walking into a voter booth asking for a "whatever" sales tax with the headline in the newspaper that the County is proposing a $50,000,000 building when that is not what was decided, only 1 possible option. Commissioner Roberts wants to give the public something more realistic that the 5 Commissioners are in agreement and fulfills the obligation now and in the future to the public and the three current judges. Commissioner Roberts wants to show the public that the Board is "knocking on every door possible".

Commissioner Roberts wants the Boards support to authorize the County Administrator to explore with the City of Louisburg to see if their Fire Department would consider potential expansion of their district. Unless it is put out on the agenda within the next 5-6 months the Commission will never know. There is a responsibility in the NE part under Fire District #1.

EXECUTIVE SESSION

Commissioner Pretz moved to have a Security Exception Executive Session to discuss internal security for 30 minutes beginning at 1:50 p.m. to include the Commissioners, County Administrator, and County Counselor, Sheriff, Undersheriff and the Chief Judge of the 6th Judicial District. Commissioner Roberts seconded with a caveat that the meeting would happen in the main room due to the amount of people attending and that the cameras and audio would be turned off; the vote was unanimous. No action was taken at this time. Chairman Vaughan reconvened the regular meeting at 2:20 p.m.

Commissioner Pretz moved to have a Security Exception Executive Session to discuss internal security for 30 minutes beginning at 2:21 p.m. to include the Commissioners, County Administrator, and County Counselor, Sheriff, Undersheriff and the Chief Judge of the 6th Judicial District. Commissioner Roberts seconded with a caveat that the meeting would happen in the main room due to the amount of people attending and that the cameras and audio would be turned off; the vote was unanimous. No action was taken at this time. Chairman Vaughan reconvened the regular meeting at 2:51 p.m.

ADJOURNMENT

The meeting was adjourned at 2:51 p.m.

(Seal) COUNTY CLERK KANSAS MIAMI COUNTY

Tyler Vaughan, Chairman

ATTEST: Stacy Deputy

Janet White, County Clerk