

**BOARD OF COUNTY COMMISSIONERS AGENDA
MIAMI COUNTY, KANSAS**

Wednesday, September 23, 2020 | 1:00 p.m.

CALL TO ORDER AND OPEN CEREMONIES

- PLEDGE OF ALLEGIANCE
- ROLL CALL

PUBLIC COMMENT

The Board of County Commissioners encourages citizen participation in local governance processes. Making every effort to be in compliance with the Kansas Open Meetings Act (KSA 75-4317), you are invited to participate in today's meeting. Speakers are requested to state their full name, address, and group affiliation, if any, before delivering any remarks. Speakers should limit their comments as to not exceed five minutes. Always speak from the podium, using the microphone. If documentation or material is presented to the Board of County Commissioners, please provide them to the Clerk for distribution and filing with the official record of the meeting.

CONSENT AGENDA

The CONSENT AGENDA is a single agenda item that can include multiple items previously reviewed and determined to be of a routine business nature. Items that are included as part of the CONSENT AGENDA will be voted upon under a single motion unless a separate discussion on any single item is requested by a Member of the Board of County Commissioners or a member of the public. If a separate discussion on any item is requested, it will be set aside for further consideration as part of the ACTION AGENDA.

1. Approval of minutes of the county commission meeting on September 16, 2020
2. Approval of payment vouchers

ACTION AGENDA

1. AMENDING RESOLUTION 03162-02 – Consider approving a resolution by nunc pro tunc action to reflect the described public roads were to be “vacated” and “not closed”.

APPLICATIONS

REPORTS FROM STAFF, COMMITTEES, OFFICERS

Rita McKoon, Director, Miami County Health Department

COMMISSION COMMENTS

EXECUTIVE SESSION

ADJOURNMENT

Miami County does not discriminate on the basis of race, color, national origin, gender, religion, age disability, genetic information, or other circumstance prohibited by federal, state, or local law, rule, or regulation, including Title II of the Americans with Disabilities Act. A request for accommodation for a disability; or other assistance, should be made, if possible, at least 3 days in advance to County Counselor, David Heger @ 913-294-3914.

Staff Request for Commission Action

Request to be placed on the BOCC agenda meeting scheduled for: September 23, 2020

Item / Subject: Correct wording in Resolution No. 03162-02 so as to vacate instead of closing two roads that have not been maintained by the County for thirty years.

Submitted by: David Heger Date submitted: September 17, 2020

Contact Information: David Heger

Project Number: _____ Is this a Capital Project? Yes No

Item Description: Amending resolution 03162-02 by nunc pro tunc action to correct said resolution by stating that two roads that are no longer a public necessity are being vacated pursuant to K.S.A. 68-102 and not closed as stated in the original resolution.

Action Requested: Approve resolution.

Staff Recommendation: Approve resolution.

Budget Impact:

Amount budgeted for item / project: N/A

Fund / Line Item allocated: _____

Budget allocation remaining for item / project: _____

Additional budget information / comments: _____

Budget / Finance Review on: 9/17/2020
Signature of Reviewer: Steve Lyman
Comments:

Legal Review on: 9-18-20
Signature of Reviewer: Dal R. Hays
Comments:

Administrator Review on: 9-17-20
Signature of Reviewer: Shane Kell
Administrator's Recommendation:

Action taken by BOCC on: _____

- Accept Deny Acknowledge Receipt / Presentation Postpone

Schedule for follow up / formal action on: _____

Publication in Official County Newspaper required: Yes No

If yes, item to be submitted for publication by: _____

Is Mail Distribution / submission required: Yes No

If yes, to be mailed by: _____

RESOLUTION NO. _____

A RESOLUTION MAKING A NUNC PRO TUNC CORRECTION TO RESOLUTION NO. 03162-02 TO REFLECT THAT THE BELOW DESCRIBED PUBLIC ROADS WERE TO BE VACATED AND NOT CLOSED.

WHEREAS, Miami County, Kansas is a county municipal government and the County Commission is the governing and legislative body of said municipality; and

WHEREAS, the County Commission in Resolution No. 03162-02, adopted March 16, 1992, after a public hearing, resolved that County Roads Number 281, also known as Woodland, running North and South from 239th Street to 247th Street and Number 333, also known as 247th Street, running East and West between Sections 1 and 12, Township 16 South, Range 23 East, were to be closed; and

WHEREAS, the County Commission had previously determined and given published notice on February 19, 1992 in the Osawatomie Graphic, that aforesaid roads pursuant to K.S.A. 68-102 and K.S.A. 68-102a were being proposed to be vacated as said roads were no longer a public necessity; and

WHEREAS, Statutes K.S.A. 68-102 and K.S.A. 68-102a provide for vacation of public roads after public notice and a public hearing, but the Commission inadvertently used the word close instead of vacate in aforesaid resolution, resulting in confusion whether the roads had been closed or vacated.

IT IS HEREBY THE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS that a nunc pro tunc correction shall be made to Resolution No. 03162-02 so that the resolution now reads "to vacate the roads as described in the aforementioned legal description".

RESOLVED THIS 25TH DAY OF SEPTEMBER, 2020.

BOARD OF COUNTY COMMISSIONERS
MIAMI COUNTY, KANSAS

ATTEST:

BONNIE "ROB" ROBERTS, Chairman

JANET WHITE, County Clerk

DANIEL GALLAGHER, Chairman Pro-tem

APPROVED AS TO FORM:

PHIL DIXON, Commissioner

DAVID R. HEGER, County Counselor

GEORGE PRETZ, Commissioner

TYLER VAUGHAN, Commissioner