

**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 October 2, 2019. Those present were:

|                               |                                   |
|-------------------------------|-----------------------------------|
| Phil Dixon, Chairman          | Shane Krull, County Administrator |
| Rob Roberts, Pro Tem          | David Heger, County Counselor     |
| George Pretz, Commissioner    | Janet White, County Clerk         |
| Tyler Vaughan, Commissioner   | Tiffany Taylor, Deputy Clerk      |
| Danny Gallagher, Commissioner |                                   |

Absent:

Visitors: Brian McCauley, Donna Darner, Jason King, Dan Strong, Susan Waggerman

**CALL TO ORDER**

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

**CITIZEN COMMENT**

Todd King, a concerned citizen, came forward to speak about the failure of County Zoning Codes being enforced at least since 2005 regarding CUP-Z180 Vitale Properties LLC. He said neighbors' concerns weren't being addressed when the modification was approved on September 18, 2019. The primary concern of neighboring property owners is a blatant disregard for every piece of evidence given and every testament that has been given. He doesn't appreciate it and he finds it to stink and it's a terrible representation of the citizens of this county.

Dan Strong, a concerned citizen, was forwarded the information about the CUP-Z180 Vitale Properties LLC. He said he was appalled that we made such a mockery of the zoning regulations in this county. Whatever conflicts the Commission thought existed he didn't see and did not exist in his mind about any substantive evidence being ambiguous about what the original use of Herman Stahl's property was. If there is a legal process or repeal process that's available, they are going to proceed with it.

Susan Waggerman, thanked the Commission for letting her speak. She wanted to address concerns about a bridge that's on her property on 34736 Mission Belleview. When they purchased the property, the bridge was already there. They were told sometimes it floods and it was a small creek when they purchased. There was a three foot whistle under it. Ten years later, the owners of the property put in a whistle double the size of the previous one. The bridge continued to flood. The county put in an additional whistle of the same size. In 2015, there was a total wash out. The county assisted with a rock and gravel

bridge and requested the Waggerman's sign a paper that said they wouldn't ask the county for future help. The bridge washed out a month later. They currently have a low lying bridge that still floods. She wants to look at this like an opportunity to help each other. Mission Belleview is a county road and it continues to flood multiple times a year. Pre-Tech has promised to donate the materials to create an indestructible bridge that will be able to handle the amount of water that comes through this area. She would like to utilize county equipment to build the bridge. She can buy the materials she is just hoping the county will help. Commissioner Roberts stated today we aren't prepared to answer that request. He would like the County Administrator and County Attorney to review the information that was provided to Commission to look at where the property line is and where it starts and stops. He also requests staff to provide a fact sheet of action so they can base the future decisions on that. The county can't fix things on private property. She contacted FEMA and they won't help her because the County has touched the bridge. Ms. Waggerman submitted written testimony and pictures.

Donna Darner came forward to express her concerns for the patients at the State Hospital. She retired from the State Hospital after 55 years and is a guardian of two current patients. She believes it is being managed by people who don't understand how to work with mentally ill people and doesn't think current patients are getting the treatment they deserve. She was hoping a Commissioner would accompany her to learn how the State Hospital is ran. Commissioner Pretz volunteered to go if she would personally escort him. He also requested that they coordinate their visit with State Senator Caryn Tyson and State Representative Mark Samsel.

### **CONSENT AGENDA**

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

- Minutes of the County Commission meeting of September 25, 2019
- Approval of payment vouchers and payroll

Commissioner Gallagher seconded; the vote was unanimous.

### **PROCLAMATIONS & PRESENTATIONS**

Commissioner Roberts moved to Proclaim October 6-12, 2019 as Fire Prevention Week throughout Miami County. "Not Every Hero Wears a Cape, Plan and Practice your Escape". Commissioner Pretz seconded; the vote was unanimous.

### **NEW BUSINESS**

Shane Krull, County Administrator, requested the board to consider approving the workload and process assessment purchase order through IBTS, not to exceed \$15,000.00 for community services. Commissioner Roberts moved to approve the motion and Commissioner Pretz seconded; the vote was unanimous.

Phil Dixon, Chairman, requested the board to consider the appointment of a voting delegate and alternate for the Kansas Workers Risk Cooperative for Counties

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(KWORCC) annual meeting, November 12, 2019. Commissioner Roberts was nominated as delegate and Commissioner Vaughan was nominated as alternate. Commissioner Pretz motioned to approve and Commissioner Gallagher seconded; the vote was unanimous

Phil Dixon, Chairman, requested the board to consider the nomination for the Southeast District Kansas Workers Risk Cooperative for Counties Board of Trustees. Commissioner Pretz moved to nominate Commissioner Roberts and Commissioner Gallagher seconded; the vote was unanimous.

Matthew Oehlert, requested the board to consider authorizing a letter of support for the KDOT Cost Share Grant project and a statement of committal to fund for Metcalf 2.0 to facilitate a turning lane and light signals for Broadmoor Elementary School. We would be responsible for 30% of 1.5 million dollars which is about \$225,000.00. Commissioner Gallagher motioned to approve the request and Commissioner Vaughan seconded; the vote was unanimous.

David Heger, County Counselor, requested the board to consider accepting the high bid of \$1,000.00 and adopting the resolution ordering the sale of real property of 345 Parker Street, Osawatomie, KS to Jeffrey B. Fraker, Jr. Commissioner Pretz moved to approve the request and Commissioner Gallagher seconded; the vote was unanimous

#### **APPLICATIONS**

Janet White, County Clerk, stated that we received an application for an Authorized Emergency Vehicle Permit. This permit is for a Ford F-250 Super Duty driven by Johnathon Harris of the Louisburg Fire Department. It allows him to have emergency lights on the vehicle. Commissioner Roberts moved to approve the application and Commissioner Pretz seconded; the vote was unanimous.

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

Sara Denney, Human Resources, spoke about Employee Appreciation Week and thanked the Commission for allowing us to do this every year. She spoke about the events for the week and invited Commissioners to come. We appreciate them letting all non-emergency offices close for the luncheon on Friday. Phil Dixon thanked her for all their hard work.

#### **COMMISSION COMMENTS**

Commissioner Roberts said Tuesday evening at 6:00, Paola was going to have a meeting at the Paola Justice Station about the proposed TIF district and there could be two or more Commissioners present.

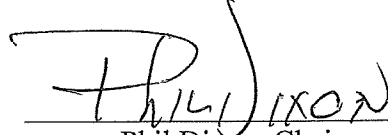
Commissioner Roberts said he truly respects the opinions of the citizens related to Concrete Strategies (CUP Z180). It's important to hear comments and concerns after we have made our decision that was no doubt controversial. It was not made lightly and it was over quite a few months. We believed that we made the best decision possible based

on the information we had.

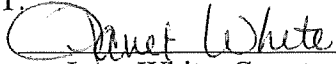
**ADJOURNMENT**

The meeting was adjourned at 1:43 p.m.

(Seal)

  
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Phil Dixon, Chairman

ATTEST:

  
Janet White, County Clerk

