BOARD OF COUNTY COMMISSIONERS AGENDA
MIAMI COUNTY, KANSAS
Wednesday, January 29, 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 January 22, 2019.
2. Approval of payment vouchers.

PROCLAMATIONS & PRESENTATIONS

ACTION AGENDA

1. ECKAAA NUTRITION PROGRAM—Consider additional funding allocation for the East Central Kansas Area Agency on Aging Nutrition Program for 2020.

2. BID AWARD AND PURCHASE—Consider awarding bid 2020-001 to Louisburg Ford and authorize purchase of two 2020 Ford Escapes as specified for the Reappraisal department.

3. AGREEMENT—Consider authorizing Commission Chair to execute Geotech, Survey and Design agreement with Pfefkorn Engineering and Environmental for Evening Star Culvert Project 19-01-SB (668) for a lump sum fee of $28,000.00.

4. CONDITIONAL USE PERMIT—Consider approving CUP-19008, Debbie’s Animal Haven, LLC located at the Southeast corner of 343rd St and Woodland Rd.

5. CONDITIONAL USE PERMIT—Consider renewing CUP-08002, Wellsville Tower.

APPLICATIONS

REPORTS FROM STAFF, COMMITTEES, OFFICERS

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.
MIAMI COUNTY
STAFF REQUEST FOR COMMISSION ACTION

<table>
<thead>
<tr>
<th>SUBMITTED BY:</th>
<th>REQUESTED MEETING DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steve Lyman</td>
<td>Wednesday, January 29, 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT:</th>
<th>REQUESTED MEETING:</th>
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</thead>
<tbody>
<tr>
<td>Administration</td>
<td>✔ STUDY SESSION  ✔ REGULAR MEETING</td>
</tr>
</tbody>
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<tr>
<th>CONTACT INFORMATION:</th>
<th>PROJECT / REFERENCE NUMBER:</th>
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AGENDA ITEM / SUBJECT:
Additional funding allocation for the East Central Kansas Area Agency on Aging Nutrition Program

ITEM BACKGROUND / DESCRIPTION:
In 2019 the ECKAAA requested the commissioners increase the County's allocation for the Nutrition Program. An additional amount of $26,750 was requested at that time. In October 2019 the County paid in addition to the budgeted allocation an additional $5,000 for the Nutrition Program and $1,500 to supplement the county's Spring Hill area nutrition program to the ECKAAA. The County's 2020 annual budget includes $28,357 for the ECKAAA Nutrition Program and $25,155 for the ECKAAA general operations. It was indicated in October the Commission would again review the requested additional allocation for further consideration.

REQUESTED ACTION / STAFF RECOMMENDATION:
Consider allocation of additional 2020 funding for the ECKAAA Nutrition Program.

BUDGET IMPACT:
2020 General Fund contingency budget

<table>
<thead>
<tr>
<th>BUDGET AUTHORITY:</th>
<th>REMAINING BUDGET ALLOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
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</table>

<table>
<thead>
<tr>
<th>FUND / LINE ITEM:</th>
<th>FUNDS BUDGETED:</th>
<th>CAPITAL PROJECT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>#######</td>
<td>□ YES □ NO</td>
<td>□ YES □ NO</td>
</tr>
</tbody>
</table>
MIAMI COUNTY
STAFF REQUEST FOR COMMISSION ACTION

<table>
<thead>
<tr>
<th>SUBMITTED BY:</th>
<th>REQUESTED MEETING DATE:</th>
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</thead>
<tbody>
<tr>
<td>Justin Eimers</td>
<td>01/29/2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT:</th>
<th>REQUESTED MEETING:</th>
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<tbody>
<tr>
<td>ReAppraisal</td>
<td>☑ STUDY SESSION</td>
</tr>
<tr>
<td></td>
<td>☑ REGULAR MEETING</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CONTACT INFORMATION:</th>
<th>PROJECT / REFERENCE NUMBER:</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:Justin.Eimers@MiamiCountyKS.org">Justin.Eimers@MiamiCountyKS.org</a></td>
<td></td>
</tr>
</tbody>
</table>

AGENDA SUBJECT:
Commission approval to purchase two new Ford Escapes based on low bids.

AGENDA SUBJECT BACKGROUND / DESCRIPTION:
On 12/27/2019 the Reappraisal department requested approval and the Board of County Commissioners approved the solicitation of bids for two new vehicles to replace a totaled vehicle and one with many mechanical issues. Estimated cost was $58,000. Bids were due back to the County on 01/21/2020 at 10:00am. Three bids were received. (See Attached) The lowest bidder was Louisburg Ford, with a bid of $49,540 for two 2020 Ford Escapes. The Ford Escapes meet the bid specs listed on the project information sheet.

REQUESTED ACTION / STAFF RECOMMENDATION:
It is recommended that the County Commission approve the purchase of two 2020 Ford Escapes as specified.

BUDGET IMPACT:
$49,540

<table>
<thead>
<tr>
<th>BUDGET AVAILABLE FOR THIS ITEM:</th>
<th>BUDGET REMAINING FOR THIS ITEM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITEM: $25,064.50 Insur. and $24,475.50</td>
<td>ITEM BUDGETED?:</td>
</tr>
<tr>
<td>EUND / LINE ITEM TO BE CHARGED:</td>
<td>CAPITAL PROJECT?:</td>
</tr>
<tr>
<td>Insur. 0451-321-3709-000 Equip. 0332-321-3709-000</td>
<td>☑ YES ☐ NO</td>
</tr>
<tr>
<td></td>
<td>☐ YES ☑ NO</td>
</tr>
</tbody>
</table>

Justin Eimers
Digitally signed by Justin Eimers
Date: 2020.01.21 15:09:53 -06'00'

SUBMITTER'S SIGNATURE: _____________________
DATE: 01/21/2020
<table>
<thead>
<tr>
<th>Vendor</th>
<th>Model/Vehicle Description</th>
<th>Year</th>
<th>Optional Equipment</th>
<th>Bid Price</th>
<th>QTY</th>
<th>Total Price</th>
<th>Exceptions/Additions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisburg Ford</td>
<td>Ford Escape All WheelDrive</td>
<td>2020</td>
<td>300 each</td>
<td>$24770</td>
<td>2</td>
<td>$49540</td>
<td>Y or N</td>
</tr>
<tr>
<td>Ellis Boys</td>
<td>Dodge Journey</td>
<td>2019</td>
<td></td>
<td>$25710</td>
<td>2</td>
<td>$51420</td>
<td>Y or N</td>
</tr>
<tr>
<td>LangChevrolet</td>
<td>Chevrolet Equinox</td>
<td>2020</td>
<td></td>
<td>$27367</td>
<td>2</td>
<td>$54734</td>
<td>Y or N</td>
</tr>
</tbody>
</table>
MIAMI COUNTY, KANSAS
PROCUREMENT SERVICES DIVISION
201 South Pearl, Suite 200
Paola, KS 66071
913-294-9556
www.miamicountyks.org

IFB: 2020-001  BID ISSUE DATE: 12/30/2019
BID DESCRIPTION:  SUE-COMPACT UTILITY VEHICLE
BID OPENING DATE:  TUESDAY, JANUARY 21, 2020
BID OPENING TIME:  10:00 AM (CST) LOCAL TIME
BOND REQUIRED:  NONE

BID RESPONSES MUST BE RECEIVED AND TIME-STAMPED NO LATER THAN THE PUBLIC BID OPENING DATE AND TIME (LOCAL TIME) SPECIFIED ABOVE. BIDS WILL BE OPENED AND READ ALOUD AT THAT TIME. LATE BIDS WILL NOT BE CONSIDERED.

TO ALL PROSPECTIVE BIDDERS:

You are hereby invited to submit your bid for the item(s) to be furnished and delivered, shipped F.O.E. delivered, to the address specified herein.

The original bid and the required number of copies must be received in a sealed envelope that has your name and address in the upper left corner and the bid number and bid name filled in on the lower-left corner of the envelope.

All bids are subject to a staff analysis. Miami County, Kansas reserves the right to accept or reject any, and all bids received and waive any technicalities.

Bids must be delivered and time-stamped, prior to the public bid opening date and time, to:

Miami County Procurement Services Division
201 South Pearl, Suite 200
Paola, KS 66071

Any communication regarding this invitation between the date of issue and date of award is required to go through the Procurement Department.

<table>
<thead>
<tr>
<th>FULL NAME OF BIDDER</th>
<th>Louisburg Ford</th>
</tr>
</thead>
<tbody>
<tr>
<td>BID CONTACT PERSON</td>
<td>Jason Gunderson</td>
</tr>
<tr>
<td>TELEPHONE NUMBER</td>
<td>913-837-4311</td>
</tr>
<tr>
<td>EMAIL ADDRESS</td>
<td><a href="mailto:jason@louisburgford.com">jason@louisburgford.com</a></td>
</tr>
</tbody>
</table>

FACSIMILE AND/OR E-MAIL TRANSMITTED BIDS WILL NOT BE ACCEPTED

BID No. 2020-001 SUB-COMPACT UTILITY VEHICLE
# SPECIFICATIONS

**MIAMI COUNTY, KANSAS**

**IFB No.** 2020-001  
**BID TITLE** SUB-COMPACT UTILITY VEHICLE  
**BID TYPE** SUB-COMPACT UTILITY VEHICLE

**DEALER NAME:** LOUISBURG FORD  
**QUOTE COMPLETED BY & DATE:** JASON GREEN 12/12/2020  
**CONTACT EMAIL:** jason@louisburgford.com

## BASE VEHICLE SPECIFICATIONS

<table>
<thead>
<tr>
<th>FEATURE</th>
<th>DESCRIPTION</th>
<th>MFG'S CODE &amp; DESCRIPTION</th>
<th>MEETS SPECS</th>
<th>BIDDERS REMARKS</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model Equal To</td>
<td>Escape, Patriot, Compass, Equinox, or Equinox</td>
<td>ESCAPE</td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Body Style</td>
<td>4 Passenger - Rear Seat</td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engine</td>
<td>Minimum 4 cyl - gasoline &amp; Standard Automatic per model bid</td>
<td>1.5L 1-3 Turbo</td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GVWR</td>
<td>State Vehicle GVWR</td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paint</td>
<td>Standard Paint, White, Clearcoat</td>
<td>3000 lbs</td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warranty</td>
<td>State Terms/Provide Website</td>
<td>36mo</td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MPG</td>
<td>State Miles Per Gallon</td>
<td>26 city</td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL STANDARD VEHICLE</strong></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

## MINIMUM SPECIFICATIONS FOR ALL UTILITY VEHICLES ARE AS FOLLOWS

<table>
<thead>
<tr>
<th>FEATURE</th>
<th>DESCRIPTION</th>
<th>MFG'S CODE &amp; DESCRIPTION</th>
<th>MEETS SPECS</th>
<th>BIDDERS REMARKS</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheelbase</td>
<td>Minimum of 103&quot;</td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steering</td>
<td>Factory Power Steering</td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brakes</td>
<td>Factory Cruise Control</td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tires and Wheels</td>
<td>Standard Tire Size model</td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exterior</td>
<td>Power Side View Mirrors</td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Body-Colored Door Handles</td>
<td></td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front and Rear Bumpers</td>
<td></td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Factory Intermittent Wipers</td>
<td></td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Defroster</td>
<td>Outside, Power Rear View Mirrors</td>
<td></td>
<td>YESNO</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL STANDARD VEHICLE</strong></td>
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</table>

BID No. 2020-001 SUB-COMPACT UTILITY VEHICLE
**Interior**
- Two (2) Key-Fobs
- Both key and keyless entry systems
- Manufacturer Manual
- Instrumentation Gauges - Standard per model
- Latching Glove Box
- Factory Air Conditioning
- Heater/Defroster
- Auxiliary Power Outlets
- Factory Power Door Locks
- Factory Power Windows
- Factory AM/FM Radio
- Dual Sun Visors
- Inside Day/Night Mirror
- Floor Covering-Carpet Front & Rear-Natural Color

**Air Bags**
- Driver and Passenger Air Bags
- Side Air Bag
- Roof Rail Air Bag
- 1st Row-Cloth, Power Adjust with Center Console
- 2nd Row - Bench, Cloth
- Color-Neutral

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<thead>
<tr>
<th>FEATURE</th>
<th>DESCRIPTION</th>
<th>MFG'S CODE &amp; DESCRIPTION</th>
<th>BIDDER'S REMARKS</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime Running Lights</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diagnostic Software &amp; Coding</td>
<td></td>
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</tr>
<tr>
<td>Engine</td>
<td></td>
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</tr>
<tr>
<td>Transmission</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>ABS Brakes</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Electrical System</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Body Modules</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Front &amp; Rear Floor Mats</td>
<td></td>
<td></td>
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<tr>
<td>Drive Options</td>
<td>All Wheel Drive</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4x4, Four-Wheel drive</td>
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</table>

| Engines                      |             |                           |                  |       |

| Light                        |             |                           |                  |       |
| Key Options                  |             |                           |                  | $300  |
| Manuals                      |             |                           |                  | $300  |
| Spare Mounting               |             |                           |                  | $300  |
| Temporary Tag                |             |                           |                  | $300  |
| Trailer Tow Package          |             |                           |                  | $300  |

BID No. 2020-001 SUB-COMPACT UTILITY VEHICLE 14
<table>
<thead>
<tr>
<th>Transmissions</th>
<th>State and Provide Webpage</th>
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</thead>
<tbody>
<tr>
<td>Extended Warranty</td>
<td>On Star</td>
</tr>
<tr>
<td>OnStar</td>
<td>Back-Up Camera &amp; Alarm</td>
</tr>
<tr>
<td>Bluetooth Connectivity</td>
<td>Other</td>
</tr>
<tr>
<td>Other</td>
<td>Other</td>
</tr>
</tbody>
</table>

Other Options Not Listed - Discount from MSRP - State Website for Pricing

End of Specification
# BIDSHEET BID 2020-001

## SUB-COMPACT UTILITY VEHICLE/PLOANNING DEPARTMENT

<table>
<thead>
<tr>
<th>VEHICLE DESCRIPTION MODEL/YEAR (VEHICLE QUOTED MUST BE NEW)</th>
<th>BASE BID</th>
<th>QTY (2)</th>
<th>OPTIONAL EQUIPMENT/PRICE</th>
<th>TOTAL 4X4 MODEL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW 2020 FORD ESCAPE SE AND SE</td>
<td><strong>24,470</strong></td>
<td>2</td>
<td><strong>300 EACH</strong></td>
<td><strong>24,770 EACH</strong></td>
</tr>
</tbody>
</table>

Delivery Terms: **12 WEEK EST.** Quote is good for **60** days.

Exceptions/Additions to specifications **Yes** **No X**

If Yes, attach a separate sheet detailing same. Note: It shall be unacceptable for any bidder to make the statement "see specifications" in lieu of listing all exceptions/additions from the preceding specifications. It shall also be unacceptable for any bidder to submit the manufacturer's literature in lieu of the above. All exceptions/additions to our specifications shall be either handwritten or typed on an attached separate sheet.

We hereby agree to furnish the items on which prices are quoted above and on subsequent pages in accordance with all terms and conditions previously listed and any attached specifications.

**COUGSBURG FORD**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Louisburg Ford</strong></td>
<td><strong>1/20/2020</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>111 Fairlane Dr</td>
<td>Louisburg</td>
<td>KS</td>
<td>66053</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature of Bidder</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason Goudelkauf</td>
<td><strong>913-832-4311</strong></td>
</tr>
</tbody>
</table>

Typed or Printed Name of Bidder

<table>
<thead>
<tr>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:jsgoudel@louisburgford.com">jsgoudel@louisburgford.com</a></td>
</tr>
</tbody>
</table>

**BID No. 2020-001 SUB-COMPACT UTILITY VEHICLE** 16
MIAMI COUNTY
STAFF REQUEST FOR COMMISSION ACTION

SUBMITTED BY:
Matthew Oehlert

REQUESTED MEETING DATE:
Wednesday, January 29, 2020

DEPARTMENT:
Road and Bridge

REQUESTED MEETING:
☒ REGULAR MEETING
☐ STUDY SESSION

CONTACT INFORMATION:
moehlert@miamicountyks.org

PROJECT / REFERENCE NUMBER:
19-01-SB (668)

AGENDA SUBJECT:
Agreement for Geotech, Survey and Design for the Evening Star Culvert Project 19-01-SB (668)

AGENDA SUBJECT BACKGROUND / DESCRIPTION:
Agreement between Miami County, KS and Pfefferkorn Engineering and Environmental for Evening Star Project 19-01-SB (668) for the culvert replacement. Agreement includes geotech, survey and design services for preparation of construction plans and construction documents. Design fee for this work is a Lump Sum Fee of $28,000.00.

This project is funded by Special Bridge.

REQUESTED ACTION / STAFF RECOMMENDATION:
Authorize Commission Chair tc execute Geotech, Survey and Design Agreement with Pfefferkorn Engineering and Environmental for Project No. 19-01-SB (668) for a Lump Sum Fee of $28,000.00.

BUDGET IMPACT:
$28,000.00

BUDGET AVAILABLE FOR THIS ITEM:
$28,000.00

BUDGET REMAINING FOR THIS ITEM:
$0

FUND / LINE ITEM TO BE CHARGED:
450-327-3711-668

ITEM BUDGETED?:
☒ YES ☐ NO
CAPITAL PROJECT?:
☒ YES ☐ NO

Matthew Oehlert
Digitally signed by Matthew Oehlert
Date: 2020.01.23 08:43:29 -06'00' 1/23/2019

SUBMITTER'S SIGNATURE: 
DATE:
THIS AGREEMENT made as of January 16, 2020 between Miami County, (hereinafter called the "County"), and Pfefferkorn Engineering & Environmental, LLC (hereinafter called the "Consultant").

WHEREAS, the County is in need of Engineering Services for a culvert replacement project 19-01-SB (668) located on Evening Star Road 0.28 mile south of US 169 Hwy. Currently there is a cast in place reinforced concrete slab with will be replaced with a single span steel structure. (hereinafter called the "Project"); and

WHEREAS, the Consultant represents that he has sufficient experience and qualified personnel to perform, and the County desires the Consultant to perform, the professional services herein described; and

NOW, THEREFORE, the County and the Consultant, in consideration of their mutual covenants herein, agree in respect to the performance of professional services by the Consultant and the payment for those services by the County as set forth below.

ARTICLE 1
Scope of Work

Engineering/Design Services necessary to design a culvert replacement for Miami County Project 19-01-SB (668) located on Evening Star Road 0.28 mile south of US 169 Hwy. Currently there is a cast in place reinforced concrete slab with will be replaced with a single span steel structure.

Scope of Services
1. Consultant will provide a completed survey in AutoCAD 2012 (or newer) format.
   Surveying: Perform project topographic designs survey. Contact utility companies and include location of underground utilities as flagged by utility companies. Research and discover existing R/W's and Easements inside the project area. Locate and reference the section corner nearest to each end of the project. Set and reference a P.O.T. near each end of the project. Establish two bench marks outside of the apparent construction limits. If there are any curves on the project, set and reference P.C.'s and P.T.'s after the project centerline is finalized. Furnish field notes in written or electronic format. Furnish traverse calculations, if any. Consultant will provide e-copy and copy of field notes of survey to Miami County. If any section corner within the construction limits is endangered it shall be reset by consulting firm after project completion.

2. Prepare field check plans based on the alternative selected in the preliminary report. Conduct field-check with COUNTY personnel.

3. Perform the required geologic exploration for design. Provide copy of report to COUNTY.

4. Items one (1) through (3) to be completed within 30 calendar days of the Notice to Proceed.
5. Prepare detailed construction plans required for bidding and project implementation. Provide one copy of quantity calculations of bid items. Plans shall conform to KDOT plan preparation criteria and format. Bid items and project special provisions shall conform to KDOT standard specifications or special provisions. Submit office check plans and technical specifications to Project Manager for review.

6. Prepare and submit all necessary permits for Division of Water Resources, Corps of Engineers, National Pollution Discharge Elimination System (NPDES) and any other permit required to construct the project.

7. Prepare legal descriptions for permanent and temporary construction easements which may be required. Furnish legal descriptions on 8.5” x 11” sheet stamped by a Registered Land Surveyor and on disk in Microsoft Word 2010 or newer. Furnish base AutoCAD file with project ties and all right-of-way drawn. Also furnish an exhibit drawing for each land ownership showing existing and proposed rights-of-way and property lines with bearings with the topography as a background on 8.5” x 11” or 11” x 17” sheets. The exhibit shall include the landowner’s name and/or a tract identifier (Miami County format).

8. Ownership and Easements: Research Ownership and Easement information in support of Road right-of-way and parcels affected by project. The COUNTY expects proper and diligent research to be performed with respect to all affected land including section corners, prior surveys and road records, etc. All Ownership and Easement research shall be refreshed by the CONSULTANT just prior to the beginning of the right-of-way acquisition process, usually one month prior to the Public Information Meeting.

9. Right-of-Way Staking: One Month Prior to the Public Information Meeting, or as directed by the COUNTY, all proposed right-of-way, permanent and drainage easements, and any other affected land acquisition shall be marked by the CONSULTANT using 40d nails and lathe with flagging.

10. Submit three (3) complete sets of plans, and a complete electronic set to the Project Manager.

11. Provide to COUNTY Operating and Inventory Load Ratings of new structure based on KDOT legal trucks: HS20, T2, T3, 2S1, 3S2, and 3-3.

12. Submit to the county one (1) set of plans without structural details for each of the private and public utility companies having facilities in the area of the project. Submit to the County two (2) sets of plans without structural details for right-of-way acquisition purposes.

13. Submit any technical specifications and project special provisions to the COUNTY.

14. Advise the Project Manager of any inquiries prior to the bid opening from contractors, subcontractors, suppliers and public officials. Submit for approval draft addendum to the project drawings or contract specifications as required.

15. Prepare Final Plans for the bid letting process.

16. As requested by the COUNTY, provide services resulting from significant changes in the general scope of the project, or its design, including, but not limited to, changes in size, revisions of previously accepted studies, reports, design documents or contract documents, including preparation of change orders in accordance with COUNTY purchasing procedures during the construction phase of the project. This work will be paid for on an hourly basis unless resulting from an error or omission by the CONSULTANT.

17. Provide construction inspection if requested by COUNTY. This work will be paid for on an hourly basis.
As requested by the County, provide services resulting from significant changes in the general scope of the project, or its design, including, but not limited to, changes in size, revisions of previously accepted studies, reports, design documents or contract documents, including preparation of change orders in accordance with County purchasing procedures during the construction phase of the project. This work will be paid for on an hourly basis unless resulting from an error or omission by the Consultant.

**ARTICLE II**

Compensation

The County shall pay the Consultant for services performed, a lump sum of **$28,000.00** for these services. Any additional requested work shall be based on the actual hours worked by the Consultant's personnel at the individual classification and charge-out at the Consultant's normal rates. The Consultant shall be reimbursed after completion of each phase. The phases/pay schedule are identified as 80% due upon field check and 20% due upon acceptance of plans. The County shall pay Consultant within thirty days after receipt of such invoice.

**ARTICLE III**

Time

County will provide
1. Designate a County employee to act as Project Manager to review the work of and provide direction to the Consultant.
2. Reimburse the Consultant monthly for required services according to negotiated and agreed contract, not to exceed the following percentages based on the state of the project.

   a. Field Check Submittal.................................................................March 30, 2020
   b. Office Check Submittal.............................................................April 30, 2020

At the discretion of the County, an extension in time may be granted to the Consultant for delays recognized by the County as unavoidable. Consultant may request extension of time stating fully the reasons for such request. Extensions for unavoidable delays shall be made in accordance with Article VI, Section 5.3 herein.

**ARTICLE IV**

Consultant's Responsibilities

In addition to the basic services identified in Article I "Scope of Services" the consultant shall do the following:

1. Comply with local, state and federal rules, regulations and laws pertaining to this Agreement that are applicable at the time the Consultant designs this project.
2. Submit weekly progress reports and attend a pre-construction meeting.
3. Immediately upon expiration or termination of the Agreement, return to the County all of the studies, maps, and other data furnished to the Consultant by the County pursuant to this Agreement.
4. Indemnify and hold harmless the County, its officers, employees, and agents, from all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of or resulting from the performance of the
services, provided that any such claim, damage, loss, or expense is caused in whole or in part by a negligent act, error or omission of the Consultant, its subcontractors, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

5. Maintain throughout the duration of this contract insurance in the following amounts and will, upon request of the County, furnish copy of certification thereof:

(a) Worker's Compensation and Employer's Liability
   Workers' Compensation Statutory
   Employers' Liability Statutory

(b) Comprehensive Automobile Liability
   Bodily Injury $1,000,000 each person
   $1,000,000 each accident
   Property Damage $1,000,000 each occurrence

(c) Comprehensive General Liability
   Bodily Injury $1,000,000 each person
   $1,000,000 each accident
   Property Damage $1,000,000 each occurrence

The Consultant shall maintain Professional Liability Insurance in an amount of $1,000,000 and provide County with certification thereof upon request.

6. Employ persons qualified to efficiently perform the obligations and duties of the Consultant under this Agreement. If the County shall so direct, the Consultant shall remove from the project any Consultant, architect, surveyor, appraiser or other person employed by the Consultant in connection with the work.

ARTICLE V
Miscellaneous

1. Controlling law. This Agreement is to be governed by the laws of the State of Kansas.

2. Assignment. The obligations of the Consultant under this Agreement shall not be assigned without the approval in writing of the County.

3. Binding on Successors. The County and the Consultant each is hereby bound, and the partners, successors, administrators and legal representatives of the County and the Consultant are hereby bound, to the other party in respect of all covenants and obligations of this agreement.

4. Reuse of Information. Consultant shall retain ownership of information, including reports, surveys, designs, presentation graphics and creative products, furnished under this service agreement. Unless covered by a separate license agreement, the County shall have right of reuse of all information furnished under this agreement. The County's right of reuse shall be unlimited in frequency and quantity and may be for completion of the project, an extension of the project by parties other than the Consultant, or for uses unrelated to the project. When information is subject to third party royalties or license agreements, the
County shall pay such royalties and license fees associated with the reused of the documents. The County's reuse of the information without verification or adaption by the Consultant shall be at the County's sole risk without liability or legal exposure to the County. No additional compensation shall be due the Consultant for County's reuse of the information.

5. **Termination for Default**

5.1 **Default.** If the consultant refused or fails to perform any of the provision of this Agreement with such diligence as will ensure its completion within the time specified in the Agreement, or any extension thereof, or commits any other substantial breach of this Agreement, the Procurement Officer may notify the Consultant in writing of the delay or nonperformance and if not cured in ten days or any longer time specified in writing by the Procurement Officer, such officer may terminate the Consultant's rights to proceed with the Agreement or such part of the Agreement as to which there has been delay or a failure to properly perform.

5.2 **Compensation.** The County shall pay the Consultant the costs and expenses and reasonable profit for services performed by the Consultant prior to receipt of the notice of termination; however, the County may withhold for amount due the Consultant such sums as the Procurement Officer deems to be necessary to protect the County against loss caused by the Consultant because of the default.

5.3 **Excuse for Nonperformance or Delayed Performance.** Except with respect to defaults of subcontractors, the Consultant shall not be in default by reason of any failure in performance of this contract in accordance with its terms if the Consultant has notified the Procurement Officer within 15 days after the cause of the delay and the failure arises out of causes such as, acts of God; acts of the public enemy; acts of the County and any other governmental entity into sovereign or contractual capacity; fires; floods; epidemics; quarantine restrictions; strikes or other labor disputes. If the failure to perform is caused by the failure of a subcontractor to perform or to make progress, and if such failure arises out of the causes set forth above, the Consultant shall not be deemed to be in default, unless the services to be furnished by the subcontractor were reasonably obtainable from other sources in sufficient time to permit the Consultant to meet the terms of the Agreement. Upon request of the Consultant, the Procurement Officer shall ascertain the facts and extent of such failure, and, if such officer determines that any failure to perform was occasioned by any one or more of the excusable causes, and that, but for the excusable cause, the Consultant's progress and performance would have met the terms of the Agreement, the time for completion of the Agreement shall be revised accordingly, subject to the rights of the County under the clause entitled "Termination for Convenience".

5.4 **Erroneous Termination for Default.** If, after notice of termination of the Consultant's right to proceed under the provisions of this Section, it is determined for any reason that the Consultant was not in default under the provisions of this Section, or that the delay was excusable under the provision of Subsection 5.3, and both the County and the Consultant agree, the rights and obligations of the parties shall be the same as if the notice of termination had not been issued. Otherwise, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the Section entitled "Termination for Convenience".
6 Termination for Convenience.

6.1 Termination. The Procurement Officer may, when the interests of the County so require, terminate this Agreement in whole or in part, for the convenience of the County. The Procurement Officer shall give written notice of the termination to the Consultant specifying the part of the Agreement terminated and when termination becomes effective.

6.2 Consultant's Obligations. The Consultant shall incur no further obligations in connection with the terminated services and on the date set in the notice of termination the Consultant will stop work to the extent specified.

6.3 Compensation. The Procurement Officer shall pay the Consultant the following amounts:

(a) All costs and expenses incurred by the Consultant for work accepted by the County prior to the Consultant's receipt of the notice of termination, plus a reasonable profit for said work.

(b) All costs and expenses incurred by the Consultant for work not yet accepted by the County but performed by the Consultant prior to receipt of the notice of termination, plus a reasonable profit for said work.

Anticipatory profit for work and service not performed by the Consultant shall not be allowed.

7 Disputes.

7.1 All controversies between the County and the Consultant which arise under, or are by virtue of, this Agreement and which are not resolved by mutual agreement, shall be decided by the Procurement Officer in writing, within 30 days after a written request by the Consultant for a final decision concerning the controversy; provided, however, that if the Procurement Officer does not issue a written decision within 30 days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then the Consultant may proceed as if an adverse decision had been received.

7.2 The Procurement Officer shall immediately furnish a copy of the decision to the Consultant by certified mail, return receipt requested, or by any other method that provides evidence of receipt.

7.3 Any such decision shall be final and conclusive, unless fraudulent, or the Consultant brings an action seeking judicial review of the decision in the Miami County District Court.

7.4 The Consultant shall comply with any decision of the Procurement Officer and proceed diligently with performance of this Agreement pending final resolution by the Miami County District Court of any controversy arising under, or by virtue of, this Agreement, except where there has been a material breach of the Agreement by the County, provided, however, that in any event the Consultant shall proceed diligently with the performance of the Agreement where the Purchasing Officer or head of a Purchasing Agency has made a written determination that continuation of work under the Agreement is essential to the public health and safety.
8 **Representations.** The Consultant certifies that:

8.1 The price submitted is independently arrived at without collusion.

8.2 The Consultant represents that he has not retained and will not retain a person to solicit or secure a County contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

9 **Equal Employment Opportunity.** During the performance of this Agreement, the Consultant agrees as follows:

9.1 The Consultant will not discriminate against any employee or applicant for employment because of race, religion, color, sex, disability, age, national origin, or ancestry. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, color, sex, disability, age, national origin, or ancestry. Such action shall include, but not be limited, to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the County setting forth the provisions of this non-discrimination clause.

9.2 The Consultant will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor; state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, disability, age, national origin, or ancestry.

9.3 The Consultant will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Agreement so that such provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

9.4 The Consultant shall assure that it and all subcontractors will implement the certificate of compliance in connection with this Agreement.

9.5 If the Consultant shall fail, refuse or neglect to comply with the terms of these contractual conditions, such failure shall be deemed a total breach of the Agreement and such Agreement may be terminated, canceled or suspended, in whole or in part, and the Consultant may be declared ineligible for any further County contract for a period of up to one year. Provided, that if an Agreement is terminated, canceled or suspended for failure to comply with this section, the Consultant shall have no claims for damages against the County on account of such termination, cancellation or suspension or declaration of ineligibility.
9.6 The Consultant shall assure that it is in compliance with and shall maintain sufficient records to
document that, under all aspects of this Agreement, it has acted in a manner which is in full compliance
with all applicable sections of the Equal Employment section of this contract and the following, as
applicable: Title VI of the Civil Rights Act of 1964 (as amended) (42 USCS § 2000d et seq.); Title VII of
the Civil Rights Act of 1964 (42 USCS §§ 2000e et seq.); Title VIII of the Civil Rights Act of 1968 (42 uses
§ 3601 et seq.); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101, and amendments thereto);
the Kansas Act Against Discrimination (KSA § 44-1001 through 1004, 1992 Supp. and amendments
thereto). Such records shall at all times remain open to inspection by an individual designated by the
County for such purpose.

9.7 The Consultant and the County, in carrying out this Agreement shall also comply with other applicable
existing federal, state and local laws relative to equal opportunity and non-discrimination, which are
incorporated by reference and made part of this Agreement.

9.8 The Consultant will be required to conform to Affirmative Action and Equal Employment Opportunity
Requirements prior to the execution of this Agreement.

**ARTICLE VI**

**County's Responsibilities**

The County shall do the following in a timely manner so as not to unreasonably delay the services of the Consultant:

6. Designate a County employee to act as Project Administrator to review the work or, and provide direction
to, the Consultant.

7. Provide requirements for the Project, including construction objectives and constraints, capacity and
performance requirements, and budgetary limitations.

8. Furnish reports, plans and surveys in its possession that pertain to the Project.

9. Provide access to ownership records for property adjacent to the proposed project, if needed. Provide
access to road right-of-way records, if any.


11. Attend necessary review meetings.

12. Coordinate with the contractor to handle utility relocations as required.

13. Coordinate with the contractor for rights-of-way and easements, if necessary, to complete the project.

14. Pay for the cost of any additional testing requested by the County beyond the testing required by the plans
and specifications.
IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the date and year above written.

Miami County
201 South Pearl, Suite 203
Paola, KS  66071

By: ________________________________  ________________________________
    Rob Roberts, Chairman of the Board
    of Miami County Commissioners

                                        Janet White, County Clerk

Pfefferkorn Engineering & Environmental, LLC
19957 W. 162nd Street
Olathe, KS  66062

By: ________________________________
    Katherine Pfefferkorn-Mansker, P.E., Owner

By: ________________________________
    Gabriel Pfefferkorn, P.E., Partner
MIAMI COUNTY
STAFF REQUEST FOR COMMISSION ACTION

SUBMITTED BY:
Kenneth A. Cook, Planner

REQUESTED MEETING DATE:
January 29, 2020

DEPARTMENT:
Planning

REQUESTED MEETING:
☑ STUDY SESSION ☑ REGULAR MEETING

CONTACT INFORMATION:
913-294-9553

PROJECT / REFERENCE NUMBER:
19000-CUP: Debbie’s Animal Haven, LLC

AGENDA ITEM / SUBJECT:
Consider the recommendation of the Planning Commission to approve Conditional Use Permit 19008-CUP

ITEM BACKGROUND / DESCRIPTION:
Consideration of an application for Conditional Use Permit for a Boarding Kennel for dogs and cats, in accordance with Section 5-2.02.18 of the Miami County, Kansas Zoning Regulations. The subject property is located at the Southeast corner of 343rd St and Woodland Rd, in the Northeast Quarter of Section 12, Township 18 South, Range 23 East, and addressed as 19739 W. 343rd Street. Submitted by Debbie Henderson and Jerry Henderson, property owners of record.

REQUESTED ACTION / STAFF RECOMMENDATION:
Approve the request as recommended by the Planning Commission.

BUDGET IMPACT:

BUDGET AUTHORITY:

REMAINING BUDGET ALLOCATION:

FUND / LINE ITEM:

FU UNDS BUDGETED:
☐ YES ☐ NO

CAPITAL PROJECT:
☐ YES ☐ NO

SUBMITTER’S SIGNATURE: 1/22/20

DATE:
Miami County Planning Department

BOCC Summary

DATE: January 29, 2020 – BOCC Meeting

TO: Board of County Commissioners

FROM: Kenneth A. Cook, AICP, CFM, Planner

RE: 18008-CUP: Debbie’s Animal Haven, LLC (Henderson)
Consideration of an application for Conditional Use Permit for a Boarding Kennel for dogs and cats, in accordance with Section 5-2.02.18 of the Miami County, Kansas Zoning Regulations. The subject property is located at the Southeast corner of 343rd St and Woodland Rd, in the Northeast Quarter of Section 12, Township 18 South, Range 23 East, and addressed as 19739 W. 343rd Street. Submitted by Debbie Henderson and Jerry Henderson, property owners of record.

Property Owner(s)  Jerry and Debbie Henderson
Current Zoning     Countryside
Comp Plan          Rural Residential
Acreage            Approximately 14.87 acres
Parcel #           18-12-0-00-00-003.01-0
Website            www.debbiesanimalhaven.com/

Please refer to the Planning Commission report and Draft Minutes for details.

Public Notice:    Thirteen (13) surrounding property owners were notified by mail.
Surrounding Zoning Agriculture to the North; and Countryside to the East, South and West.
Surrounding Uses  Surrounding uses are primarily residential and agricultural.
Public Hearing Date January 7, 2020
Public Comment    No property owners within the 1,000 foot notification area attended the meeting. One adjacent property owner submitted a letter of support for the request.
Protest Petition  A protest petition was not filed.
Planning Commission Recommendation

With a vote of 5 approving, 0 opposed, and one (1) recusing (Elliott) the Planning Commission recommended approval of the CUP, based on the findings and subject to the conditions listed below.

Findings

1. The requested use, as conditioned, will be compatible with the surrounding residential, agricultural, and village character of the neighborhood.

2. The Countryside zoning district permits kennels with a conditional use permit when appropriately sited and when certain development standards are met. The requested use, as conditioned, will be consistent with the surrounding Countryside and Agricultural districts and meets the general spirit and intent of development standards of Article 14 of the Miami County, Kansas Zoning Regulations.

3. The detrimental effects created by this use, including noise and odor, will be effectively mitigated by the location of the kennels in the basement of the dwelling and the limitation that the dogs will not have direct access to the outside and will only be allowed outside 4 times per day while under direct supervision; and collection and disposal of the waste are adequate measures to mitigate any potential nuisances.

4. The estimated vehicle trips generated by the proposed use is nominal on an arterial, paved road. The road network will be adequate for the vehicle trips generated by the proposed use.

5. This application meets the general spirit and intent of Section 14-2.01.10.B of the Zoning Regulations when taking into consideration the proximity of the structure to the ultimate ROW width of 343rd Street; the manner in which the applicants propose to conduct their business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision; and the agricultural use of the property North of 343rd Street.

6. This application meets the general spirit and intent of Section 14-2.01.10.C of the Zoning Regulations when taking into consideration the applicants' proposed business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision.

Conditions

1. Except as amended by these conditions, the property shall be developed according to the conceptual plan, attached hereto as Exhibit A.

2. Except as amended by these conditions, the property shall be developed according to the applicant's narrative report, attached hereto as Exhibit B.

3. The term of this conditional use permit shall be ten years commencing from the date of County Commission approval. Change of ownership or subleasing of the property/facilities shall require review by the planning commission to ensure the use substantially complies with the original conditional use permit.

4. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements.

5. The number of dogs kennelated at the property shall be limited to 30, excluding the owner's personal pets.

6. The incineration of animal refuse on the property shall be prohibited.
7. The facility shall remain in good standing with the Kansas Department of Agriculture, Division of Animal Health and the USDA. All required licenses must remain current.
8. The applicant must ensure that all animals kennel or trained on the property are current on vaccinations; and in good health.

**Board of County Commissioner Options:**
1. Approve the request as recommended by the Planning Commission.
2. Override the Planning Commission’s recommendation by a 2/3 vote of the BOCC, including denying the request or approving the request with revised conditions.
3. Return the Planning Commission’s recommendation to the Planning Commission with a statement specifying the basis for the BOCC failure to approve or disapprove.
4. Defer for further study.

**Attachments:** PC Report
   PC Minutes Excerpt
   Vicinity Map
   Resolution
PUBLIC HEARING –

DATE: January 7, 2020 – Planning Commission Meeting
TO: Miami County Planning Commission
FROM: Kenneth A. Cook, AICP, CFM, Planner
RE: 18068-CUP: Debbie’s Animal Haven, LLC (Henderson)
Consideration of an application for Conditional Use Permit for a Boarding Kennel for dogs and cats, in accordance with Section 5-2.02.18 of the Miami County, Kansas Zoning Regulations. The subject property is located at the Southeast corner of 343rd St and Woodland Rd, in the Northeast Quarter of Section 12, Township 18 South, Range 23 East, and addressed as 19729 W. 343rd Street. Submitted by Debbie Henderson and Jerry Henderson, property owners of record.

Property Owner(s) Jerry and Debbie Henderson
Current Zoning Countryside
Comp Plan Rural Residential
Acreage Approximately 14.87 acres
Parcel # 181-12-00-00-003.01-0
Website www.debbiesanimalhaven.com/

Background
The applicants recently applied for a building permit to construct a new non-residential structure on the property. Upon performing research on the property it was noted that a boarding Kennel was in operation on the property. No record for the approval of a Conditional Use Permit for the operation of a kennel could be found. The applicants were informed that the issue of the Kennel would need to be addressed before the building permit could be issued. The applicants quickly met with county staff to discuss their business and submitted their application for a Conditional Use Permit. As the proposed building was technically located on a separate tract from the kennel operations and will not be used for the kennel operation, the application for the building was approved. The applicants also specified that they will merge the two tracts together so that the property will comply with the minimum development standards for the operation of a Kennel in the Zoning Regulations.

In discussing the business operation with the county, Mrs. Henderson specified she contacted Miami County when starting the business and was told that no permit or license was required if the kennel operation was kept inside the house. Staff was not able to find documentation in regards to this and the Miami County Zoning Regulations do require...
approval of a Conditional Use Permit for the operation of a kennel and no exemption is provided for if the operation is located in a dwelling. The applicant has specified that the business has been in operation for 15 years. Staff is unaware of any complaints in regards to the operation of the business.

The applicant is currently operating a boarding kennel that also includes grooming. The county regulations do not require a conditional use permit (CUP) for kennels with less than four dogs and/or cats in any one week, not including the applicant’s personal pets. The applicant has specified that they would like to be able to have up to 30 animals on the property as part of the kennel operation and are applying for the CUP in order to bring the property into compliance with the Miami County Zoning Regulations.

The county definition of kennel and the minimum development standards from Section 14-2.01.10 of the Miami County Zoning Regulations are listed below.

KENNEL: A business establishment where four or more dogs or cats, or both, of six months of age or older, are maintained in any one week for boarding, training or similar purposes for a fee or compensation. For purposes of these Regulations, any establishment defined as “animal shelter” or “pound”, “hobby breeder premises”, “kennel operator premises”, “animal breeder premises”, “retail breeder premises” or “animal distributor premises”, all such terms as defined in K.S.A. 1997 Supp. 47-1701 and amendments thereto, and licensed as such by the State of Kansas, shall be deemed a kennel under these Regulations regardless of the number of dogs and cats, or both, maintained on the premises.

Section 14-2.01.10: Kennels

A. The kennel shall occupy a minimum lot size of five (5) acres.

B. No kennel building or runs shall be located nearer than one hundred fifty (150) feet to any property line.

C. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals.

D. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.

E. All state licensing and operation requirements shall be met.

Proposal

This is a request for conditional use permit (CUP) for the operation of a dog boarding kennel facility with grooming identified as Debbie’s Animal Haven. The property is approximately 14.57 acres in area and located just West of Block on 343rd Street. The property is currently made up of two separate tracts. The house and buildings sit on a tract that is 330’ x 301’ and is approximately 2.28 acres and is surrounded by the remainder of the property which overall dimensions are 483.28’ x 1339.44’ and 12.59 acres. These two tracts will need to be merged in order for the property to comply with the minimum lot size requirement of 5 acres for a kennel. It is staff’s understanding that the property owner is currently working with a surveyor to complete the merger process.
Mrs. Henderson has specified that she is a licensed veterinary technician and that she has maintained state licenses and inspections all years that she has been in operation. The operation of the kennel currently located in the basement of the house with dogs being exercised four times a day. The area used for exercise is the front yard, adjacent to the house. All outside exercise time is scheduled and supervised and occurs between 6 AM and 9 PM. Dogs are kept inside whenever they are not being exercised. While the regulations require that "all kennel runs and open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals", the Planning Commission may want to consider if the applicants proposed business operation, as described in their narrative, meets the general spirit and intent of this standard of the regulations in that the dogs will not have constant access to the outside and will only be allowed outside with direct supervision and for limited periods of time and if this business practice can be considered equivalent to the screening required to prevent the distraction or excitement of the animals. Currently, no screening is provided around the open area other than the applicants house provides screening from the open area to the nearest residential house located to the South (420 feet from the open area). The houses that are located to the East and Northeast are located approximately 925-feet and 670-feet, respectively, from the open space. If the Planning Commission determines that this could be considered as equivalent, changes to the business operation in regards to how and when dogs have access to the outside would require the applicant to reapply for an updated CUP.

The structure (dwelling) in which the kennel is located is approximately 100 feet from the South existing right-of-way line of 343rd Street (60-foot ROW or 30’ half width), which does not meet the minimum setback as required in the Kernel minimum development standards. The Miami County Comprehensive Transportation Plan, shows 343rd Street as being an Arterial Road, which specifies the ultimate ROW width, based upon the Miami County Comprehensive transportation plan, as being 120-feet wide or a 60-foot half width (from section line). The Zoning Regulations typically treat the edge of the ultimate ROW as being the front .of line for consideration in the measurements of setbacks. Using the edge of the ultimate ROW, the existing structure is setback only 90-feet. The Planning Commission may want to take into consideration that the portion of the structure being used for the kennel operation is setback an additional 20’ and the fact that the centerline of the road is approximately 150-feet from the portion of the structure being used as a kennel. This would place the portion of the structure used as the kennel operation approximately 150 feet from the centerline of the ROW. The existing West (side) and South (rear) property lines of the 2.28 acre tract on which the structure is located are approximately 80-feet and 115-feet, respectively from the structure. The applicants have an existing Merger application to merge this small tract with the larger surrounding tract. This will allow for the structure in which the kennels are located in to comply with the required setbacks from the side and rear property line.

The applicants also advertise on their website for pet grooming and pampering that occurs on the site as part of the kennel operation.

**Hours:** 8 am to 6 pm all days of the week with drop off and pick up times being scheduled with the clients.

**Employees:** One (owner).
Traffic: Averages 1 to 3 clients per day.

Waste: The applicants currently work with a professional waste cleaning company (Ecoscoopers LLC) that scoop and removes west from yards twice a month.

Signage: No Signage is shown.

Screening: The property does not currently have any screening. The existing dwelling on the property does provide some screening from the open area to the property to the South. The applicant has specified that the dogs are never left outside unsupervised and are let out 4 times a day to exercise. The Planning Commission may want to take into consideration the applicant’s business practices as to whether these can be considered as equivalent to screening.

Access to the property is gained from West 343rd Street, which is paved and designated as an “arterial” road in the 1995 Comprehensive Transportation Plan. A gate must be opened to fully access the property with the gate being approximately 37 feet from the edge of the existing paved road. Parking, in the existing driveway and is more than sufficient for the nominal amount of traffic generated.

Surrounding Zoning: The subject property is located just West of Block and approximately 5.5 miles East of Osawatomie. The surrounding area is made up of properties with a mixture of Countryside and Agricultural zoning. The majority of the surrounding properties are being used for Agricultural purposes with some 3-10 acre rural residential properties also being located in the area.

Public Notice was sent to 13 property owners lying within 1000’ of the proposal. In addition, notice was published in the official county newspaper and signs posted on the property in accordance with state statutes. Notice and request for comments was also sent to affected agencies.

Discussion

The Planning Commission needs to consider all comments at the public hearing, and then consider, but not limit its consideration, to the following Golden Criteria in making findings to approve or deny the requested conditional use permit.

1. Character of the neighborhood.

   The character of the neighborhood includes Block to the East; large farm tracts, some with homesteads; and a few rural residential properties. The character of the neighborhood should not be changed with this request.

2. The zoning and uses of property nearby.

   The subject property is zoned Countryside. Surrounding zoning includes Countryside and Agriculture; and a few small Commercial and Industrial properties. Uses include small urban sized home sites, and large agricultural properties, as well as highway and railroad right-of-way.
3. The suitability of the subject property to its present use.

The allowed uses in the Countryside district include agricultural and single-family residential uses with kennels being allowed with a Conditional Use Permit. The subject property is suitable for these uses with consideration for how the operation of a kennel could have a negative impact on adjacent properties.

4. The extent to which removal of the present zoning will detrimentally affect nearby property.

The present zoning is Countryside. The CUP will not remove the present zoning but act as an additional zoning entitlement to the Countryside zoning.

Potential detrimental affects typical of this kind of use include odor, flies, traffic and noise from the barking dogs. Staff does not anticipate any negative impacts from this proposal due to the manner in which applicant proposes to conduct their business operations, including that the kennels are located in the basement of the dwelling, the dogs do not have direct access to the outside and are only allowed outside 4 times per day with direct supervision.

The traffic generated with this use will be minimal based on the information provided by the applicant. The estimated trips are of negligible quantity to affect the neighborhood.

5. The length of time the subject property has remained vacant.

Not applicable.

6. The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner.

This request presents no measurable gain to the health, safety and welfare of the public per se. There is no evidence either way that the value of the nearby property will be increased or diminished by the operation of this proposal. Hardship to the landowner would be the inability to continue to operate their kennel.

7. Whether the proposed conditional use permit would be consistent with the intent and purpose of the Zoning Regulations.

The Countryside district permits dog kennels with the approval of a conditional use permit. Article 14 of the regulations outlines minimum development standards for dog kennels as:

a. The kennel shall occupy a minimum lot size of five (5) acres. Upon finalization of the merger of the two tracts that make up the subject property, the property will include 14.87 acres.

b. No kennel building or runs shall be located nearer than one hundred fifty (150) feet to any property line. The county typically measures front setbacks from the edge of the right-of-way based upon the ultimate ROW shown on the Comprehensive Transportation Plan. The existing structure is located approximately 90-feet from the ultimate ROW with the portion of the structure
used for the kennel being setback an additional 20 feet. The portion of the structure used for the kennel operation is approximately 150-feet from the center of the road (section line). In the approval of a past kennel application the Planning Commission made a determination that the request met the general spirit and intent of the regulations when taking into consideration its proximity to a state highway and the agricultural use of the property on the other side of the highway, even though the structure was located approximately 133-feet from the edge of the far side of the ROW. The Planning Commission should make a specific finding as to whether this application meets the general spirit and intent of this standard of the regulations when taking into consideration the proximity of the structure to the ultimate ROW width of 343rd Street; the manner in which the applicants propose to conduct their business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision; and the agricultural use of the property North of 343rd Street.

c. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals. The property does not currently have any screening other than the screening that is provided by the existing structures. The applicant has specified that their proposed business operations include that the kennels are located in the basement of the dwelling, the dogs do not have direct access to the outside and are only allowed outside 4 times per day with direct supervision. The Planning Commission should make a specific finding as to whether this application meets the general spirit and intent of this standard of the regulations when taken into consideration with the applicants proposed business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision.

d. The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted. The applicant currently works with a professional cleaning company that comes to the property and removes the waste twice a month. The property is well maintained. There should be no problem with the noted objectionable issues based on the existing terrain and open spaces surrounding the property.

8. The recommendations of the County’s permanent or professional staff.

After weighing the merits of the request and its implications to the surrounding property owners, planning staff recommends approval of the request with the conditions listed below.
9. The conformance of the requested conditional use permit to the adopted Miami County Comprehensive Plan.

The Comprehensive Plan designates this site Rural Residential. The Plan is silent on individual uses such as this; however, the underlying zoning district does allow kennels by CUP if it is determined that the kennel will be compatible with the allowed uses of the district. The use does not conflict with the Miami County Comprehensive Plan.

10. Such additional matters as may apply in individual circumstances.

Issues surrounding appropriate infrastructure and services should be addressed in every application. In this instance, the road network accessing the subject property will provide more than adequate access based upon the estimated trips per day.

Noise is another main issue with kennels. Considering the location of the kennel in the basement of the dwelling and dogs not having direct access to the outside, staff does not foresee any impact to the area from the dogs.

Waste will be disposed of in accordance with state requirements.

The applicant has a current kennel license with the state and inspections of the property have been favorable.

Recommendation

Staff recommends that the Planning Commission approve the request for a conditional use permit for the operation of a dog kennel based on the following findings and with the following conditions.

Findings

1. The requested use, as conditioned, will be compatible with the surrounding residential, agricultural, and village character of the neighborhood.

2. The Countryside zoning district permits kennels with a conditional use permit when appropriately sited and when certain development standards are met. The requested use, as conditioned, will be consistent with the surrounding Countryside and Agricultural districts and meets the general spirit and intent of development standards of Article 14 of the Miami County, Kansas Zoning Regulations.

3. The detrimental affects created by this use, including noise and odor, will be effectively mitigated by the location of the kennels in the basement of the dwelling and the limitation that the dogs will not have direct access to the outside and will only be allowed outside 4 times per day while under direct supervision; and collection and disposal of the waste are adequate measures to mitigate any potential nuisances.

4. The estimated vehicle trips generated by the proposed use is nominal on an arterial, paved road. The road network will be adequate for the vehicle trips generated by the proposed use.
Conditions

1. Except as amended by these conditions, the property shall be developed according
to the conceptual plan, attached hereto as Exhibit A.
2. Except as amended by these conditions, the property shall be developed according
to the applicant’s narrative report, attached hereto as Exhibit B.
3. The term of this conditional use permit shall be ten years commencing from the
date of County Commission approval. Change of ownership or subleasing of the
property/facilities shall require review by the planning commission to ensure the
use substantially complies with the original conditional use permit.
4. Development shall comply with all sanitary, building, fire and other applicable
county codes and permit requirements.
5. The number of dogs kenneled at the property shall be limited to 30, excluding the
owner’s personal pets.
6. The incineration of animal refuse on the property shall be prohibited.
7. The facility shall remain in good standing with the Kansas Department of
Agriculture, Division of Animal Health and the USDA. All required licenses must
remain current.
8. The applicant must ensure that all animals kenneled or trained on the property are
current on vaccinations; and in good health.

Attachments:  Vicinity map
    Narrative report and other supporting documents
    Site Plan
November 7, 2019

Miami County Planning Department
201 S Pearl Street/Suite 201
Paola, Kansas 66071
(913) 294-9553
Re: Operation of Debbie's Animal Haven, LLC/Application for Conditional Use Permit.

Good morning,

My name is Debra Henderson and my husband Jerry Henderson. I am a licensed veterinary technician, in my profession for 30 years. The last 15 years I have operated Debbie's Animal Haven, LLC, a boarding kennel for family pets out of the downstairs of our home. I am state licensed and inspected and have been in compliance all the years I have been in operation.

Our downstairs is set up with kennels. Client drop offs and pick ups are on scheduled times, with an average of less than 1 per day. Dogs are exercised four times a day starting at 6:00 a.m. and ending at 9:00 p.m. All outside exercise time is scheduled and supervised. Dogs are always indoors when not being exercised, so excessive outside barking and noise is minimal. We are strictly a short term boarding kennel for family pets of people traveling for business or pleasure. We are not a breeder/seller kennel and never will be. I have a professional waste cleaning company that scoops and removes waste from yards twice monthly (Ecoscoopers LLC).

We have never had any complaints or opposition from neighbors that have been brought to our attention. We are very quiet people who love our animals and others animals. With the education and experience I have I am able to keep pets safe and happy while in my care.

We were in the process of trying to build a much needed storage building when it was brought to our attention that we were supposed to have a conditional use permit to operate the kennel. When I first opened my business 15 yrs ago I did call the county zoning to see if I needed any permits or licensing to do so. I was told that since the business was operated out of our home that no additional permits were required if I was state licensed. So it was my understanding that I have been in compliance.
General Description for Debbie's Animal Haven, LLC

* Dog/Cat/Small Animal Boarding Kennel. All in our home except scheduled exercise times.

* Hours of Operation 8:00 a.m. to 6:00 p.m. Traffic averages about 1 to 3 clients per day for drop off and pick up with scheduled times.

* Entrance to our home is on pavement.

* No employees.

* No new construction.

* Waste Clean up is done by a licensed company bi-monthly.

* Noise reduction as dogs are never left outside and are kenneled inside only. No excess barking.

* Normal house lighting.

* All Kennels are vacuumed and disinfected by hand after each pet goes home. No floor drains.

* Not a breeding or never will be a breeding kennel, or seller of dogs.

* Dogs are never left out alone.
PROJECT NAME: Henderson  

DATE: 11/7/2019

PLANNING REQUIREMENTS FOR NON-RESIDENTIAL USES

- Full building design sealed by a Kansas Licensed Architect
- Code Footprint sealed by a Kansas Licensed Architect
- Structural Engineering Design or Evaluation sealed by Kansas Licensed Engineer
- Change of Occupancy
- Fire Apparatus Access per IFC Section 503 & IFC Appendix D
- Fire Hydrant location
- Fire sprinkler system required; or,
- Fire analysis by Fire Protection Engineer that is licensed by the state of Kansas
- Handicapped accessibility parking and building access shown on site plan
- Soil Profile
- Onsite Wastewater design sealed by a Kansas Licensed Engineer
- Holding Tank (annual operating permit and pumping contract required)

Floor Plan of Basement
Sanitation/Waste Disposal Plan
Change of Occupancy Permit Application

Kernel - Group B Occupancy
6-12 Normal - 24 During Some Short Duration
Waste Disposal Plan
State Licensed
Note: 6 to Table 508.3.3 - 2 hr Separation R to B - Note: Would not require separation if B Area Limited to < 1000 sq ft.

Miami County, Kansas • 201 S Pearl Street, Ste 201 • Paola, KS 66071-1777
Phone (913) 294-4145 • Fax (913) 294-9545 • mtdavis@miamicountyks.org • www.miamicountyks.org
Excerpt of the January 7, 2020 Draft Planning Commission Minutes

Public Hearing - 19008-CUP: Debbie's Animal Haven, LLC

Elliott left the Commission Chambers.

Cook presented the staff report for consideration of an application for conditional use permit for a Boarding Kennel for dogs and cats, in accordance with Section 5-2.02.18 of the Miami County, Kansas Zoning Regulations. The subject property is located at the Southeast corner of 343rd St and Woodland Rd, in the Northeast Quarter of Section 12, Township 18 South, Range 23 East, and addressed as 19739 W. 343rd Street. Submitted by Debbie Henderson and Jerry Henderson, property owners of record.

Cook pointed out that the subject property previously consisted of two separate tracts. He reported that the Applicants have finalized the merger of the two tracts so the subject property is now considered to be one tract. He explained that merging the two tracts is helpful in addressing some of the setback issues noted in the staff report.

Cook reported that the Road & Bridge department’s comments included that the road in front of the subject property is sufficient to handle the type of traffic that may be anticipated by this use; and that the current entrance is also adequate for the use specified in the CUP application.

Cook then highlighted several of the Golden Criteria:

3. The suitability of the subject property to its present use.

Cook noted that the operation of a kennel in the Countryside (CS) Zoning District is specifically allowed with a Conditional Use Permit. He added that it is a use considered to be appropriate in the area, as long as we’re taking into consideration possible impacts on adjacent properties.

4. The extent to which removal of the present zoning will detrimentally affect nearby property.

Cook stated that staff has not received any complaints about this operation, which has been ongoing for 15 years. He added that no substantial changes to the operation are being proposed; therefore, staff anticipates the kennel will continue to operate in the manner in which it currently is.

Cook listed several potential detrimental effects typical of this type of use, including noise from barking dogs, odor, and increased traffic. He noted that staff anticipates that traffic will be minimal.
7. *Whether the proposed conditional use permit would be consistent with the intent and purpose of the Zoning Regulations.*

Cook explained that this use is allowed with a Conditional Use Permit; therefore, it may be considered an appropriate use for this zoning district. He then addressed the minimum development standards for kennels, as outlined in Article 14, Section 2.01.10 of the Zoning Regulations:

   a. *The kennel shall occupy a minimum lot size of five (5) acres.*

Cook explained that prior to the Applicants merging their two tracts of land, the kennel had been operating on a tract less than five (5) acres in size. He added that now that the two tracts have been merged, the kennel is operating on a parcel that is 14.87 acres.

   b. *No kennel building or runs shall be located nearer than one hundred fifty (150) feet to any property line.*

Cook stated that the portion of the building being used for the kennel operation is located approximately 90 feet from the ultimate right-of-way. He noted that when measuring from that portion of the building to the center line of the road (section line), the distance is very close to 150 feet. He explained that the Planning Commission could therefore make a determination that this request meets the general spirit and intent of the Regulations, especially when considering the approximate 150-foot distance from the section line. Cook suggested if the Planning Commission makes such a determination, that the board make a specific finding that the application meets the general spirit and intent of the Regulations, referencing the manner in which the Applicants conduct their business operations (i.e. the dogs do not remain outside and are supervised when outside).

   c. *All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals.*

Cook pointed out that a chain link fence encloses the portion of the property being utilized as an exercise area, but that the property does not currently have screening. He added that the Applicants’ house is located on the south side of the exercise area, which somewhat screens that portion from properties to the south. Cook suggested that the Planning Commission could make the specific finding that the application meets the general spirit and intent of the Regulations, especially based upon the business operations, again referencing that the animals are supervised outside and that the animals are outside for only limited periods of time, which would mitigate the issue of noise.

   d. *The kennel shall have adequate measures to prevent odor, dust, noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.*

Cook reported that the Applicants currently utilize a professional cleaning company that comes to the property, picks up the animal waste, and disposes of it properly.

Cook then pointed out the letter of support submitted by the neighbors directly to the south of the Applicants’ property. He added that these neighbors are located the closest to the kennel operation.
With regard to recommended Conditions for the CUP, Cook read aloud the following:

4. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements.

He reported that when the Applicants met with staff they also met with Mike Davis, Director of Code Services. Cook explained that because a different occupancy is occurring in the basement, the Applicants will be required to apply for a change of occupancy with the Code Services Department. He stated his understanding is that as long as the Applicants can show the kennel area is limited to a certain amount of square feet, then fire separation will not be required.

Cook concluded his presentation of the staff report, and stated that staff recommends approval of the request.

Kitchen asked if the recommended Condition No. 3 is a normal condition:

"... Change of ownership or subleasing of the property/facilities shall require review by the planning commission to ensure the use substantially complies with the original conditional use permit."

Cook responded that this is a fairly standard condition for kennel operations. He clarified that this Condition does not mean there cannot be a change of ownership.

Menefee asked if a change of ownership would require the transfer of the CUP to the new owner. Cook confirmed.

Cook added that Condition Nos. 1 and 2 provide that the Applicants will run their kennel operation as specified in the Site Plan and in the application narrative. He explained that any substantial change in the operations as currently described would require the Applicants or a future property owner to come before the Planning Commission for consideration.

Menefee invited the Applicants to speak.

Jerry Henderson & Debra Henderson (19739 W. 343rd St., Paola) approached the podium. Mr. Henderson reported that per Mike Davis's suggestion with regard to fire code compliance he partitioned off the areas of the basement where the kennels are located and thereby reduced the total kennel area to 9x7 square feet. He then presented to the Planning Commissioners an updated kennel floor plan. Mr. and Mrs. Henderson also stated that they brought with them a copy of the lot merger survey.

There were no questions for the Applicants.

Menefee opened the public hearing. There being no public comment, Menefee closed the public hearing.

Kitchen asked for clarification regarding the change of occupancy requirement.
Cook answered that this is a building code requirement. He explained that based on the building code Miami County has adopted, different types of occupancies and different types of uses carry different risks and therefore have different requirements for exits, fire separation, etc. He further explained that a garage and a living area in a house have two different occupancies, and usually a two-hour fire wall is required between those two occupancies. Cook referenced the document in the Planning Commission packet which outlines the Code Services department’s planning requirements for non-residential uses.

Kitchen asked about the original occupancy of the basement. Cook answered that the entire house is permitted as a residential structure and kennel use constitutes a Group “B” occupancy.

Ross moved to approve 19008-CUP with Conditions 1-8 as presented.

Cook suggested that the Planning Commission also make Findings as part of the motion.

Ross then amended his motion to include that the application meets the general spirit and intent of the Regulations and supports the findings specified in the staff report under *Golden Criterion 7 b.* (Section 14-2.01.10.B. of the Zoning Regulations) when taking into consideration the proximity of the structure to the ultimate ROW width of 343rd Street; the manner in which the applicants propose to conduct their business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision; and the agricultural use of the property North of 343rd Street; and, the application meets the general spirit and intent of the Regulations and supports the findings specified in the staff report under *Golden Criterion 7 c.* (Section 14-2.01.10.C. of the Zoning Regulations) when taking into consideration the applicants’ proposed business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision.

Kitchen seconded the motion, and the motion carried with five (5) in favor of the motion, and one (1) recusing (Elliott).

Menefee noted that this will go before the Board of County Commissioners on Wednesday, January 29, 2020.

**Findings**

1. The requested use, as conditioned, will be compatible with the surrounding residential, agricultural, and village character of the neighborhood.

2. The Countryside zoning district permits kennels with a conditional use permit when appropriately sited and when certain development standards are met. The requested use, as conditioned, will be consistent with the surrounding Countryside and Agricultural districts and meets the general spirit and intent of development standards of Article 14 of the Miami County, Kansas Zoning Regulations.
3. The detrimental effects created by this use, including noise and odor, will be effectively mitigated by the location of the kennels in the basement of the dwelling and the limitation that the dogs will not have direct access to the outside and will only be allowed outside 4 times per day while under direct supervision; and collection and disposal of the waste are adequate measures to mitigate any potential nuisances.

4. The estimated vehicle trips generated by the proposed use is nominal on an arterial, paved road. The road network will be adequate for the vehicle trips generated by the proposed use.

5. This application meets the general spirit and intent of Section 14-2.01.10.B of the Zoning Regulations when taking into consideration the proximity of the structure to the ultimate ROW width of 343rd Street; the manner in which the applicants propose to conduct their business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision; and the agricultural use of the property North of 343rd Street.

6. This application meets the general spirit and intent of Section 14-2.01.10.C of the Zoning Regulations when taking into consideration the applicants’ proposed business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision.

Conditions

1. Except as amended by these conditions, the property shall be developed according to the conceptual plan, attached hereto as Exhibit A.

2. Except as amended by these conditions, the property shall be developed according to the applicant’s narrative report, attached hereto as Exhibit B.

3. The term of this conditional use permit shall be ten years commencing from the date of County Commission approval. Change of ownership or subleasing of the property/facilities shall require review by the planning commission to ensure the use substantially complies with the original conditional use permit.

4. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements.

5. The number of dogs kenneled at the property shall be limited to 30, excluding the owner’s personal pets.

6. The incineration of animal refuse on the property shall be prohibited.

7. The facility shall remain in good standing with the Kansas Department of Agriculture, Division of Animal Health and the USDA. All required licenses must remain current.

8. The applicant must ensure that all animals kenneled or trained on the property are current on vaccinations; and in good health.

Page 5 of 5
RESOLUTION

NO. ______________________

A RESOLUTION AUTHORIZING CONDITIONAL USE PERMIT
#19008-CUP: Debbie's Animal Haven, LLC

WHEREAS, the Miami County Planning Commission did hold a public hearing on January 7, 2020, in accordance with the requirements as set forth in Article 22 of the Miami County, Kansas Zoning Regulations to consider a request to approve a Conditional Use Permit for a dog boarding and training kennel facility per Sections 5-2.02.18 and 14-2.01.10 of the Miami County Zoning Regulations, on the real property described in Section 1 below; and

WHEREAS, after reviewing all written and oral testimony presented at said hearing, the Planning Commission voted 5-0, with one (1) recusing, to recommend that the Board of County Commissioners approve Conditional Use Permit #19008-CUP, based on the findings and subject to the conditions listed below; and

WHEREAS, the Board of County Commissioners has reviewed the Conditional Use Permit request along with the recommendations of the Planning Commission and finds that the Conditional Use Permit is substantially in compliance with the Goals and Objectives of the County's Comprehensive Plan, and as conditioned, will not adversely affect surrounding property or neighborhood values.

Section 1: Legal Description for the Conditional Use Permit

All that part of the Northwest Quarter of the Northeast Quarter of Section 12, Township 18 South, Range 23 East, Miami County, Kansas; more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of said Section 12; thence N88°17′36″E, a distance of 1330.08 feet, to the Northeast corner of the Northwest Quarter of said Northeast Quarter; thence S2°25′16″E, along the East line of the Northwest Quarter of said Northeast Quarter, a distance of 483.58 feet; thence S88°17′35″W, a distance of 1330.49 feet, to a point on the West line of said Northeast Quarter; thence N2°22′23″W, along said West line, a distance of 483.58 feet to the Point of Beginning, containing 14.77 Acres more or less, subject to any part thereof in roads.

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI COUNTY, KANSAS, that they concur with the Planning Commission and approve Conditional Use
Permit #19008-CUP for a Boarding Kennel for dogs and cats on that real property described in Section 1, based on the findings and subject to the conditions listed below.

Findings

1. The requested use, as conditioned, will be compatible with the surrounding residential, agricultural, and village character of the neighborhood.

2. The Countryside zoning district permits kennels with a conditional use permit when appropriately sited and when certain development standards are met. The requested use, as conditioned, will be consistent with the surrounding Countryside and Agricultural districts and meets the general spirit and intent of development standards of Article 14 of the Miami County, Kansas Zoning Regulations.

3. The detrimental effects created by this use, including noise and odor, will be effectively mitigated by the location of the kennels in the basement of the dwelling and the limitation that the dogs will not have direct access to the outside and will only be allowed outside 4 times per day while under direct supervision; and collection and disposal of the waste are adequate measures to mitigate any potential nuisances.

4. The estimated vehicle trips generated by the proposed use is nominal on an arterial, paved road. The road network will be adequate for the vehicle trips generated by the proposed use.

5. This application meets the general spirit and intent of Section 14-2.01.10.B of the Zoning Regulations when taking into consideration the proximity of the structure to the ultimate ROW width of 343rd Street; the manner in which the applicants propose to conduct their business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision; and the agricultural use of the property North of 343rd Street.

6. This application meets the general spirit and intent of Section 14-2.01.10.C of the Zoning Regulations when taking into consideration the applicants' proposed business operations including that the kennels are located in the basement of the dwelling, the dogs will not have direct access to the outside and are only allowed outside 4 times per day with direct supervision.

Conditions

1. Except as amended by these conditions, the property shall be developed according to the conceptual plan, attached hereto as Exhibit A.

2. Except as amended by these conditions, the property shall be developed according to the applicant's narrative report, attached hereto as Exhibit B.

3. The term of this conditional use permit shall be ten years commencing from the date of County Commission approval. Change of ownership or subleasing of the property/facilities shall require review by the planning commission to ensure the use substantially complies with the original conditional use permit.

4. Development shall comply with all sanitary, building, fire and other applicable county codes and permit requirements.

5. The number of dogs kenneled at the property shall be limited to 30, excluding the owner's personal pets.

6. The incineration of animal refuse on the property shall be prohibited.

7. The facility shall remain in good standing with the Kansas Department of Agriculture, Division of Animal Health and the USDA. All required licenses must remain current.
8. The applicant must ensure that all animals kenneled or trained on the property are current on vaccinations; and in good health.

The provisions in this resolution will become effective upon the adoption by the Board of County Commissioners and publication of the adopting resolution in the Official County newspaper. Upon this Resolution becoming effective, all prior resolutions affecting the above-described tract of land are repealed. All Zoning Regulations of Miami County, Kansas affecting the use of the real property heretofore described, which are inconsistent with this resolution are hereby made inapplicable to said property until the Conditional Use Permit is vacated or is declared null and void.

ADOPTED ON THIS 29th DAY OF JANUARY, 2020

BOARD OF COUNTY COMMISSIONERS
MIAMI COUNTY, KANSAS

BONNIE "ROB" ROBERTS, Chairman

DANIEL GALLAGHER, Chairman Pro-tem

JANET WHITE, County Clerk

GEORGE PRETZ, Commissioner

PHIL DIXON, Commissioner

TYLER VAUGHAN, Commissioner

Approved as to form and legality on __________________ by __________________________.

Page 3 of 3
November 7, 2019

Miami County Planning Department
201 S Pearl Street/Suite 201
Paola, Kansas 66071
(913) 294-9553
Re: Operation of Debbie’s Animal Haven, LLC/Application for Conditional Use Permit.

Good morning,

My name is Debre Henderson and my husband Jerry Henderson. I am a licensed veterinary technician, in my profession for 30 years. The last 15 years I have operated Debbie’s Animal Haven, LLC, a boarding kennel for family pets out of the downstairs of our home. I am state licensed and inspected and have been in compliance all the years I have been in operation.

Our downstairs is set up with kennels. Client drop offs and pick ups are on scheduled times, with an average of less than 1 per day. Dogs are exercised four times a day starting at 6:00 a.m. and ending at 9:00 p.m. All outside exercise time is scheduled and supervised. Dogs are always indoors when not being exercised, so excessive outside barking and noise is minimal. We are strictly a short term boarding kennel for family pets of people traveling for business or pleasure. We are not a breeder/seller kennel and never will be. I have a professional waste cleaning company that scoops and removes waste from yards twice monthly (Ecoscoopers LLC).

We have never had any complaints or opposition from neighbors that have been brought to our attention. We are very quiet people who love our animals and others animals. With the education and experience I have I am able to keep pets safe and happy while in my care.

We were in the process of trying to build a much needed storage building when it was brought to our attention that we were supposed to have a conditional use permit to operate the kennel. When I first opened my business 15 yrs ago I did call the county zoning to see if I needed any permits or licensing to do so. I was told that since the business was operated out of our home that no additional permits were required if I was state licensed. So it was my understanding that I have been in compliance.
General Description for Debbie's Animal Haven, LLC

* Dog/Cat/Small Animal Boarding Kennel. All in our home except scheduled exercise times.

* Hours of Operation 8:00 a.m. to 6:00 p.m. Traffic averages about 1 to 3 clients per day for drop off and pick up with scheduled times.

* Entrance to our home is on pavement.

* No employees.

* No new construction.

* Waste Clean up is done by a licensed company bi-monthly.

* Noise reduction as dogs are never left outside and are kenneled inside only. No excess barking.

* Normal house lighting.

* All Kennels are vacuumed and disinfected by hand after each pet goes home. No floor drains.

* Not a breeding or never will be a breeding kennel, or seller of dogs.

* Dogs are never left out alone.
# MIAMI COUNTY
## STAFF REQUEST FOR COMMISSION ACTION

<table>
<thead>
<tr>
<th>SUBMITTED BY:</th>
<th>REQUESTED MEETING DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenneth A. Cook, AICP, CFM - Planner</td>
<td>January 29, 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT:</th>
<th>REQUESTED MEETING:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>☑ STUDY SESSION ☑ REGULAR MEETING</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CONTACT INFORMATION:</th>
<th>PROJECT / REFERENCE NUMBER:</th>
</tr>
</thead>
<tbody>
<tr>
<td>913-294-9553</td>
<td>08002-CUP: SBA – Wellsville Tower</td>
</tr>
</tbody>
</table>

## AGENDA ITEM / SUBJECT:
Consider the recommendation of the Planning Commission to renew Conditional Use Permit 08002-CUP

## ITEM BACKGROUND / DESCRIPTION:
Consideration of an application to renew the Conditional Use Permit for an existing 500’ guyed communications tower per Sections 6-2.02.10 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 56 acres is located at the Northeast corner of W. 239th St and Crescent Hill Rd, in the Southwest Quarter of Section 33, Township 15S, Range 22 E, Richland Township.

## REQUESTED ACTION / STAFF RECOMMENDATION:
1. Table item until the February 12, 2020 Board of County Commissioners Meeting.

## BUDGET IMPACT:

## BUDGET AUTHORITY:

## REMAINING BUDGET ALLOCATION:

<table>
<thead>
<tr>
<th>FUND / LINE ITEM:</th>
<th>FUNDS BUDGETED:</th>
<th>CAPITAL PROJECT:</th>
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<tbody>
<tr>
<td></td>
<td>☑ YES ☑ NO</td>
<td>☑ YES ☑ NO</td>
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</tbody>
</table>

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SUBMITTER'S SIGNATURE: [Signature]

DATE: 1/23/2020
Miami County Planning Department

BOCC Summary

DATE: January 29, 2020

TO: Board of County Commissioners

FROM: Kenneth A. Cook, AICP, CFM – Planner

RE: 08002-CUP: SBA – Wellsville Tower
Consideration of an application to renew the Conditional Use Permit for an existing 500' guyed communications tower per Sections 6-2.02.10 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 56 acres is located at the Northeast corner of W. 239th St and Crescent Hill Rd, in the Southwest Quarter of Section 33, Township 15S, Range 22 E, Richland Township.

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
<th>Grover S. and Mary L. Hewlett</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Kristen M. Hewlett</td>
</tr>
<tr>
<td>Applicant</td>
<td>SBA Towers V, LLC</td>
</tr>
<tr>
<td>Current Zoning</td>
<td>Agricultural</td>
</tr>
<tr>
<td>Comp Plan</td>
<td>Rural Agricultural</td>
</tr>
<tr>
<td>Acreage</td>
<td>Approximately 56.23 acres</td>
</tr>
<tr>
<td>CAMA #</td>
<td>048-33-0-00-00-005.00</td>
</tr>
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</table>

Staff Recommendation: The Planning Commission held the public hearing on the proposed request on January 7, 2020. The applicants had specified to staff that they were working with a surveyor to update the plans showing the lease and easement areas in order that the easements would match the location of the improvements that currently exist. The Planning Commission made a recommendation for the request to be approved, subject to conditions and contingent upon the submittal of updated plans for the lease and easement areas. At this time, the updated plans have not been submitted by the applicant. The applicant anticipates that the plans will be submitted the week of January 27, 2020.

Staff recommends the Board of County Commissioners table this request until February 12, 2020 meeting in order to provide the applicants additional time to submit updated plans for the property.