

**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 Commissioners' Meeting Room, Miami County Administration Building, Paola, Kansas, on January 24, 2018. Those present were:

Phil Dixon, Chairman	George Pretz, Commissioner
Rob Roberts, Pro-Tem	David Heger, County Counselor
Ron Stiles, Commissioner	Janet White, County Clerk
Danny Gallagher, Commissioner	Amanda Curnutte, Executive Secretary

Absent: County Administrator Shane Krull

Visitors: Bo & Kristian Gerken, Rusty Gerken, Gary Gerken, Rebecca Brandt, Doug Lewis, Brenda Fritts, Don Bucher, Julie Gleghorn, and Mose Cox

Members of the Press: Brian McCauley, Miami County Republic

CALL TO ORDER

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

CONSENT AGENDA

Commissioner Roberts moved to approve the Consent Agenda, with one addition, as follows:

- Minutes of the County Commission meeting of January 17, 2018.
- Vouchers and Payroll
- Addition: Correction of Irregularities

Commissioner Pretz seconded; the vote was unanimous.

NEW BUSINESS

Kenneth Cook, Miami County Planner, requested the board to consider the recommendation of the Planning Commission to approve the expansion of the church facility and deny the addition of athletic fields for the Living Proof Church 17005-CUP. He presented the two valid protest petitions signed by at least 20% of the property owners within 1,000 feet of the requested expansion property. The second petition was signed by 52% of the property owners within 1,000 feet. There have been two public hearings addressing the request. Mr. Cook explained the staff would like to consider amending some conditions to the C.U.P., changing working regarding noise to "adjacent properties". Staff would like a list of outdoor uses that the church has in mind. Mr. Cook stated an updated drainage plan has been received and has been sent to an engineer for review and is expected to be back to staff within two weeks. An updated site plan should be received this week, outlying setbacks, lighting, and final review. Mr. Cook informed

the board there are two outstanding items on the current issued C.U.P. for the Living Proof Church.

Mike Davis, Chief Building Inspector, stated the storage unit needs electricity to provide lighting at the entrances and stairs. The lighting on the outside of the church is not the correct kind. There are, also, electrical lines laying on top of the ground that need to be placed underground.

Commissioner Stiles stated, for the record, he has met with the applicants approximately one month ago.

Commissioner Pretz stated, for the record, he has met with the applicants approximately one month ago.

Commissioner Gallagher stated, for the record, he has met with the applicants and has had complaint calls from neighbors.

Commissioner Roberts stated, for the record, he shared his interactions with the applicants approximately three weeks ago, however, has been receiving complaint e-mails regarding staff and county rules. He has issued cease and desist action in order to not have a bias view on the matter.

Chairman Dixon opened the floor to anyone who would like to speak on the matter.

Bo Gerken, of the Living Proof Church, requested clarification of the protest petition and if they are targeting the expansion of the church, the addition of the athletic fields, or both. He stated he understands the church is open to the public but the athletic fields are not, they are for church use only. Mr. Gerken explained the original C.U.P. has the potential of a pre-school, swimming pool, and daycare but the church has no intentions on having those additions; the three items have been removed from the C.U.P. application. Mr. Gerken has executed a decibel reading test and the highest noise was from the highway traffic. He explained the lighting problem on the original C.U.P. is being addressed with the contractor. The live electrical lines on top of the ground are above ground because of a water leak. While Mr. Gerken was attempting to fix the water leak, he hit the electrical line and is currently waiting on K.C.P. & L. to install a new pole. When this is completed, G.K. Smith will be able to add electricity to the storage.

Don Bucher, of 32385 Harmony Road neighboring the Living Proof Church, stated he is concerned the church is creating a loop hole regarding the church being opened to the public and athletic fields being open to the church.

J.R. McMahon, Director of Public Works Road & Bridge, stated the road to the church does not qualify to have a road study conducted and meets fire code. The speed limit on Harmony Road is 35 m.p.h. and West 327th Street is 55 m.p.h.

Kenneth Cook, Miami County Planner, stated the existing occupancy of the church is approximately 275 people and the new occupancy would increase to approximately 600 people. The applicants have a plan regarding the additional parking. The storm water

test results will take approximately two weeks to receive.

Mr. McMahon addressed a culvert on Harmony Road, north of 327th Street based on a citizen complaint.

Commissioner Gallagher asked citizens who signed the protest petition what their concerns are.

Don Bucher stated he has owned his property for three years and was against the addition of the athletic fields.

Brenda Fritts, 32466 Reno Road, stated the trees that were blocking the light from the church to her property have been cut down to add the athletic fields. The church is behind her home. Mrs. Fritts is against the church expansion and the addition of the athletic fields.

Mose Cox, 31764 W. 271st Street, expressed his beliefs that the church does care about the surrounding neighbors. The church paid approximately \$28,000.00 to have the road hard surfaced to keep the dust under control. He feels the church's future is dependent on the youth and wants to have activities for them to participate in.

Julie Gleghorn, 31806 Lookout Road, requested the board to look at the big picture of the request. She believes there should not be limitations on God. Mrs. Gleghorn does not want the surrounding neighbors to feel disrespected.

Chairman Dixon closed the public comments.

Commissioner Roberts stated he wants the original C.U.P. to be completed and compliant. This includes the lighting, storage building, he would like to see the electrical line buried, and have a permanent occupancy permit issued.

Commissioner Stiles reminded the board of the storm water testing results will take approximately two weeks.

Commissioner Pretz asked to have an update each week until everything is completed.

Commissioner Stiles moved to table the Living Proof Church 17005-CUP until February 14, 2018, when all Commissioner can be present. Commissioner Pretz seconded and the vote was unanimous.

Commissioner Roberts addressed matters pertaining to the detention center project. He explained a ceiling lid in Room 208 of the Detention Center has been fixed for the total cost of \$6,020.00; Scope Change Proposal 131R. Commissioner Roberts moved to approve the cost and Commissioner Gallagher seconded; the vote was unanimous.

PRESENTATIONS BY MEMBERS OF THE COMMISSION


Commissioner Roberts reminded the board of the Miami County Republican Meeting taking place in Louisburg on January 25, 2018 at 6:00 p.m. Two or more Commissioners may be present.

ADJOURNMENT

The meeting was adjourned at 2:45 p.m.



ATTEST:



Janet White, County Clerk



Phil Dixon, Chairman