

**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 March 28, 2018. Those present were:

Phil Dixon, Chairman	Shane Krull, County Administrator
Rob Roberts, Pro-Tem	David Heger, County Counselor
Ron Stiles, Commissioner	Steve Lyman, Deputy County Clerk
George Pretz, Commissioner	Amanda Curnutte, Executive Secretary
Daniel Gallagher, Commissioner	

Visitors: Suzanne & Howard Livingston, Todd & Becky King, Christine & Helen Hecke, Dan Strong, Teri Adams, Joe Vitale, Tom Bach, Ashley Tillmon, Luke Budnik, Brian Myers, Bruce Stahl, Mike Heptig, Clint Coulter, Steven Schuering, Tanya Jensen, Jackie Stahl, Harvey & Joe Milliken, Darcy Domoney, Spencer Williams, Janell Beck, Phyllis Nolan, and Greg Crow

Members of the Press: Brian McCauley, the Miami County Republic

**CALL TO ORDER**

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

**CITIZEN COMMENT**

Suzanne Livingston, of Spring Hill, requested the board consider granting her an exemption from applying for a Conditional Use Permit for a small business she operates out of her home. She buys small dogs, socializes them, and sells them to future owners within a few weeks, with the proper licensing from the State of Kansas and U.S.D.A. Mrs. Livingston stated she usually has two dogs at a time, never four dogs at once. The dogs live in small kennels in the Livingston's living room area. She explained there is not a disturbance to any of the surrounding neighbors.

Commissioner Stiles thanked Mrs. Livingston for being honest with the board and requested her to communicate with the Planning and Zoning staff to determine if she is required to have a Conditional Use Permit.

Phyllis Nolan, of Louisburg, is representing the 27 residents that live on Spring Valley Road and Quivira Road, between 68-Highway and 247<sup>th</sup> Street. The residents are concerned about the quality and safety of the roads, in the area. Powell Pumpkin Patch is located on Spring Valley Road and draws a lot of traffic to the area during the fall, which stirs up a lot of dust and mud. Mrs. Nolan stated most of the homes in the area make a substantial contribution to the property taxes of Miami County. These roads are effecting the quality of life for these citizens.

J.R. McMahon, Director of Public Works Road & Bridge, addressed the concerns of the citizens and Mrs. Nolan. He explained the bridge on Spring Valley Road is planned to be replaced this fall with the Quarter Cent Sales Tax fund. He expects to add additional gravel to the roads and additional dust control. Mr. McMahon stated work can be done to various ditches, with the current right-of-ways, to help prevent any future wash-outs of the road. He stated improvements of the roads are in high priority but asked the citizens to be patient with the department due to recent heavy rains.

The board and Mr. McMahon thanked the residents for accurately documenting the quality of the roads.

### **CONSENT AGENDA**

Commissioner Roberts moved to approve the Consent Agenda as follows:

- Minutes of the County Commission meeting of March 21, 2018
- Vouchers
- Write off outstanding 2015 checks retained on Treasurer's books (**R18-03-013**)

Commissioner Gallagher seconded; the vote was unanimous.

### **NEW BUSINESS**

Shane Krull, Miami County Administrator, requested the board to consider approving the island annexation request with Spring Hill, Kansas, located at the southwest corner of 223<sup>rd</sup> Street and Woodland Road. Commissioner Stiles moved to approve the request and Commissioner Roberts seconded; the vote was unanimous.

Teresa Reeves, Director of Planning & Zoning, requested the board to consider the Planning Commission's recommendation to deny a request for a Conditional Use Permit (18001-CUP: Vitale Properties, LLC a.k.a. Concrete Strategies, LLC) for a contractor's shop and/or yard. She explained the board has the four following options:

- Approve the request as recommended by the Planning Commission
- Override the Planning Commission's recommendation by a 2/3rds vote, including denying the request or approving the request with revised conditions.
- Return the Planning Commission's recommendation to the Planning Commission with a statement specifying the basis for the B.O.C.C. failure to approve or disapprove.
- Defer for further study.

Mrs. Reeves stated a protest petition of 42% of the surrounding property owners has been submitted. The applicant has submitted a revised narrative which has been presented to the board. Commissioner Stiles moved to return the Planning Commission's recommendation to the Planning Commission to consider the revised narrative and to hold another public hearing. Commissioner Roberts seconded the motion and added that he visited the site, yesterday. With the motion on the floor, the vote was unanimous.

Teresa Reeves, Director of Planning & Zoning, requested the board to consider the Planning Commission's recommendation to approve a request for a Conditional Use Permit (18002-CUP: H&R Lawn and Landscape) for a contractor's shop and/or yard (**R18-03-014**). The property is located at 10585 239<sup>th</sup> Street, Bucyrus. A protest petition was not filed. The applicant has agreed to participate in the dust control program and will designate the route of travel to and from the site as being from the site East along 239<sup>th</sup> Street to Switzer and North along Switzer to 223<sup>rd</sup> Street. Commissioner Stiles moved to approve the Conditional Use Permit and Commissioner Gallagher seconded; the vote was unanimous.

J.R. McMahon, Director of Public Works Road & Bridge, requested the board to consider approval of the agreement (**A18-03-006**) with Rodrock, Braham and Brennan for chip and seal road improvements to 265<sup>th</sup> Street and New Lancaster Road. Commissioner Roberts moved to approve the agreement. Commissioner Pretz seconded the motion and the vote was unanimous.

Frank Burrow, of E.M.S., requested the board to consider the approval of the purchase of a performance load system and five cot kits from Capital Outlay Equipment, with an estimate cost of \$38,808.64. Commissioner Gallagher moved to approve the purchase and Commissioner Pretz seconded; the vote was unanimous.

Holly Ray, Director of Human Resources, requested the board to consider the approval of the reclassification from a current Sergeant position to Captain for the Detention Center. Commissioner Roberts moved to approve the reclassification and Commissioner Gallagher seconded; the vote was unanimous.

Shane Krull, Miami County Administrator, addressed matters pertaining to the detention center project. The sound panels are still waiting to be installed in the other six pods. The Sheriff's Office expects all Miami County inmates that are currently being housed by other counties will be placed in the new facility by April 15, 2018.

## **REPORTS FROM STAFF, COMMITTEES, OFFICERS**

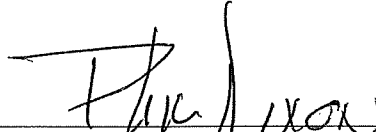
Shane Krull, Miami County Administrator, stated the work on the Administration Building and Commission Chambers roof is moving forward. He stated the front landscaping and sidewalk will be replaced as well as sound technology and dry-wall repair for the Commission Chambers.

David Heger, Miami County Counselor, stated he is currently working on the County Foreclosure Tax Sale. As of now, there are approximately 58 properties to be on the sale. He hopes several of the property owners will come in to pay the delinquent tax to be taken off of the sale. By this time next week, he expects a petition will be started to have the tax sale.


**ADJOURNMENT**

The meeting was adjourned at 1:57 p.m.



  
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Phil Dixon, Chairman

ATTEST:

  
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Janet White, County Clerk