

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

Wednesday, January 27, 2021 | 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 20, 2021
2. Approval of payment vouchers

**ACTION AGENDA**

1. MIAMI COUNTY COMMUNICATION TOWER CUP – Consider approving conditional use permit 20004 and signing the resolution as recommended by the Planning Commission.
2. EMERGENCY OPERATION PLAN – Consider approving the updated Emergency Operation Plan for the Emergency Management Division.
3. 2021 AND 2022 BRIDGE INSPECTION PROJECT AUTHORIZATION – Consider authorizing project 21-01-SB (676) and to authorize staff to solicit bids for routine bridge inspection for years 2021 and 2022.
4. NOTICE OF AWARD – Consider authorizing commission chair to sign the notice of award for WCI, Inc. on Project 19-01-SB (668) located on Evening Star Road 0.28 mile south of 169 Hwy for the amount of \$137,040.85.
5. 2021 ASPHALT PROGRAM PROJECT AUTHORIZATION – Consider authorizing project 21-02-CO (677) 2021 Asphalt Program.

**APPLICATIONS**

**REPORTS FROM STAFF, COMMITTEES, OFFICERS**

**COMMISSION COMMENTS**

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

Wednesday, January 27, 2021 | 1:00 p.m.

**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, Sheila Schultz @ 913-294-3914.

# MIAMI COUNTY

## STAFF REQUEST FOR COMMISSION ACTION

<b>SUBMITTED BY:</b> Teresa Reeves	<b>REQUESTED MEETING DATE:</b> January 27, 2021
<b>DEPARTMENT:</b> Planning	<b>REQUESTED MEETING:</b> <input checked="" type="checkbox"/> <b>STUDY SESSION</b> <input checked="" type="checkbox"/> <b>REGULAR MEETING</b>
<b>CONTACT INFORMATION:</b> 913-294-9553	<b>PROJECT / REFERENCE NUMBER:</b> 20004-CUP: Miami County Communication Tower

<b>AGENDA ITEM / SUBJECT:</b>  Consider the recommendation of the Planning Commission to approve Conditional Use Permit 20004-CUP
<b>ITEM BACKGROUND / DESCRIPTION:</b>  Consideration of an application for a Conditional Use Permit for a 250' tall communications tower, including an equipment shelter and appurtenant equipment, per Sections 6-2.01.14, and 14-2.01.4 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 5,625 square feet is located approximately 147 feet south of 399th St, and approximately 440 feet west of Metcalf Rd, in the NW 1/4 of Section 17, Twp. 19, Range 25, Sugar Creek Twp. Submitted by Trevor Wood with Selective Site Consultants on behalf of Miami County, Kansas, the applicant. Wildwood Outdoor Education Center, Inc. is the property owner of record.
<b>REQUESTED ACTION / STAFF RECOMMENDATION:</b>  Approve the request as recommended by the Planning Commission.

<b>BUDGET IMPACT:</b>		
<b>BUDGET AUTHORITY:</b>	<b>REMAINING BUDGET ALLOCATION:</b>	
<b>FUND / LINE ITEM:</b>	<b>FUNDS BUDGETED:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>CAPITAL PROJECT:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO



SUBMITTER'S SIGNATURE:

1/19/21

DATE:

FISCAL REVIEW

*Steve Lyman*  
SIGNATURE:

*1/20/2021*  
DATE:

Comments:

LEGAL REVIEW

SIGNATURE:

DATE:

Comments:

ADMINISTRATOR REVIEW

*Steve Lyman*  
SIGNATURE:

*1-20-21*  
DATE:

Comments:

COUNTY CLERK'S OFFICE USE

Commission Action Taken:

Accepted

Denied

Postponed

Acknowledged

Date Action Taken:

Required Follow-up Date:

Publication Required:

Submitted to Publication By:

Yes  No

NPG Account Number:

102898

Mail Distribution Required:

Mailed By:

Yes  No

**Miami County Planning Department**

**BOCC Summary**

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**DATE:** January 27, 2021 – BOCC Meeting

**TO:** Board of County Commissioners

**FROM:** Teresa Reeves, Planning Director

**RE:** **20004-CUP: Miami County Communications Tower**  
Consideration of an application for a Conditional Use Permit for a 250’ tall communications tower, including an equipment shelter and appurtenant equipment, per Sections 6-2.01.14, and 14-2.01.4 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 5,625 square feet is located approximately 147 feet south of 399th St, and approximately 440 feet west of Metcalf Rd, in the NW 1/4 of Section 17, Twp. 19, Range 25, Sugar Creek Twp. Submitted by Trevor Wood with Selective Site Consultants on behalf of Miami County, Kansas, the applicant. Wildwood Outdoor Education Center, Inc. is the property owner of record.

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**Property Owner(s)** Wildwood Outdoor Education Center, Inc.

**Current Zoning** Agricultural  
Z-109-CUP (Outdoor Education School)  
17004-CUP (Borda Productions)

**Comp Plan** Rural Agriculture (20-Ac. density)

**Acreage** Approximately 5,625 Square Feet plus access / utility easements

**CAMA #** Pt. 214-17-0-00-00-002.00-0

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

**Public Notice:** Six (6) surrounding property owners were notified by mail, plus a sign was posted in front of the property, and notice was published at least 20-days prior to the hearing before the planning commission.

**Surrounding Zoning** Agriculture (AG) plus CUP’s for Wildwood Education Center; KCYFC (Youthfront); Borda Productions; PF Net/ATT for tower/fiber optics across the street.

**Surrounding Uses** Agricultural land with a few single family residences; LaCygne Lake and wildlife area; KCPL Power Plant; Wildwood Outdoor Education; US 69 Hwy; Borda Productions; KCYFC (Youthfront Camp).

**Public Hearing Date** January 5, 2021

**Public Comment** Two individuals had questions as to whether the proposed tower would have additional space to collocate equipment from other carriers; and who would have ownership of the tower and have the authority to decide who can place equipment on the tower.

In addition, 2 emails received from an individual representing the existing tower across the street, indicating there may be availability on the tower for the county radio system. These emails are attached to this report.

**Protest Petition** A protest petition was not filed within the 14-day statutory period following the hearing.

### **Planning Commission Recommendation**

The Planning Commission voted unanimously (8-0) to recommend 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 zoning and character of the neighborhood.
2. The proposed communications tower will provide essential coverage for emergency communications to protect and benefit the health, safety, and welfare of the citizens and visitors of Miami County.
3. With the Valmont Structures engineering report, sufficient evidence has been provided that a fall zone is not necessary, and there is no evidence to suggest that the requested use will detrimentally affect nearby properties.
4. The Consulting Firms representing the County have determined it is in the County's best financial interest over the long run to construct this tower.

### **Conditions**

1. Except as amended by these Conditions, the property shall be developed according to the site, 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. Development shall comply with all local, state, and federal codes and permit requirements that are applicable.
4. The tower shall be removed within six (6) months of cessation of use as a communications tower.

**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

Emails from Thompson (2)

Vicinity Map

Resolution

**MIAMI COUNTY PLANNING DEPARTMENT**

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**PUBLIC HEARING – Communications Tower – Miami County**

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**DATE:** January 5, 2021

**TO:** Miami County Planning Commission

**FROM:** Teresa Reeves, Director

**RE:** **Public Hearing 20004-CUP: Miami County Communications Tower**  
Consideration of an application for a Conditional Use Permit for a 250' tall communications tower, including an equipment shelter and appurtenant equipment, per Sections 6-2.01.14, and 14-2.01.4 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 5,625 square feet is located approximately 147 feet south of 399th St, and approximately 440 feet west of Metcalf Rd, in the NW 1/4 of Section 17, Twp. 19, Range 25, Sugar Creek Twp. Submitted by Trevor Wood with Selective Site Consultants on behalf of Miami County, Kansas, the applicant. Wildwood Outdoor Education Center, Inc. is the property owner of record.

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**Property Owner(s)** Wildwood Outdoor Education Center, Inc.

**Current Zoning** Agricultural  
Z-109-CUP (Outdoor Education School)  
17004-CUP (Borda Productions)

**Comp Plan** Rural Agriculture (20-Ac. density)

**Acres** Approximately 5,625 Square Feet plus access / utility easements

**CAMA #** Pt. 214-17-0-00-00-002.00-0

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**Background**

**September 5, 1991:** Resolution 09051-01 was approved, which adopted countywide zoning and zoning map, including zoning identifiers for various existing uses. The subject property was assigned Zoning Identifier #Z-109 for a CUP to recognize the existing Outdoor Education School. The current zoning is Agricultural.

**July 5, 2017:** Resolution R17-07-025 was approved for a CUP for a live entertainment event venue, including camping and recreational activities.

## Proposal

Miami County is in the process of upgrading its emergency communications network by collocating antennas on existing towers/structures where possible, and constructing new towers where collocation is not possible. The Zoning Regulations encourage collocation of communications antennas to increase coverage and minimize the need for additional facilities. However, local authorities are restricted from mandating collocation per State Statute. Collocation requires only administrative approval of a building permit.

Miami County entered into a lease agreement with Wildwood Education Center, Inc., to construct a 250' tall self-supporting tower within a 75' x 75' lease area on the Wildwood property. The proposal includes a 1,000 gallon underground propane tank and a 12' x 26' equipment shelter. The compound/lease area will be enclosed by a six foot (6') high chain link fence topped with three strands of barbed wire. Proposed access to the site is from 399<sup>th</sup> Street, which is identified as a Local road on the 1995 Comprehensive Transportation Plan Map. The right-of-way along this section of 399<sup>th</sup> Street is 50-feet total and has an average improved surface width of 22-24 feet with a gravel road surface. The tower is proposed to be located approximately 202 feet south of the centerline of 399<sup>th</sup> St., and approximately 800 feet east of the west property line. Communications towers are exempt from the lot size and height requirements of the district in which they are located. The normal height restriction in the AG District is 2½ stories, or 35'. Tower lighting will be in compliance with the FAA.

Trevor Wood, of Selective Site Consultants, submitted a narrative describing how the proposal complies with Miami County's Zoning Regulations for towers. As noted by Mr. Wood in his narrative, some requirements pertaining to telecommunications towers/facilities in Miami County's Zoning Regulations are outdated and do not comply with the Kansas New Wireless Deployment Act adopted in 2016. KSA 66-2019(f)(17) prohibits local jurisdictions from "imposing a greater setback or fall-zone requirement for a wireless support structure than for other types of commercial structures of a similar size." Miami County doesn't have 250' tall structures; therefore, staff believes the proposed tower must comply with the fall-zone requirement.

The following italicized information pertains to the exact same tower construction/height for a similar application that was submitted to the Planning Commission in November of this year. Staff is including this information as it is also relative to the proposed tower.

*On September 25, 2020, a fall-zone letter from James Kaiser, an engineer with Valmont Industries, Inc. was submitted in conjunction with a similar tower proposal at a different location. Mr. Kaiser's letter describes the proposed tower as a "Class III/IV" tower, and explains the differences between the structure classes of towers, stating that Class III/IV towers require a higher standard for safety than Class II towers.*

*In comparison, Mr. Wood's Narrative states that:*

*"...these towers, in the highly unlikely event of collapse are weakest higher up (as they are tapered) and will likely twist in on themselves or kink rather than tip over".*

*Staff requested additional engineering details to evidence why a fall-zone would not be necessary for this tower, which was received on November 5, 2020. Other than the increased fall zone for towers, the tower complies with the regular setbacks for other structures in this district. Setbacks in the AG District are 50' front yard; and 20-feet from side and rear yard. The centerline of the tower will be located approximately 147 feet from the edge of the right-of-way. No other property line is in question.*

### **Public Notice**

Written notice of the hearing was mailed to 6 property owners located within 1,000' of the proposed tower lease area; and a sign was posted near the driveway. In addition, legal notice was published in the Miami County Republic on December 9, 2020.

In response, one letter of objection was received on December 22, 2020 from Andrew F. Thompson, with Communication Enhancement, LLC, representing the tower located on the north side of 399<sup>th</sup> St, and approximately 1000 feet northwest of this proposal. Mr. Thompson disputed Selective Site Consultant's (SCC) claim that there were no other collocations or structures in the area that would provide the needed coverage for Miami County's emergency services in this area, and noted that his company had not been contacted regarding possible collocation. Staff forwarded Mr. Thompson's email to Shane Krull, County Administrator who has been working with SCC and Tusa Consulting Services on placement of a tower and collocation of emergency equipment. Staff received communication between Mr. Krull and Tusa, who indicated that the County had determined from previous applications that it would be more cost effective in the long run to construct its own tower rather than pay a \$10,500 application fee to determine if space could be made available for the radio equipment, plus the monthly rental fees on a commercial tower.

### **Discussion**

The Zoning Regulations require that minimum development standards be addressed for communications tower applications and that information be provided to adequately justify the location of the tower. These minimum development standards are provided below, and are followed by staff comments with regard to whether the Applicant has satisfactorily addressed each of the standards.

- A. The applicant shall present satisfactory proof that the proposed location and use is reasonably necessary. In providing said proof, a Communication Facilities Master Plan shall be submitted to the Planning Commission for their review and approval, if a Master Plan has not yet been approved, prior to the Planning Commission acting on the conditional use permit request for a new facility (the Master Plan***

*may be reviewed at the same hearing as the conditional use permit request). The Master Plan shall show the locations and types of existing facilities and the approximate locations, but not the types, of future facilities, for the company proposing said facility. The Master Plan shall include existing and future locations for the incorporated and unincorporated areas of the county. Any amendment to a communication company's Master Plan shall again be submitted to the Planning Commission for their review and approval.*

Although the county can require a search ring, the county cannot require that an applicant collocate on existing towers rather than construct a new tower.

- B. *None of the above uses shall be required to comply fully with the lot size and height regulations of the zoning district in which they are located except as may be required by the conditions imposed upon the applicant.***

The site consists of a 75' x 75' leased area and the height of the tower will be 250'.

- C. *Such structures must be set back from all adjacent property lines and streets and highways a distance equal to not less than its height plus ten (10) feet.***

The proposed 250' tall tower does not comply with this standard. The tower will be located approximately 800 feet from the west property line and approximately 147' from the right-of-way of 399<sup>th</sup> Street. Selective Site Consultants submitted a revised letter, further explaining why this requirement is not necessary (please see the attached November 5, 2020 letter pertaining to a similar tower).

- D. *The applicant must document that co-location on an existing tower or other existing structure within five (5) miles of the proposed location is not feasible, or that efforts were made to locate on existing towers or other existing structures, but such efforts were not successful. Documentation of this requirement shall be placed in the record by affidavit of the applicant or intended user of the tower. At the request of the Planning Commission, additional evidence in the form of testimony may be required from the applicant or intended user of the tower.***

This is no longer allowed.

- E. *All proposed communication towers 150 feet or less in height, not including lightning rods, shall be designed to accommodate at least one (1) additional PCS/Cellular or other similar platform. All proposed communication towers in excess of 150 feet shall be designed to accommodate at least two (2) additional PCS/Cellular or other similar platforms.***

This is no longer allowed.

- F. Any application for a proposed tower in excess of 150 feet in height shall include documentation regarding the necessity for the proposed height from an RF and/or other Licensed Professional Engineer. Such documentation shall be in the form of an affidavit acceptable to the Planning Commission and signed by said Engineer. At the request of the Planning Commission, additional evidence in the form of testimony may be required from said Engineer.**

This is no longer allowed.

- G. The tower and accessory equipment must meet all requirements of the Federal Aviation Administration. To the extent allowed by such requirements, any required lighting for such tower shall be red during time of darkness.**

Lighting on the tower will be in compliance with the FAA.

In addition to making Findings on the standards noted above, the Planning Commission needs to consider all comments made 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 tower is proposed to be located on a small 75'x75' lease area within a 140 +/- acre property owned by Wildwood Education Center, which hosts summer camps for kids and various other outdoor retreats and educational experiences. Another CUP was approved on this property in 2017 for Borda Productions, which hosts 2-3 music festivals each year. The neighborhood is mostly agricultural with a few residences and includes LaCygne Lake with the KCPL Power Plant, south of the property. Much of the area is held in ownership by KCPL as a wildlife preserve. Additionally, Kansas City Youth for Christ (Youthfront) owns property for camps to the west and south into Linn County. US 69 Highway is located approximately 1 mile west. A communications tower, and a fiber optic facility (01001-CUP) are located approximately 1000 feet northwest of the proposal.

**2. The zoning and uses of property nearby.**

The subject property as well as surrounding properties are zoned Agricultural (AG) and in agricultural use. In addition there are several CUP's in the immediate area including Borda Productions, Wildwood Outdoor Education, KCYFC Camp, PF Net (for a fiber optic facility), and a tower facility, which was constructed prior to the adoption of countywide zoning. As noted above, LaCygne Lake and the KCP&L power plant are located south, into Linn County, and much of the surrounding area is owned by KCP&L as a wildlife area. There are also several residences in the area on larger acreages.

**3. *The suitability of the subject property to the uses to which it is restricted.***

The subject property is improved with multiple structures that are accessory to the camp use, and several times a year, Borda Productions hosts large music events. The subject property is well suited to these uses.

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

Communications towers have become commonplace and in great demand. With the existence of another tower and fiber optic facility in the immediate area, it is difficult to determine whether the addition of a tower to this property would create a detrimental effect on nearby properties or serve as a benefit. The engineering report received from Valmont Structures addresses the tower design and evidence for not providing a fall zone, which the planning commission will need to evaluate. The tower will be setback from the road far enough that the base should be screened from neighboring properties.

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

This is not applicable.

**6. *The relative gain to the public health, safety, and welfare by maintaining the zoning restrictions compared to the hardship the restrictions impose upon the individual landowner (applicant).***

The proposed tower is for emergency communications, which will greatly benefit the public health, safety, and welfare of Miami County citizens and visitors. As long as any potential negative impacts can be mitigated, and the planning commission believes the November 5, 2020 engineering report received from Valmont Structures provides sufficient evidence to show that a fall-zone is not necessary for the tower, staff believes there will be no hardship.

If the application is denied, the Applicant will need to search for alternative locations for the emergency radio equipment which is already behind schedule. Another hardship to the Applicant would be that the fall-zone requirement needs to be enforced, which means the currently proposed location would need to be moved approximately 103 feet further south to comply with the fall zone requirement. This could be problematic due to change of terrain and could create a hardship for the County because this site was selected as a high point on the property, and is also the most suitable location to meet the coverage needs for proper radio transmission. In addition, the hearing would need to be continued since the notification area was based upon the current proposed lease area.

Considering the existing zoning and character of the neighborhood, staff believes there will be no detrimental effect, but a gain to the public's health, safety, and welfare with the addition of this tower, as long as evidence submitted adequately demonstrates that the fall-zone is not necessary.

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

The Zoning Regulations require approval of a conditional use permit for communications towers in most of the zoning districts in the County, unless the tower is below a certain height and within a certain distance of a highway, arterial, or collector road. To comply with recent federal and State legislation, and in consideration of the need to upgrade emergency radio systems, this proposal meets the spirit and intent of the Zoning Regulations to promote the health, safety, morals, comfort and general welfare of the citizens of Miami County, Kansas, subject to the planning commission's determination that the Valmont Structures engineering report provides adequate evidence that the fall-zone is not required.

**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, subject to the Conditions listed at the end of this report, and subject to the planning commission's determination that the Valmont Structures engineering report provides adequate evidence that the fall-zone is not required.

**9. *The conformance of the requested conditional use permit to the adopted Miami County Comprehensive Plan.***

The Comprehensive Plan designates this site as Rural Agriculture. The Comprehensive Plan is silent on this specific type of use, but permits utility type uses if negative impacts can be mitigated. If the lack of the required fall-zone can be adequately addressed, and the Planning Commission feels it is not necessary to collocate on the existing tower on the north side of 399<sup>th</sup> St, staff believes the proposed use will be significantly beneficial to the citizens of the county.

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

Consideration of the objection posed by Mr. Thompson with Communication Enhancement, LLC, representing the tower on the north side of 399<sup>th</sup> St.

## **Recommendation**

Staff recommends that the Planning Commission recommend **approval** of the request for a conditional use permit to allow the construction and use of a 250' tall communications tower with appurtenant ground equipment, based upon the following Findings and subject to the following Conditions.

## **Findings**

1. The requested use, as conditioned, will be compatible with the surrounding zoning and character of the neighborhood.
2. The proposed communications tower will provide essential coverage for emergency communications to protect and benefit the health, safety, and welfare of the citizens and visitors of Miami County.
3. With the Valmont Structures engineering report, sufficient evidence has been provided that a fall zone is not necessary, and there is no evidence to suggest that the requested use will detrimentally affect nearby properties.
4. The Consulting Firms representing the County have determined it is in the County's best financial interest over the long run to construct this tower.

## **Conditions**

1. Except as amended by these Conditions, the property shall be developed according to the site, 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. Development shall comply with all local, state, and federal codes and permit requirements that are applicable.
4. The tower shall be removed within six (6) months of cessation of use as a communications tower.

**Attachments:** Site Documents (Pg 1 of 1; A-1.0; A-1.1; A-2.0) (Exhibit "A")  
Narrative (Exhibit "B")  
Vicinity Map  
Tower/Fiber Comparison Map  
Objection Letter (Communication Enhancement, LLC)

## Excerpt from the January 5, 2021 Draft Planning Commission Minutes

### Public Hearing 20004-CUP: Miami County Communications Tower

Reeves presented the staff report for consideration of an application for a Conditional Use Permit for a 250' tall communications tower, including an equipment shelter and appurtenant equipment, per Sections 6-2.01.14, and 14-2.01.4 of the Miami County, Kansas Zoning Regulations. The subject property of approximately 5,625 square feet is located approximately 147 feet south of 399th St, and approximately 440 feet west of Metcalf Rd, in the NW 1/4 of Section 17, Twp. 19, Range 25, Sugar Creek Twp. Submitted by Trevor Wood with Selective Site Consultants on behalf of Miami County, Kansas, the applicant. Wildwood Outdoor Education Center, Inc. is the property owner of record.

Reeves reported that notice of the public hearing was mailed to six (6) property owners located within 1,000' of the proposed tower lease area; and, in response, two letters were submitted—one on December 22, 2020, which is included in the meeting packet, and one on January 4, 2021, a copy of which has been provided to the Planning Commission this evening. Reeves explained that both letters were submitted by Andrew Thompson, with Communication Enhancement, LLC, representing the tower located on the north side of 399<sup>th</sup> Street—approximately 1,000 feet northwest of this proposal. She noted that Communication Enhancement, LLC would like the opportunity to have the County collocate equipment on their existing tower, and have included an offer to the County in their second letter. Reeves noted that she forwarded this second letter today to County Administrator Shane Krull, but has not yet received his response. She also forwarded this second letter to the Sheriff's Office, which indicated that it still desires to build a separate tower, as it would be more beneficial, and more cost-effective for the County in the long-run to own the tower.

Reeves briefly addressed the applicable minimum development standards for communications towers in the Zoning Regulations.

- A. The applicant shall present satisfactory proof that the proposed location and use is reasonably necessary. In providing said proof, a Communication Facilities Master Plan shall be submitted to the Planning Commission for their review and approval, if a Master Plan has not yet been approved, prior to the Planning Commission acting on the conditional use permit request for a new facility (the Master Plan may be reviewed at the same hearing as the conditional use permit request). The Master Plan shall show the locations and types of existing facilities and the approximate locations, but not the types, of future facilities, for the company proposing said facility. The Master Plan shall include existing and future locations for the incorporated and unincorporated areas of the county. Any amendment to a communication company's Master Plan shall again be submitted to the Planning Commission for their review and approval.***

She explained that although the County can require a search ring, it cannot require an applicant to collocate on existing towers rather than construct a new tower.

**B. None of the above uses shall be required to comply fully with the lot size and height regulations of the zoning district in which they are located except as may be required by the conditions imposed upon the applicant.**

Reeves noted that the site consists of a 75' x 75' leased area and the height of the tower will be 250'.

**C. Such structures must be set back from all adjacent property lines and streets and highways a distance equal to not less than its height plus ten (10) feet.**

Reeves noted that the proposal does not meet the setback for a fall-zone. However, Selective Site Consultants has previously submitted engineering details, evidencing why a fall-zone would not be necessary.

**G. The tower and accessory equipment must meet all requirements of the Federal Aviation Administration. To the extent allowed by such requirements, any required lighting for such tower shall be red during time of darkness.**

She stated that lighting on the tower will be in compliance with the FAA.

Reeves then briefly highlighted two of the *Golden Criteria* to be used by the Planning Commission when making Findings to approve or deny the requested CUP:

**1. Character of the neighborhood.**

**2. The zoning and uses of property nearby.**

Reeves noted that the Planning Commission should also consider the two comment letters received from Communication Enhancement, LLC.

Staff recommends that the Planning Commission recommend approval of the request for a CUP, based upon the Findings and subject to the Conditions in the staff report. Reeves noted that if the Planning Commission finds it appropriate to ask that the Board of County Commissioners consider the offer made by Communication Enhancement, LLC there would be adequate time for the County Commissioners to explore this.

Oehlert read aloud the following from Page 2 of the staff report: "staff believes the proposed tower must comply with the fall-zone requirement." He noted that staff did not include this as a Condition, however.

Reeves answered that because this is a requirement in the Zoning Regulations, it must be addressed. She explained that the staff report references a report previously submitted by the Valmont Structures engineer (explaining that the fall-zone requirement is not necessary); and, the Planning Commission must evaluate and determine whether that engineering report sufficiently addresses the issue.

Oehlert invited the Applicant to speak.

Trevor Wood, of Selective Site Consultants (7171 W. 95<sup>th</sup> Street, Suite 600, Overland Park), approached the podium and explained that Selective Site Consultants is a site acquisition and civil engineering firm, representing the County. He also noted that the general contractor, David Blaha of Hayden Tower Service, is also present this evening. Mr. Wood reported that the Sheriff's Office has also utilized Tusa Consulting Services, which ultimately made the recommendation for siting the proposed facility at this location.

Mr. Wood expressed that he appreciates the comments and the offer made by Andrew Thompson of Communication Enhancement, LLC. He then referenced KSA 66-2019(f)(1-9), and noted that subsections 1-9 protect applicants such as standard wireless carriers and also protects the County, which fits the definition of an applicant. He explained that a jurisdiction cannot assess the viability of adjoining towers.

Mr. Wood commented that the Sheriff's Office has negotiated an arrangement with Wildwood Outdoor Education Center, which makes Mr. Thompson's estimations and factual assumptions vastly inaccurate with regard to the cost of ground rent. Mr. Wood asserted that the Sheriff's Office has deployed the most cost-effective system to protect the Countywide access issues. He warned against entering into a lease with a private property owner—especially one that has made no definitive agreement regarding what they would charge in rent. Moreover, entering into such an agreement subjects the County to access provisions, which could potentially mitigate the County's ability to access and service the tower in an emergency situation.

Mr. Wood asked the Planning Commission to proceed to approve this application, which has the blessing of staff. He noted that the Sheriff's Office and its consultants, while siting the facilities for this multi-site project, have gone out of their way to be very mindful of taxpayer dollars and have endeavored to work with other public entities and public-private partnerships in ensuring that it can deploy the most effective high-speed, up-to-date wireless emergency facilities currently available.

Manchester referenced the following portion of the second letter submitted by Andrew Thompson of Communication Enhancement, LLC, dated January 4, 2021:

“While I cannot be 100% certain our tower would be structurally able to support the additional loading from the County, I would be willing to cover the cost of the structural report if the County was willing to look at collocating on our tower. I would also waive the application fee, so if the County wanted to look into the possibility of collocating on our tower, it would have zero upfront costs and nothing to lose other than 2 weeks while we waited for the structural report.”

Manchester asked if there is any reason the County should not pursue this.

Mr. Wood responded that the report Mr. Thompson is referencing comes standard with any tower ordered by the Sheriff's Office, and at no cost from the manufacturer. He cautioned that this is not necessarily a value added for the County.

Oehlert asked Reeves to confirm that the Planning Commission's responsibility this evening is not to determine whether to build a tower versus collocate on the nearby tower; oversee the allocation of funds; nor, second-guess the Sheriff's Office's decision.

Reeves confirmed, and added that the Planning Commission is responsible for reviewing the current CUP application and determining whether or not to recommend approval. She reminded the Planning Commission that the County cannot require an applicant to collocate on another tower. She added that the Planning Commission should consider the objection letters, because they were submitted by a property owner located within 1,000 feet of the proposal. Reeves does not believe that it would be out-of-line for the Planning Commission to make a recommendation to the County Commissioners to review and consider what is being proposed by Mr. Thompson.

Oehlert asked Mr. Wood if he is confident that the six-foot (6') high chain-link fence with barbed wire will be able to keep out trespassers.

Mr. Wood responded that he has full confidence that the measures proposed will be satisfactory to keep the site protected against vandalism.

Broers asked if the County currently collocates emergency towers anywhere else.

Mr. Wood responded that the County is currently collocating on a water tank and is constructing a tower on a water treatment plant property owned by one of the rural water districts (RWD #2, Miami County). Mr. Wood added that the County is collocating on existing structures and is collocating on other public properties and partnering with those entities, wherever possible.

Broers noted that the narrative states that there were no other towers to collocate onto. She asked Mr. Wood if the existing tower within 1,000' was overlooked.

Elliott asked Mr. Wood for a specific reason for this statement.

Mr. Wood responded that based upon past experience, it was determined that the nearby tower site was not an economically viable site for this particular project.

Broers then asked when construction of the proposed tower is anticipated to be complete.

Mr. David Blaha, of Hayden Tower Service (Topeka, Kansas), responded that construction would likely be complete by no later than May 1<sup>st</sup> so as not to interfere with Wildwood's activities.

There being no further questions for the Applicant, Oehlert opened the public hearing.

Mr. Glenn Alpert (15163 W. 323<sup>rd</sup> Street, Paola) asked about the ability to put other antennae on the proposed tower, and whether it could accommodate a 5G panel for other providers.

Mr. Blaha responded that the proposed tower is being designed with capacity for two additional wireless carriers, such as Verizon, AT&T, or T-Mobile, and a future capacity for the County's needs.

Topher Philgreen (3409 W. 222<sup>nd</sup> St., Bucyrus) approached the podium and stated that he is the Chief Operating Officer of Youthfront, which was previously Kansas City Youth for Christ, which owns the property adjacent to the Wildwood property. He asked who will have ownership of the tower, and who will have the authority to decide who can lease space on the tower.

Reeves responded that the Board of County Commissioners would own the tower, but would be working with the Sheriff's Office with regard to the emergency radio equipment.

Oehlert asked Reeves to confirm that the proposed tower will be owned by the County, but the land would be leased from Wildwood.

Reeves confirmed.

Mr. Philgreen then asked what the process would be if another entity—other than one of the three, large wireless providers—wants to lease space on the proposed tower.

Reeves answered that collocation of equipment is allowed by right and may be initiated by applying for a building permit with the Building Department. She explained that as part of the process, it would have to be demonstrated that the tower has the structural ability to support additional equipment.

Reeves then clarified for Mr. Philgreen that prior to applying for such a building permit, any entity desiring to lease space on the proposed tower would need to talk with the County to find out if the County would be agreeable to doing so. She clarified that this would not require a public hearing.

There being no further public comment, Oehlert closed the public hearing.

Ross commented that the proposed tower is what the Sheriff's Office has decided to do, and the Planning Commission should follow through.

Manchester commented that there are two options—one that costs significantly more than the other—for someone above the Planning Commission to consider with regard to taxpayer dollars. He noted that Mr. Thompson's letter states that it would take two weeks to obtain more information.

Menefee stated that it is his understanding that the County Commission has been made aware of this letter.

Reeves clarified that she anticipates that County Administrator Shane Krull will likely present this most recent letter to the County Commissioners during tomorrow's work session.

Menefee commented that the Planning Commission is tasked with looking at the facts and determining whether the requested CUP fits the Zoning Regulations, and he believes it does. He reasoned that the Planning Commission's approval of the CUP would not restrict the County Commissioners' ability to proceed with collocation, if they were to determine that collocation makes more sense.

Manchester agreed.

Menefee then moved to approve 20004-CUP, based upon the Findings and subject to the Conditions in the staff report. Elliott seconded the motion, and the motion passed unanimously, 8-0<sup>1</sup>, via a roll vote.

Reeves announced that this will go before the Board of County Commissioners on January 27th at 1:00 p.m.

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## **Findings**

1. The requested use, as conditioned, will be compatible with the surrounding zoning and character of the neighborhood.
2. The proposed communications tower will provide essential coverage for emergency communications to protect and benefit the health, safety, and welfare of the citizens and visitors of Miami County.
3. With the Valmont Structures engineering report, sufficient evidence has been provided that a fall zone is not necessary, and there is no evidence to suggest that the requested use will detrimentally affect nearby properties.
4. The Consulting Firms representing the County have determined it is in the County's best financial interest over the long run to construct this tower.

## **Conditions**

1. Except as amended by these Conditions, the property shall be developed according to the site, 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. Development shall comply with all local, state, and federal codes and permit requirements that are applicable.
4. The tower shall be removed within six (6) months of cessation of use as a communications tower.

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<sup>1</sup>The two Planning Commissioners who initiated and seconded the motion (Menefee and Elliott) were not queried for their votes.

## Angie Baumann

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**Subject:** FW: 20021/LaCygne Communications Tower

**From:** Miami County Planning and Zoning  
**Sent:** Tuesday, December 22, 2020 1:07 PM  
**To:** Teresa Reeves <TReeves@miamicountyks.org>; Kenneth A. Cook <kcook@miamicountyks.org>  
**Subject:** FW: 20021/LaCygne Communications Tower

Teresa and Kenny,

Please see the email, objecting to 20004-CUP (Miami County Communications Tower @ Wildwood).

Thanks,  
Angie

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**From:** Andrew F. Thompson <[athompson@ce-llc.com](mailto:athompson@ce-llc.com)>  
**Sent:** Tuesday, December 22, 2020 11:47 AM  
**To:** Miami County Planning and Zoning <[planning@miamicountyks.org](mailto:planning@miamicountyks.org)>  
**Subject:** 20021/LaCygne Communications Tower

Hi Angela,

I hope all is well with you. Our office just received the attached letter from you with regard to proposals to construct a communications tower on land adjacent to ours. My company manages the 330ft tower across the road from where this proposed tower is to be constructed. Details of our tower can be found on our website:

<https://www.ce-llc.com/Towers/Kansas/20021.php>

With regard to the planning/zoning application our company obviously would like to lodge a formal protest against the proposed construction. On the second page of the letter from SSC, they state:

“There are no possible collocations or structures in the area that will provide the required coverage for Miami County’s emergency services in this area”.

That is obviously not true. Our tower is literally across the road from the proposed new tower. Nobody from SSC or Miami County have contacted us to enquire about possibly collocating their emergency equipment on our tower (which is taller than the proposed new build). It’s not like you can miss our tower - it isn’t exactly hidden in woodland, you have to drive right by it to get to the location of the proposed new build.

If someone from Miami County (or a representative from whichever firm they might have contracted out their emergency communications buildout to) had contacted us we would have advised that our tower is open for collocation (we currently have AT&T, Midwest Connections & US Cellular as tenants) and I’m pretty sure we would charge much less rent than is being proposed for the new tower.

I don’t know what the next steps are for this, whether a formal protest at the hearing (we wouldn’t be able to attend in person) is sufficient or whether the whole hearing should be put on hold at least temporarily until the County can determine whether they have a) been misled by SSC; and b) whether our tower would be suitable for collocation.

## Angie Baumann

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**Subject:** FW: 20021/LaCygne Communications Tower

**From:** Andrew F. Thompson <[athompson@ce-llc.com](mailto:athompson@ce-llc.com)>  
**Sent:** Monday, January 4, 2021 4:29 PM  
**To:** Miami County Planning and Zoning <[planning@miamicountyks.org](mailto:planning@miamicountyks.org)>  
**Subject:** RE: 20021/LaCygne Communications Tower

Hi Teresa,

Happy New Year to you, and I hope you had a wonderful Christmas.

I note the agenda for the planning commission meeting due to be held tomorrow (January 5<sup>th</sup>) has been uploaded. I saw that the email I previously sent had been mentioned, but my comments seem to have been brushed aside and it would appear the County are recommending that the Planning Commission approve the construction of the new tower, across the road from ours.

I would like the following points to be added to our objection to the planning application:

- The agenda states that 'the County had determined from previous applications that it would be more cost effective in the long run to construct its own tower rather than pay a \$10,500 application fee to determine if space could be made available for the radio equipment, plus the monthly rental fees on a commercial tower'. As I previously mentioned, at no point has our company been contacted regarding possible collocation. If we had been contacted, we would have informed the County that we charge a maximum application fee of \$500 (which we often waive) to any government agencies (federal, state, county or local level) plus our standard \$2,500 fee for running an engineering structural report to confirm whether the tower is structurally capable of supporting your equipment. I would guess the County has spent far more than that already on consulting and engineering fees to SSC and Tusa Consulting.
- If we had been asked to quote for a monthly rental amount, based on the equipment the County is proposing as per the plans submitted for planning, I would have suggested around \$1,250/month (which might vary +- \$100 depending on whether equipment/mounting heights would change slightly if our tower was to be used).
- Based on averages from the 139 towers that our company owns, if the County proceeds with building and maintaining its own tower, it will need to pay the following each month/year: \$300-\$500/month ground rent; \$40/month for tower light monitoring; \$20/month for additional electric for the tower lighting/monitoring system; \$40/month for insurance; \$450-\$600/year for ground maintenance. I'm assuming if it is to be a County owned tower, there will be no property tax? Every 5 years a TIA inspection of the tower must be completed (approximately \$1500, so on average \$300/yr). Adding all this up, it will cost the County roughly \$6800/year in operating costs. You will also need an allowance for maintenance of the tower/fencing/repairs. Tower light repairs can range from \$1500 per repair to \$15,000 if the whole lighting system needs replacing due to a lightning strike. If you were to allow \$700/yr for maintenance/repairs you will be at approximately \$7500/year, compared to \$15,000/yr rent to use our tower. Ignoring hours spent by County staff to manage the tower and with a very rough estimate of what the County will be paying upfront for construction of a new 250ft tower, you would be looking at around a 35-50 year payback period. This will vary mainly depending on what ground rent is to be paid and how much is being paid for the construction of the tower, but the argument that it is financially beneficial for an entity to construct its own tower versus collocating on an existing one is rarely used.
- With tight budgets at all levels of government, I would have thought a commitment for a lease on an existing tower of \$15,000 a year would be more palatable than an upfront cost of upwards of \$250,000 plus ongoing expenses of \$7,500/yr.
- Section 6 on page 28 of the agenda states if the application is denied the applicant will need to search for alternative locations and the County is already behind schedule. If timing is important, within 2 weeks of

submitting an application form to us we would have a completed structural report stating whether our tower is capable of supporting the equipment for the County and we would also have provided a draft lease for review. If we receive a passing structural report and a lease can be agreed upon and signed, the County could be installing their equipment within a month or two. My best guess would be a minimum of 5-8 months from now to install on a new build tower.

- If the County collocates on our existing tower, it always has the option in the future to terminate the lease and remove its equipment (normally with 6 months notice). If it builds a new tower now, it can't decide 5 years from now that maybe it would have been better to collocate and save \$250k+, the money is already spent.
- While I cannot be 100% certain our tower would be structurally able to support the additional loading from the County, I would be willing to cover the cost of the structural report if the County was willing to look at collocating on our tower. I would also waive the application fee, so if the County wanted to look into the possibility of collocating on our tower, it would have zero upfront costs and nothing to lose other than 2 weeks while we waited for the structural report.

Even though some of these points might not be ones that are completely relevant for a planning/zoning hearing, hopefully the County can take them into consideration. Even if planning is passed for a new tower, the County still has the option for collocation on our tower prior to any construction work commencing.

Thanks for your time, if you have any questions, please feel free to reach out.

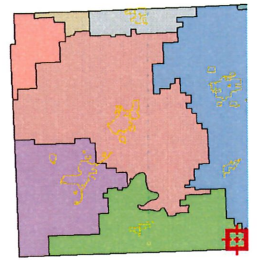
Thanks!

Andrew








*Andrew F. Thompson | Communication Enhancement, LLC*  
Mobile (US): +1 609-217-8095 | Web: [www.ce-llc.com](http://www.ce-llc.com)



Overview



Legend

-  City Limits
-  Centerlines
-  Parcels
-  Lakes
- Flood Zones**
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE

Parcel ID= 214170000002000  
 Acres= 139.90360532

Date created: 12/30/2020  
 Last Data Uploaded: 12/30/2020 7:14:47 AM

Developed by  Schneider  
 GEOSPATIAL

**RESOLUTION**

**NO.** \_\_\_\_\_

**A RESOLUTION AUTHORIZING CONDITIONAL USE  
PERMIT #20004-CUP: Miami County Communications Tower**

WHEREAS, the Miami County Planning Commission did hold a public hearing on January 5, 2021, 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 250-foot tall communications tower facility in accordance with Sections 6-2.01.14 and 14-2.01.4 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 unanimously (8-0), to recommend that the Board of County Commissioners approve Conditional Use Permit #20004-CUP based on the findings and subject to the conditions listed below; and

WHEREAS, the Board of County Commissioners reviewed the Conditional Use Permit request along with the recommendations of the Planning Commission on January 27, 2021, 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 20004-CUP: Miami County Communications Tower

Property Description: Lease Area (as surveyed)

A 75 foot by 75 foot lease area, situated in the Northwest Quarter of Section 17, Township 19 South, Range 25 East, in Miami County, Kansas, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 17, thence along the North line of the Northwest Quarter of said Section 17, South 87°28'22" West, a distance of 501.85 feet; thence leaving said North line, South 00°00'00" East a distance of 127.97 feet to the POINT OF BEGINNING; thence North 90°00'00" East, a distance of 75 feet; thence South 00°00'00" East, a distance of 75 feet; thence North 90°00'00" West, a distance of 75.00 feet; thence North 00°00'00" East, a distance of 75' to the POINT OF BEGINNING. Containing 5,625 square feet.

Property Description: Non-Exclusive Access/Utility Easement (as surveyed)

An Access/Utility Easement, situated in the Northwest Quarter of Section 17, Township 19 South, Range 25 East, in Miami County, Kansas with varying widths on each side of the following described centerline:

Commencing at the North Quarter Corner of said Section 17; thence along the North line of the Northwest Quarter of said Section 17, South 87°28'22" West, a distance of 501.85 feet; thence leaving said North line, South 00°00'00" East, a distance of 202.97 feet; thence North 90°00'00" East, a distance of 87.50 feet to the POINT OF BEGINNING of said centerline and lying 12.50 feet on each side of the following described course, North 00°00'00" East, a distance of 40.91 feet; thence lying 10.00 feet on each side of the following described courses, North 90°00'00" East, a distance of 21.78 feet; thence North 00°00'00" East, a distance of 60.96 feet; thence North 59°31'58" West, a distance of 93.25 feet; thence North 41°40'46" West, a distance of 32.29 feet to the South Right-of-way line of W 399<sup>th</sup> St (Public right-of-way) and the POINT OF TERMINATION.

Property Description: Non-Exclusive Utility Easement (As surveyed)

A 10-foot wide Utility Easement, situated in the Northwest Quarter of Section 17, Township 19 South, Range 25 East, in Miami Count, Kansas, lying 5.00 feet on each side of the following described centerline:

Commencing at the North Quarter Corner of said Section 17; thence along the North line of the Northwest Quarter of said Section 17, South 87°28'22" West, a distance of 501.85 feet; thence leaving said North line, South 00°00'00" East, a distance of 127.97 feet; thence North 90°00'00" East, a distance of 75.00 feet; thence South 00°00'00" East, a distance of 10.00 feet; thence North 90°00'00" a distance of 5.00 feet, to the POINT OF BEGINNING of said centerline; thence North 00°00'00" East, a distance of 92.37 feet to a point hereinafter referred to as Point "A"; thence North 87°22'52" East, a distance of 114.20 feet to the POINT OF TERMINATION; BEGINNING at aforementioned POINT "A"; thence North 00°00'00" East, a distance of 19.10 feet to the South Right-of-way line of W 399<sup>th</sup> St (Public right-of-way) and the POINT OF TERMINATION.

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 #20004-CUP for a 250-foot tall communication tower facility 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 mixed zoning and character of the neighborhood.
2. The proposed communications tower will provide essential coverage for emergency communications to protect and benefit the health, safety, and welfare of the citizens and visitors of Miami County.
3. With the Valmont Structures engineering report, sufficient evidence has been provided that a fall zone is not necessary, and there is no evidence to suggest that the requested use will detrimentally affect nearby properties.

**Conditions**

1. Except as amended by these Conditions, the property shall be developed according to the site, 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. Development shall comply with all local, state, and federal codes and permit requirements that are applicable.
4. The tower shall be removed within six (6) months of cessation of use as a communications tower.

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. 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 27<sup>th</sup> DAY OF JANUARY, 2021

BOARD OF COUNTY COMMISSIONERS  
MIAMI COUNTY, KANSAS

\_\_\_\_\_  
BONNIE "ROB" ROBERTS, Chairman

ATTEST

\_\_\_\_\_  
TYLER VAUGHAN, Chairman Pro-tem

\_\_\_\_\_  
JANET WHITE, County Clerk

\_\_\_\_\_  
PHIL DIXON, Commissioner

\_\_\_\_\_  
GEORGE PRETZ, Commissioner

\_\_\_\_\_  
DANIEL GALLAGHER, Commissioner

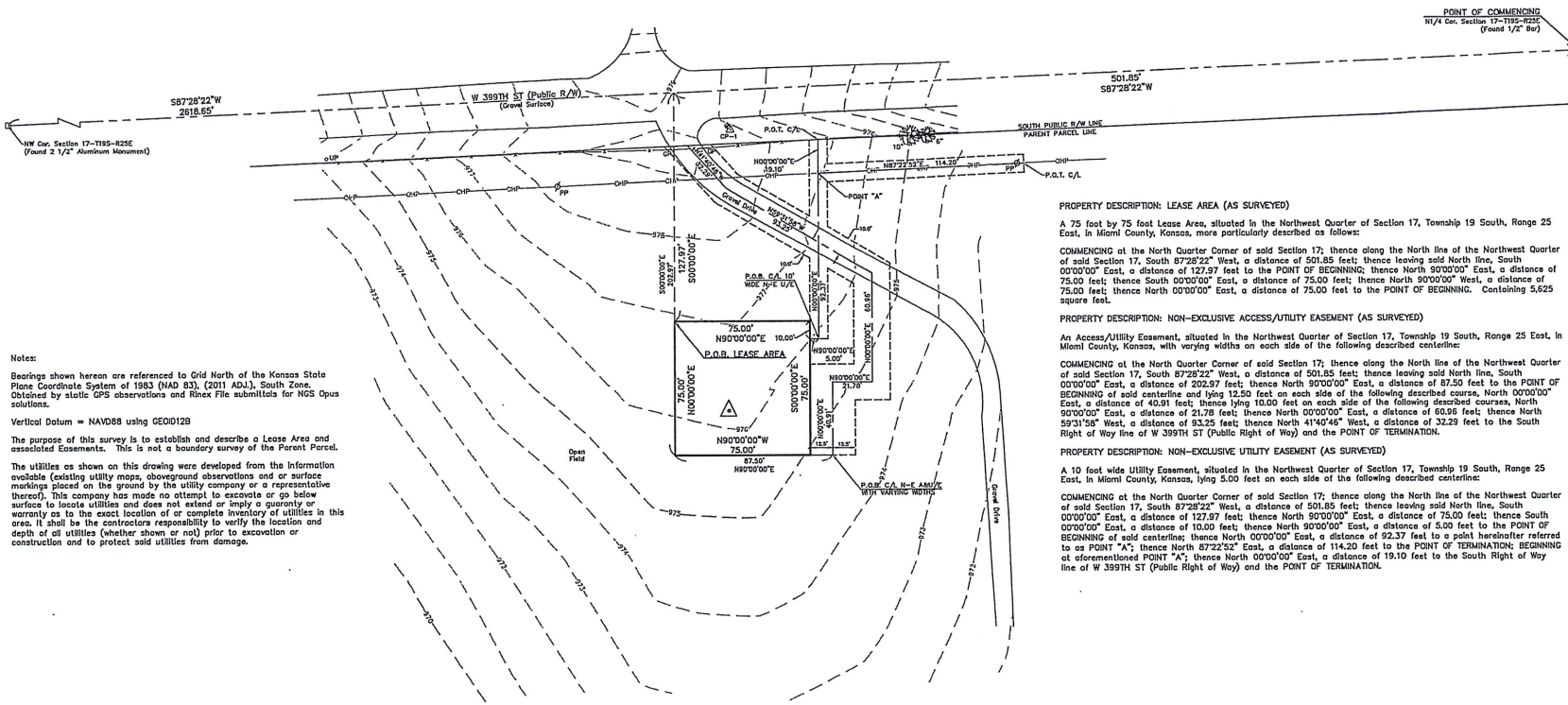
Approved as to form and legality on \_\_\_\_\_ by \_\_\_\_\_.

# WILDWOOD

PART OF THE NW 1/4, SECTION 17, T19S, R25E,  
IN MIAMI COUNTY, KANSAS

**BENCH MARK**  
Top of 1/2" Iron Bar w/  
Control Cap at CP-1  
Elevation = 978.04ft

**PROPOSED CELL TOWER DATA**  
Center of Tower  
Lat 39°24'10.64" North  
Long 94°40'14.85" West  
Ground Elevation = 976ft



**Notes:**  
Bearings shown hereon are referenced to Grid North of the Kansas State Plane Coordinate System of 1983 (NAD 83), (2011 ADJ), South Zone. Obtained by stellite GPS observations and Rinx File submittals for NGS Opus solutions.  
Vertical Datum = NAVD83 using GEOID12B  
The purpose of this survey is to establish and describe a Lease Area and associated Easements. This is not a boundary survey of the Parent Parcel.  
The utilities as shown on this drawing were developed from the information available (existing utility maps, aboveground observations and/or surface markings placed on the ground by the utility company or a representative thereof). This company has made no attempt to excavate or go below surface to locate utilities and does not extend or imply a guaranty or warranty as to the exact location of or complete inventory of utilities in this area. It shall be the contractor's responsibility to verify the location and depth of all utilities (whether shown or not) prior to excavation or construction and to protect said utilities from damage.

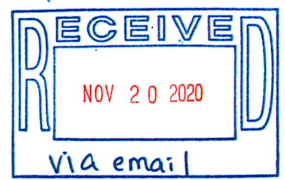
**PROPERTY DESCRIPTION: LEASE AREA (AS SURVEYED)**  
A 75 foot by 75 foot Lease Area, situated in the Northwest Quarter of Section 17, Township 19 South, Range 25 East, in Miami County, Kansas, more particularly described as follows:  
COMMENCING at the North Quarter Corner of said Section 17; thence along the North line of the Northwest Quarter of said Section 17, South 87°28'22" West, a distance of 501.85 feet; thence leaving said North line, South 00°00'00" East, a distance of 127.97 feet to the POINT OF BEGINNING; thence North 90°00'00" East, a distance of 75.00 feet; thence South 00°00'00" East, a distance of 75.00 feet; thence North 90°00'00" West, a distance of 75.00 feet; thence North 00°00'00" East, a distance of 75.00 feet to the POINT OF BEGINNING. Containing 5,625 square feet.

**PROPERTY DESCRIPTION: NON-EXCLUSIVE ACCESS/UTILITY EASEMENT (AS SURVEYED)**  
An Access/Utility Easement, situated in the Northwest Quarter of Section 17, Township 19 South, Range 25 East, in Miami County, Kansas, with varying widths on each side of the following described centerline:  
COMMENCING at the North Quarter Corner of said Section 17; thence along the North line of the Northwest Quarter of said Section 17, South 87°28'22" West, a distance of 501.85 feet; thence leaving said North line, South 00°00'00" East, a distance of 202.97 feet; thence North 90°00'00" East, a distance of 87.50 feet to the POINT OF BEGINNING of said centerline and lying 12.50 feet on each side of the following described course, North 00°00'00" East, a distance of 40.91 feet; thence lying 10.00 feet on each side of the following described courses, North 90°00'00" East, a distance of 21.78 feet; thence North 00°00'00" East, a distance of 60.96 feet; thence North 59°51'58" West, a distance of 93.25 feet; thence North 41°04'48" West, a distance of 32.29 feet to the South Right of Way line of W 399TH ST (Public Right of Way) and the POINT OF TERMINATION.

**PROPERTY DESCRIPTION: NON-EXCLUSIVE UTILITY EASEMENT (AS SURVEYED)**  
A 10 foot wide Utility Easement, situated in the Northwest Quarter of Section 17, Township 19 South, Range 25 East, in Miami County, Kansas, lying 5.00 feet on each side of the following described centerline:  
COMMENCING at the North Quarter Corner of said Section 17; thence along the North line of the Northwest Quarter of said Section 17, South 87°28'22" West, a distance of 501.85 feet; thence leaving said North line, South 00°00'00" East, a distance of 127.97 feet; thence North 90°00'00" East, a distance of 75.00 feet; thence South 00°00'00" East, a distance of 10.00 feet; thence North 90°00'00" East, a distance of 5.00 feet to the POINT OF BEGINNING of said centerline; thence North 00°00'00" East, a distance of 92.37 feet to a point hereinafter referred to as POINT "A"; thence North 87°22'52" East, a distance of 114.20 feet to the POINT OF TERMINATION; BEGINNING at aforementioned POINT "A"; thence North 00°00'00" East, a distance of 19.10 feet to the South Right of Way line of W 399TH ST (Public Right of Way) and the POINT OF TERMINATION.

LEGEND		PROPERTY LEGEND	
POWER POLE	⊙ PP	SECTION CORNER	⊠
UTILITY PEDESTAL	○ UP	RIGHT OF WAY	R/W
TOWER	⊠	CENTERLINE	C/L
TREE (DIA)	⊗	POINT OF BEGINNING	P.O.B.
FENCE	— X —	POINT OF TERMINATION	P.O.T.
OVERHEAD POWER LINE	— X —	ACCESS/UTILITY EASEMENT	AMU/E
BENCHMARK	⊕	UTILITY EASEMENT	U/E
CONTROL POINT	⊠	NON-EXCLUSIVE	N-E
		BROKEN SCALE	— / —

**EXHIBIT A**  
PAGE 1 OF 4 PAGE(S)

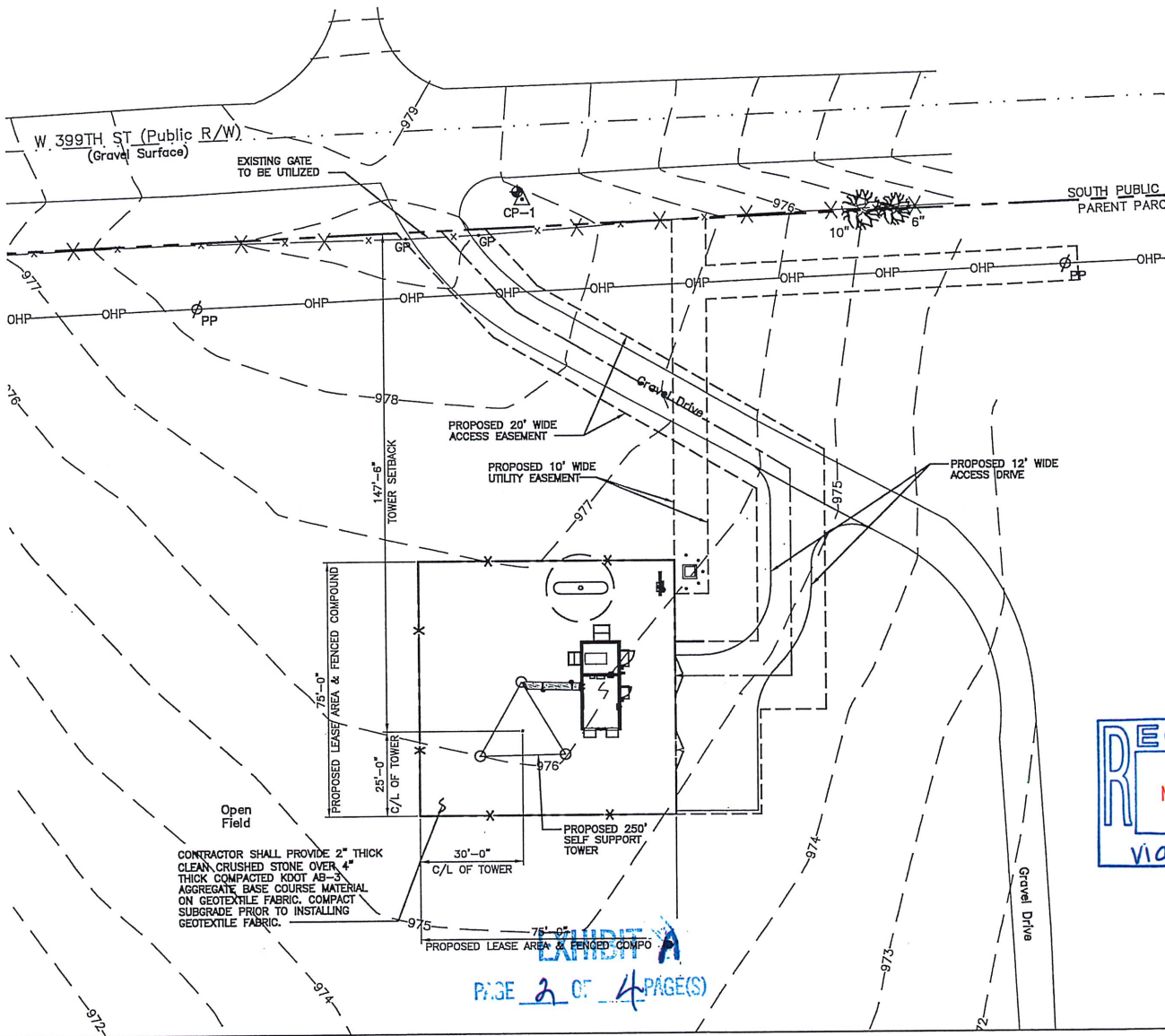


**CERTIFICATION:**  
I HEREBY CERTIFY THAT A SURVEY WAS MADE BY ME, OR UNDER MY DIRECT SUPERVISION, ON THE GROUND OF THE LEASE AREA, AND ASSOCIATED EASEMENT PREMISES HEREIN DESCRIBED, AND THE RESULTS OF SAID SURVEY ARE REPRESENTED HEREON TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

JEFFREY B. LOVELACE KS-LS1326  
DATE: \_\_\_\_\_  
11-19-20: REVISED PER COMMENTS

W 399TH ST	
SITE	
<p><b>Hayden</b> TOWER SERVICE, INC. 2936 N.W. Hwy 24 Topeka, KS 66618 Phone: (785) 232-1840 Fax: (785) 232-1877</p>	
<p><b>LOVELACE &amp; ASSOCIATES</b> Land Surveying - Land Planning Telecommunications Surveys 319 S. 2nd Street, Suite 100, Topeka, Kansas 66603 Phone: (816) 347-9997 Fax: (816) 347-9979</p>	
<p><b>SURVEY COORDINATED BY:</b> LOVELACE AND ASSOCIATES, LLC P.O. BOX 68, LEE'S SUMMIT, MO 64083 TELEPHONE: 816-347-9997 FAX: 816-347-9979</p>	
<p><b>SURVEY PROVIDED BY:</b> LOVELACE AND ASSOCIATES, LLC P.O. BOX 68, LEE'S SUMMIT, MO 64083 TELEPHONE: 816-347-9997 FAX: 816-347-9979</p>	
<p><b>SURVEY PROVIDED FOR:</b> HAYDEN TOWER 2936 NW HWY 24, TOPEKA, KS 66618 TELEPHONE: 785-232-1840</p>	
<p><b>FLOOD NOTE:</b> According to my Interpretations of Community Panel No. 201203550 of the Flood Insurance Rate Map for Miami County, Kansas, dated 01-16-2014, the subject property is in Flood Zone "X", i.e. "Areas determined to be Outside the 0.2% annual chance floodplain".</p>	
<p>SITE I.D.: HYKSD046 SITE NAME: WILDWOOD SITE LOCATION: CITY OF LADYDNE, MIAMI COUNTY, KS LA PROJECT NO.: 20220 DRAWN BY: A.C.T. CHECKED BY: J.B.L. DATE: 10-08-20 FIELDWORK DATE: 10-06-20 SHEET NUMBER 1 OF 1</p>	

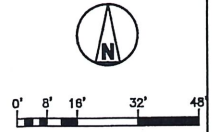
Certificate of Authority:  
Kansas - LS-154



CONTRACTOR SHALL PROVIDE 2" THICK CLEAN CRUSHED STONE OVER 4" THICK COMPACTED KDOT AB-3 AGGREGATE BASE COURSE MATERIAL ON GEOTEXTILE FABRIC. COMPACT SUBGRADE PRIOR TO INSTALLING GEOTEXTILE FABRIC.

LAUREL A  
PAGE 2 OF 4 PAGE(S)

RECEIVED  
NOV 20 2020  
via email



OVERALL SITE PLAN

1/16" = 1'-0" (22"x34")  
1/32" = 1'-0" (11"x17") 1

STAMP:

ENGINEERING LICENSE: STATE OF KANSAS  
PE CERTIFICATE OF AUTHORIZATION #  
ENGINEER: NRK NICHOLAS R. KILGUS CIVIL ENGINEER  
KMY KEVIN M. YOUNG CIVIL ENGINEER  
REL ROBERT L. ELLIOTT CIVIL ENGINEER  
SDX STEVEN D. X... ELECTRICAL  
TMS TERRY M. SUPER 9250 ELECTRICAL

**PRELIMINARY ISSUE**

**motorola**

PLANS PREPARED FOR:  
**MIAMI COUNTY KANSAS**

**Hayden**  
TOWER SERVICE, INC.

PLANS PREPARED BY:  
**SSC**

DRAWING NOTICE:  
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SUBMITTALS:	DESCRIPTION	DATE	BY	REV
ISSUED FOR ZONING		10/21/20	DCP	A
ISSUED FOR ZONING		10/28/20	DDS	B
ISSUED FOR ZONING		11/19/20	DCP	C

APPLICANT SITE NAME:  
WILDWOOD

SITE ADDRESS:  
7095 W. 399th STREET  
LACYGNE, KANSAS 66040

SHEET DESCRIPTION: OVERALL SITE PLAN  
SHEET #: A-1.0

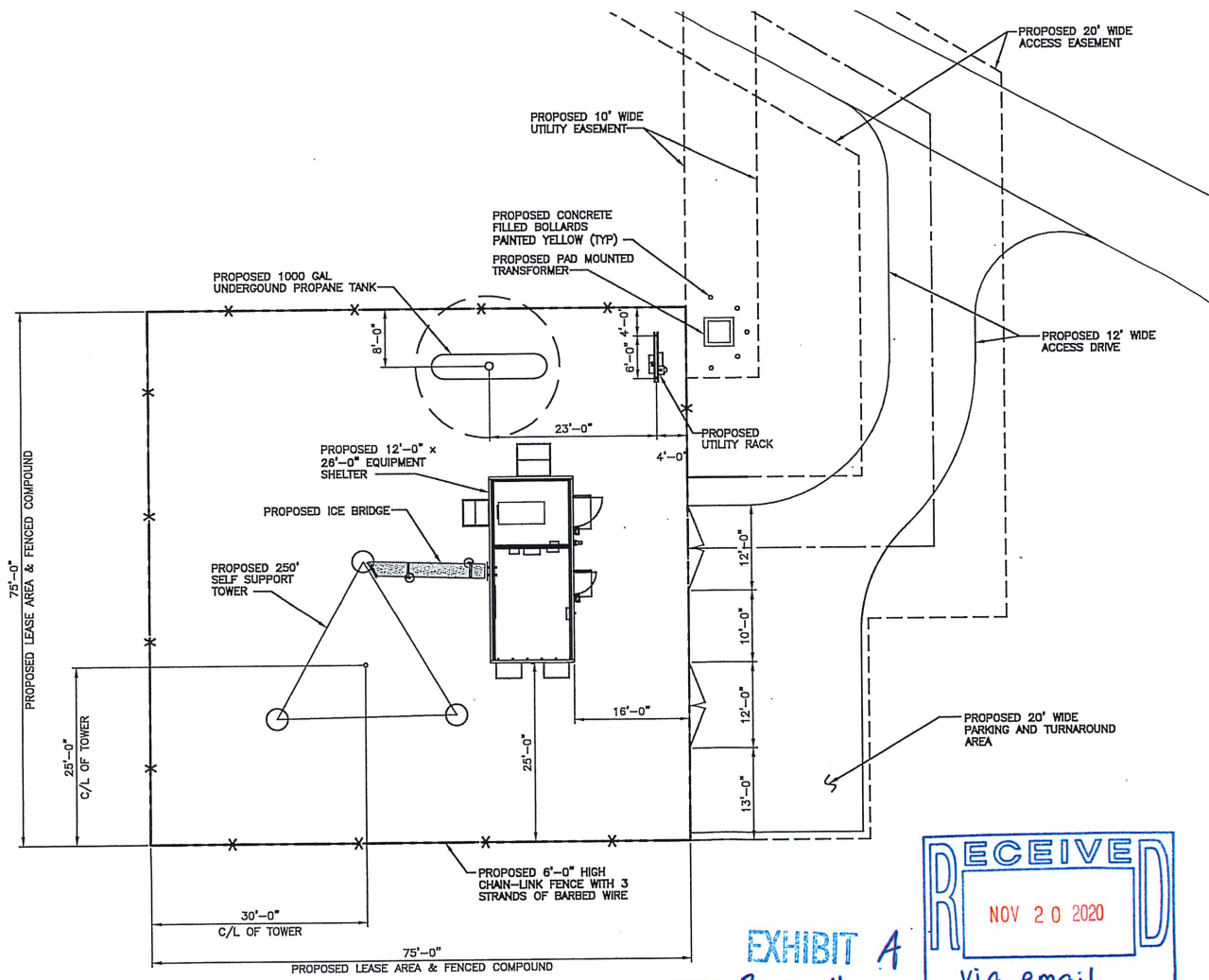
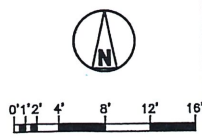
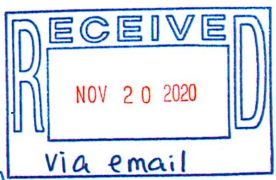


EXHIBIT A  
PAGE 3 OF 4 PAGE(S)



ENLARGED SITE PLAN

3/16" = 1'-0" (22"x34")  
3/32" = 1'-0" (11"x17") 1

STAMP:

---

ENGINEERING LICENSE:  
STATE OF KANSAS  
THE CERTIFICATE OF AUTHORIZATION #  
ENGINEER:  
NRK NICHOLAS R. KIRBY CIVIL  
RAY KEVIN M. VANCE CIVIL  
REH ROBBERG J. L. 13854 CIVIL  
SDC TERRY M. SUPER 9250 ELECTRICAL  
TWS TERRY M. SUPER 9250 ELECTRICAL

**PRELIMINARY ISSUE**

---

PLANS PREPARED FOR:

---

PLANS PREPARED BY:

---

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SUBMITTALS:	DESCRIPTION	DATE	BY	REV
ISSUED FOR ZONING		10/21/20	DCP	A
ISSUED FOR ZONING		10/28/20	DDS	B
ISSUED FOR ZONING		11/19/20	DCP	C

---

APPLICANT SITE NAME:  
WILDWOOD

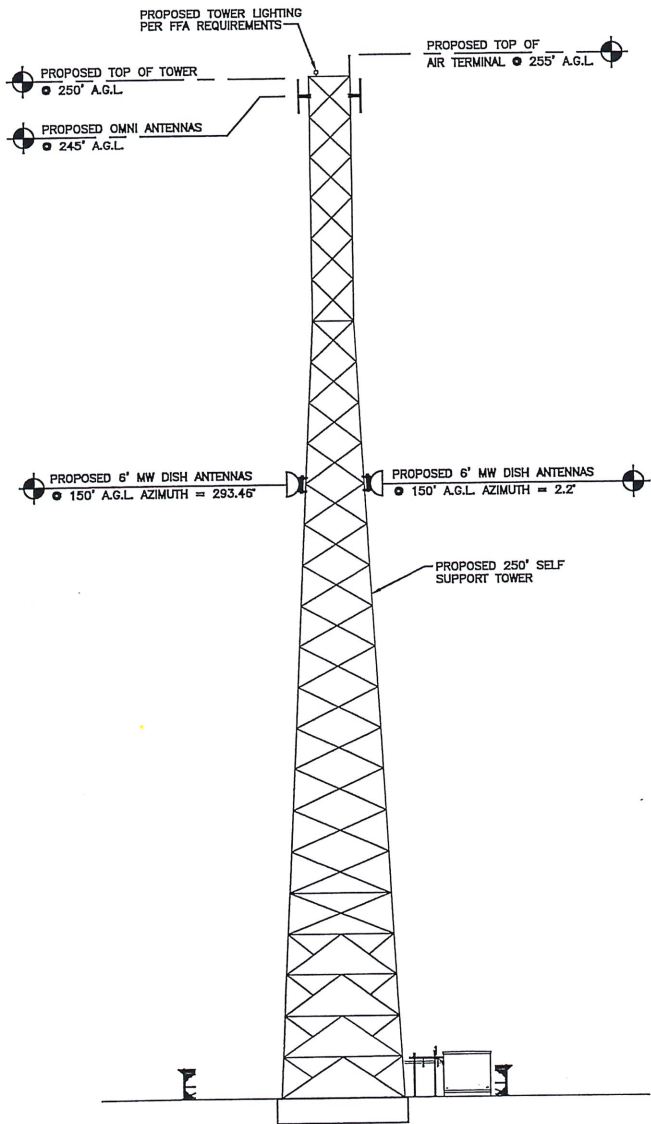
---

SITE ADDRESS:  
7095 W. 399th STREET  
LACYGNE, KANSAS 66040

---

SHEET DESCRIPTION:  
ENLARGED SITE PLAN

SHEET #:  
A-1.1



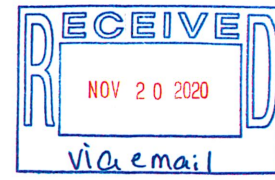
ANTENNA LOADING KEY								
ANTENNA MODEL #	QTY.	ANTENNA BASE ELEVATION	LINE SIZE	AZIMUTH	EQUIPMENT	ANTENNA SIZE	ANTENNA MOUNT	PROPOSED OR FUTURE LOADING
DS7C14PPTU-D	1	245'-0"	7/8"	N/A		8'X6 1/2'X6"	2' STAND-OFF	PROPOSED
DS7C14PPTU-D	1	245'-0"	7/8"	N/A		8'X6 1/2'X6"	2' STAND-OFF	PROPOSED

MICROWAVE LOADING KEY								
MICROWAVE MODEL #	QTY.	MICROWAVE ELEVATION	LINE SIZE	AZIMUTH	EQUIPMENT	DISH SIZE	DISH MOUNT	PROPOSED OR FUTURE LOADING
RFS CELWAVE PAD6-W57A	1	150'-0"	E-60	293.46		6'	2' STAND-OFF	PROPOSED
RFS CELWAVE PAD6-W57A	1	150'-0"	E-60	2.2		6'	2' STAND-OFF	PROPOSED

**ANTENNA NOTES:**

1. ANTENNA CONTRACTOR SHALL INSURE ALL ANTENNA MOUNTING PIPES ARE PLUMB.
2. MULTI PORT ANTENNAS: TERMINATE UNUSED ANTENNA PORTS WITH CONNECTOR CAP & WEATHERPROOF THOROUGHLY.
3. CONTRACTOR MUST FOLLOW ALL MANUFACTURER'S RECOMMENDATIONS REGARDING THE INSTALLATION OF COAXIAL CABLES, CONNECTORS, AND ANTENNAS.
4. WEATHERPROOF ALL ANTENNA CONNECTORS WITH SELF AMALGAMATING TAPE.
5. ANTENNA CONTRACTOR SHALL PERFORM A "TAPE DROP" MEASUREMENT TO CONFIRM/VALIDATE ANTENNA CENTER LINE (ACL) HEIGHT. CONTRACTOR SHALL SUBMIT A COMPLETED HEIGHT VERIFICATION FORM TO THE CONSTRUCTION MANAGER.
6. ALL AZIMUTHS ARE ORIENTED CLOCKWISE FROM TRUE NORTH.

EXHIBIT A  
PAGE 4 OF 4 PAGE(S)



TOWER ELEVATION

STAMP:

ENGINEERING LICENSE:  
STATE OF KANSAS  
PE CERTIFICATE OF AUTHORIZATION #  
ENGINEER:  
NRK NICHOLAS R. K... CIVIL  
RAY KEVIN M. V... CIVIL  
ROBERT... CIVIL  
SDK... ELECTRICAL  
THIS... SUPER... 9250 ELECTRICAL

**PRELIMINARY ISSUE**

**motorola**

PLANS PREPARED FOR:  
**MIAMI COUNTY, KANSAS**

**Hayden**  
TOWER SERVICE, INC.

PLANS PREPARED BY:  
**SSC**

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SUBMITTALS:	DESCRIPTION	DATE	BY	REV
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ISSUED FOR ZONING		10/28/20	DDS	B
ISSUED FOR ZONING		11/19/20	DCP	C

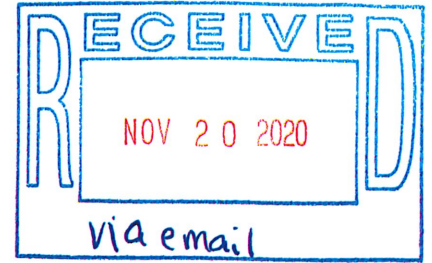
APPLICANT SITE NAME:  
WILDWOOD

SITE ADDRESS:  
7095 W. 399th STREET  
LACYGNE, KANSAS 66040

SHEET DESCRIPTION: TOWER ELEVATION SHEET #: A-2.0



November 20, 2020



VIA ELECTRONIC MAIL

Teresa Reeves  
Planning Director  
Administration Building  
201 S. Pearl Suite 201  
Paola KS 66071  
913.294.9553  
[Treeves@miamicountyks.org](mailto:Treeves@miamicountyks.org)

Kenneth Cook  
Planner II  
Administration Building  
201 S. Pearl Suite 201  
Paola KS 66071  
913.294.9553  
[Kcook@miamicountyks.org](mailto:Kcook@miamicountyks.org)

RE: Miami County Emergency Communication Services Tower on real property owned by Wildwood Outdoor Education Center located at 7095 W 399<sup>th</sup> Street, LaCigne KS 66040 - Conditional Use Permit for a 250' self-support tower

Dear Ms. Reeves and Mr. Cook:

Attached is an application for conditional use permit with Miami County for a two hundred fifty foot (250') tall self-support communications facility to be located on real property owned by the Wildwood Outdoor Education Center on the South side of 399th Street, in Miami County, Kansas.

Please find attached herewith:

1. A Miami County application for the Conditional use permit
2. A list of property owners within 1,000 feet of the parent parcel (provided by County)
3. Electronic Site plans showing the location of the tower and an elevation of the tower after it has been constructed (11" x 17" sets)

We will supplement the application with photos of the current site conditions, a Tax Map showing the location of the site on the parent parcel, and a fall zone letter from Valmont Structures, the tower fabricator for the project, early next week.

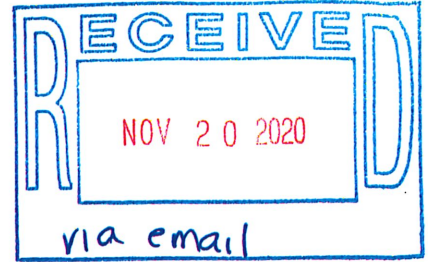
We will provide additional information regarding Miami County's network needs in the area to support the application.

EXHIBIT B

PAGE 1 OF 3 PAGE(S)

7171 WEST 95TH STREET, SUITE 600  
OVERLAND PARK, KANSAS 66212

p 913.438.7700  
f 913.438.7777  
ssc.us.com



### APPLICANTS/CONTACTS

Miami County, KS, care of Shane Krull, County Administrator (Co-applicant)  
Miami County, KS Sheriff's Department, C/O Sheriff Frank Kelly (Co-applicant)  
Miami County, KS Sheriff's Department, C/O Undersheriff Wayne Minckley (Co-applicant)  
Hayden Tower Service, C/O David Blaha (Tower construction management team)  
TUSA (Consultant to County C/O Dennis Ward, PM)  
TUSA (Consultant to County C/O Dean Hart, Principal)  
Motorola, C/O Scott Pittman, (Program Manager)  
Robyn Ratcliff, Executive Director, Wildwood Outdoor Education Center  
Robert, Jensen, Selective Site Consultants, Inc. (Civil Engineer)

### SITE DESIGN

A site plan accompanies this application. The proposed facility will be within the limits of a 75' x 75' lease area and will be secured by a chain link fenced area. The proposed fenced area will enclose the tower and future wireless carriers for collocation.

### Lighting and Signs

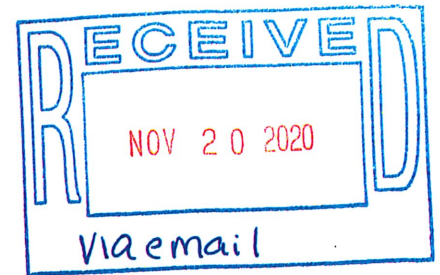
This tower will be lighted in accordance with FAA requirements. Tower lighting has made tremendous advancement in the last two decades, and the lighting is designed to emanate upward to alert pilots of the structure while minimizing any intrusion at ground level. There will be no signs at this site except for safety and identification as required by the Federal Communications Commission. These are not lighted and are affixed to the front / gate area of the site.

The site is generally designed to meet the criteria set out in Section 14-2.01 *et seq.* of the Miami County Land Use Code, although a number of those provisions have been rendered invalid due to 2016 Kansas HB 2131, (KSA 66-2019 *et seq.*) which limits a jurisdiction's ability to mandate technical studies regarding the need for a tower. This tower will meet all building codes, just as if it were a twenty-five story building, and the failure rate of towers, particularly of this sort of construction (self-support lattice tower) renders that setback arbitrary and capricious.

Without waiving any of the County's rights under 2016 KS HB 2131, of note:

- There are no possible collocations or structures in the area that will provide the required coverage for Miami County's emergency services in this area.
- The project meets the setbacks to other towers set out in the Code.
- All equipment shall be removed within one year following termination of service at applicant's expense.
- A fall zone letter has been provided. While technical in nature, the conclusion is effectively that these towers, in the highly unlikely event of a collapse, are weakest higher up (as they are tapered) and likely to twist in on themselves or kink rather than tip over.

EXHIBIT B



- This project is necessary for the public convenience at this location. Miami County Emergency Broadcast Services is experiencing network performance issues in the area.
- The project is designed, located, and proposed to be operated so that it will not be injurious to the District in which it will be located. The parcel is located on the Wildwood Outdoor Education Center's Headquarters, at a high point near LaCygne, where high quality emergency communication service is critical.
- The tower site is located as far from all residential uses as possible, in a remote area along 399<sup>th</sup> Street, blocking the view of the base of the site.
- The property is not a current non-conforming use.

#### ADDITIONAL MATTERS

As stated above, this project is required to improve emergency communication services for Miami County. This proposed site will vastly improve service to the Sheriff's department in once commissioned.

We appreciate your consideration and support of this application under the guidelines of Miami County, the State of Kansas and the Telecommunications Act of 1996.

Please let me know what additional information you need. We understand this application will be considered by the Miami County Planning Commission on January 4, 2021. We understand the County will notify all residents within 1,000 feet of the project of the hearing and post appropriate signs on-site.

Respectfully submitted,

Trevor Wood

Attachments (7)

Cc:

Miami County, KS, care of Shane Krull, County Administrator (Co-applicant)  
Miami County, KS Sheriff's Department, C/O Sheriff Frank Kelly (Co-applicant)  
Miami County, KS Sheriff's Department, C/O Undersheriff Wayne Minckley (Co-applicant)  
Hayden Tower Service, C/O David Blaha (Tower construction management team)  
TUSA (Consultant to County C/O Dennis Ward, PM)  
TUSA (Consultant to County C/O Dean Hart, Principal)  
Motorola, C/O Scott Pittman, (Program Manager)  
Jerry Bennett, Rural Water District #2 General Manager (Property Owner)  
Robert Jensen, PE, Selective Site Consultants, Inc. (Civil Engineer)  
Larry Louk, SSC  
Dallas Pelland, SSC

EXHIBIT B

PAGE 3 OF 3 PAGE(S)

# MIAMI COUNTY STAFF REQUEST FOR COMMISSION ACTION

<b>SUBMITTED BY:</b> Frank Kelly	<b>REQUESTED MEETING DATE:</b> January 27, 2021
<b>DEPARTMENT:</b> Sheriff's Office	<b>REQUESTED MEETING:</b> <input checked="" type="checkbox"/> STUDY SESSION <input checked="" type="checkbox"/> REGULAR MEETING
<b>CONTACT INFORMATION:</b> Sheriff Frank Kelly	<b>PROJECT / REFERENCE NUMBER:</b>

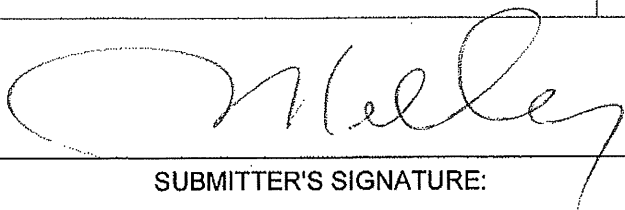
**AGENDA SUBJECT:**  
 Updated Emergency Operation Plan

**AGENDA SUBJECT BACKGROUND / DESCRIPTION:**  
 Emergency Management Division reviewed and updated the Emergency Operation Plan

**REQUESTED ACTION / STAFF RECOMMENDATION:**  
 Commission Approve and Sign

**BUDGET IMPACT:**

<b>BUDGET AVAILABLE FOR THIS ITEM:</b> \$	<b>BUDGET REMAINING FOR THIS ITEM:</b> \$	
<b>FUND / LINE ITEM TO BE CHARGED:</b> ###-###-####	<b>ITEM BUDGETED?:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>CAPITAL PROJECT?:</b> <input type="checkbox"/> YES <input type="checkbox"/> NO



SUBMITTER'S SIGNATURE:

01-07-2021

DATE:

# MIAMI COUNTY

## STAFF REQUEST FOR COMMISSION ACTION

Print Form

<b>SUBMITTED BY:</b> Matthew Oehlert	<b>REQUESTED MEETING DATE:</b> Wednesday, January 27, 2021
<b>DEPARTMENT:</b> Road and Bridge	<b>REQUESTED MEETING:</b> <input type="checkbox"/> STUDY SESSION <input checked="" type="checkbox"/> REGULAR MEETING
<b>CONTACT INFORMATION:</b> moehlert@miamicountyks.org	<b>PROJECT / REFERENCE NUMBER:</b> 21-01-SB (676)

**AGENDA SUBJECT:**  
Project Authorization and Authorization to solicit for price proposals concerning the 2021 and 2022 Bridge Inspections

**AGENDA SUBJECT BACKGROUND / DESCRIPTION:**  
Project Authorization Request for Biannual Bridge Inspection for 2021 and 2022. Biannual Bridge Inspection is for 237 NBI bridge length structures. Biannual inspection of bridge length structures is required by FHWA and KDOT.  
Authorization to solicit for price proposals for 2021 and 2022 Biannual Bridge Inspections.

**REQUESTED ACTION / STAFF RECOMMENDATION:**  
Recommend Commission to authorize project 21-01-SB (676) and to authorize staff to solicit bids for Routine Bridge Inspection for years 2021 and 2022.

**BUDGET IMPACT:**  
\$40,000

<b>BUDGET AVAILABLE FOR THIS ITEM:</b> \$	<b>BUDGET REMAINING FOR THIS ITEM:</b> \$	
<b>FUND / LINE ITEM TO BE CHARGED:</b> 450-327-676	<b>ITEM BUDGETED?:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>CAPITAL PROJECT?:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**Matthew Oehlert** Digitally signed by Matthew Oehlert  
Date: 2021.01.21 09:37:16 -06'00'

1/21/2021

SUBMITTER'S SIGNATURE:

DATE:

FISCAL REVIEW

SIGNATURE:

DATE:

Comments:

LEGAL REVIEW

SIGNATURE:

DATE:

Comments:

ADMINISTRATOR REVIEW

*Shane Knoll*

*1-21-21*

SIGNATURE:

DATE:

Comments:

COUNTY CLERK'S OFFICE USE

Commission Action Taken:

Accepted

Denied

Postponed

Acknowledged

Date Action Taken:

Required Follow-up Date:

Publication Required:

Submitted to Publication By:

Yes

No

NPG Account Number:

Mail Distribution Required:

Mailed By:

Yes

No

## Miami County Project Authorization Form



Department Road & Bridge  
 Project Number 21-01-SB (676)  
 Project Type Bridge Inspection  
 Project Location County Wide  
 Project Length N/A

**Project Description:**

In order to comply with Federal and State regulations, Miami County needs to inspect all of the 237 NBI Bridge Length structures every 12-24 months.

**Project Schedule**

Estimated Start Date	<u>Spring 2021</u>	Consultant Selection
Estimated Bid Letting	<u>Winter 2021</u>	
Estimated Completion Date	<u>Fall 2022</u>	Project Completion

**Project Budget Summary**

Fund	Amount	Total Project Budget
<u>Special Bridge</u>	<u>\$40,000.00</u>	<u>\$40,000.00</u>

**Attachments**

Project Budget	Project Aerial Photo
Project Request for Proposals	
Project Scope Memorandum	
Project Map	

**Approvals:**

Project Authorization:  
Board of County Commissioners

\_\_\_\_\_  
Director of Road and Bridge (date)

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Finance Director (date)

\_\_\_\_\_  
Member

\_\_\_\_\_  
County Administrator (date)

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Attest, County Clerk

Project Authorized this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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**INTEROFFICE MEMORANDUM**

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**TO:** SHANE KRULL, MIAMI COUNTY ADMINISTRATOR  
**FROM:** MATTHEW OEHLERT, PROJECT MANAGER  
**SUBJECT:** BRIDGE INSPECTION REQUEST FOR PROPOSAL  
**DATE:** 1/27/2021  
**CC:** JR MCMAHON, ROAD AND BRIDGE

---

Project Information: In order to comply with Federal and State regulations, Miami County needs to inspect all of our 237 NBI Bridge Length structures every 12-24 months. The last inspection performed on these bridges was in 2019 and 2020.

Project Scope: Calendar year 2021 and 2022 biannual bridge inspection will be performed by Consultant. It is our intent to have the Consultant perform additional work above the minimum requirements of Federal and State regulations in order to provide Miami County valuable resources to help maintain and repair our bridges. Consultant will provide a maintenance recommendation list as well as perform scour assessment.

Project Timeline: The proposed timeline for 2021 & 2022 Bridge Inspections are as follows:

Bid Authorization: ..... January 27, 2021  
Advertise for Bids: ..... February 2, 2021  
Bid Opening: ..... February 23, 2021  
Bid Award & Agreement: ..... March 3, 2021

# MIAMI COUNTY

## STAFF REQUEST FOR COMMISSION ACTION

Print Form

<b>SUBMITTED BY:</b> Matthew Oehlert	<b>REQUESTED MEETING DATE:</b> Wednesday, January 27, 2021
<b>DEPARTMENT:</b> Road and Bridge	<b>REQUESTED MEETING:</b> <input type="checkbox"/> STUDY SESSION <input checked="" type="checkbox"/> REGULAR MEETING
<b>CONTACT INFORMATION:</b> moehlert@miamicountyks.org	<b>PROJECT / REFERENCE NUMBER:</b> 19-01-SB (668)

**AGENDA SUBJECT:**  
Notice of Award (RFB # 2020-014) Evening Star Culvert Replacement

**AGENDA SUBJECT BACKGROUND / DESCRIPTION:**  
Notice of Award for Evening Star Culvert Replacement Project, located on Evening Star Road 0.28 mile south of 169 Hwy). Bids were opened on January 27, 2021 at 9:00 a.m. WCI, Inc. was the apparent low bidder at \$137,040.85.  
  
Work is expected to begin between February 22, 2021 and April 2, 2021 for 90 calendar days.

**REQUESTED ACTION / STAFF RECOMMENDATION:**  
Commission to authorize Commission Chair to sign the Notice of Award for WCI, Inc on Project 19-01-SB (668) for the amount of \$137,040.85.

**BUDGET IMPACT:**  
\$137,040.85

<b>BUDGET AVAILABLE FOR THIS ITEM:</b> \$150,000.00	<b>BUDGET REMAINING FOR THIS ITEM:</b> \$12,959.15		
<b>FUND / LINE ITEM TO BE CHARGED:</b> 0450-327-3714-668	<table style="width: 100%;"> <tr> <td style="width: 50%;"><b>ITEM BUDGETED?:</b> <input checked="" type="checkbox"/> YES      <input type="checkbox"/> NO</td> <td style="width: 50%;"><b>CAPITAL PROJECT?:</b> <input checked="" type="checkbox"/> YES      <input type="checkbox"/> NO</td> </tr> </table>	<b>ITEM BUDGETED?:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>CAPITAL PROJECT?:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>ITEM BUDGETED?:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>CAPITAL PROJECT?:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

**Matthew Oehlert** Digitally signed by Matthew Oehlert  
Date: 2021.01.21 09:36:12 -06'00'

1/21/2021

SUBMITTER'S SIGNATURE:

DATE:

FISCAL REVIEW

SIGNATURE:

DATE:

Comments:

LEGAL REVIEW

SIGNATURE:

DATE:

Comments:

ADMINISTRATOR REVIEW

*Shane M. A.*

*1-21-21*

SIGNATURE:

DATE:

Comments:

COUNTY CLERK'S OFFICE USE

Commission Action Taken:

Accepted

Denied

Postponed

Acknowledged

Date Action Taken:

Required Follow-up Date:

Publication Required:

Submitted to Publication By:

Yes

No

NPG Account Number:

Mail Distribution Required:

Mailed By:

Yes

No



**Bid Number / Item**  
**2020-014 Request for Bid for Evening Star Culvert Replacement Project #19-01-SB (668)**

Date: January 19, 2021 Time: 9:00 a.m.

Opened by: Matthew Oehlert *[Signature]*

Witnessed by: Kristie Reitinger *[Signature]*

Contractor	Bid Bond Yes or No	Addendum 1 Yes or No	Total Base Bid	Alternate Bid Item	Total Bid
Pyramid Excavation & Construction	Yes				\$292,507.40
WCI, Inc.	Yes				\$137,040.85
Bryen-Ohlmeier Construction	Yes				\$148,526.26
Engineer's Estimate					\$198,890.00

Miami County

1/19/2021

## Tabulation of Bids

Letting Date: 12/22/2020 8:00 AM

Project(s): 19-01-SB (668)

Place of Letting: Paola, KS

Contract Time: 90 - Calendar

Contract Description: Evening Star Road 0.28 mile south of US169 Hwy

NO.	ITEM	QTY	UNIT	PYRAMID EXCAVATION & CONSTRUCTION		WCI, INC		BRYAN-OHLMEIER CONSTRUCTION		Engineer's Estimate	
				Unit Cost	Ext Cost	Unit Cost	Ext Cost	Unit Cost	Ext Cost	Unit Cost	Ext Cost
Alt Set											
1	Mobilization	1	L.S.	\$ 8,500.00	\$ 8,500.00	\$ 5,000.00	\$ 5,000.00	\$ 10,750.00	\$ 10,750.00	\$ 15,000.00	\$ 15,000.00
2	Removal of Existing Structure	1	L.S.	\$ 16,000.00	\$ 16,000.00	\$ 2,120.00	\$ 2,120.00	\$ 4,000.00	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00
3	Clearing and Grubbing	1	L.S.	\$ 8,500.00	\$ 8,500.00	\$ 6,260.00	\$ 6,260.00	\$ 1,950.00	\$ 1,950.00	\$ 7,500.00	\$ 7,500.00
4	Common Excavation (Contractor Furnished)	657	L.S.	\$ 35.00	\$ 22,995.00	\$ 14.00	\$ 9,198.00	\$ 25.00	\$ 16,425.00	\$ 30.00	\$ 19,710.00
5	Type "B" (MR-90) Compaction	547	L.S.	\$ 28.00	\$ 15,316.00	\$ 2.75	\$ 1,504.25	\$ 6.00	\$ 3,282.00	\$ 10.00	\$ 5,470.00
6	Surfacing Material (6") (AB-3)	136.3	L.S.	\$ 28.00	\$ 3,816.40	\$ 23.00	\$ 3,134.90	\$ 25.00	\$ 3,407.50	\$ 50.00	\$ 6,815.00
7	Reinforcing Steel	15,564	Lbs	\$ 2.00	\$ 31,128.00	\$ 0.95	\$ 14,785.80	\$ 1.09	\$ 16,964.76	\$ 1.25	\$ 19,455.00
8	Concrete (Grade 4)	137.7	Cu. Yd.	\$ 1,110.00	\$ 152,847.00	\$ 527.00	\$ 72,567.90	\$ 510.00	\$ 70,227.00	\$ 650.00	\$ 89,505.00
9	Foundation Stabilization	22.0	Cu. Yd.	\$ 65.00	\$ 1,430.00	\$ 60.00	\$ 1,320.00	\$ 50.00	\$ 1,100.00	\$ 80.00	\$ 1,760.00
10	Concrete for Seal Course	1	Cu. Yd.	\$ 675.00	\$ 675.00	\$ 400.00	\$ 400.00	\$ 300.00	\$ 300.00	\$ 275.00	\$ 275.00
11	Granular Backfill (Wing Walls)	236	Cu. Yd.	\$ 75.00	\$ 17,700.00	\$ 50.00	\$ 11,800.00	\$ 45.00	\$ 10,620.00	\$ 50.00	\$ 11,800.00
12	Erosion Control	1.0	L.S.	\$ 4,000.00	\$ 4,000.00	\$ 1,750.00	\$ 1,750.00	\$ 1,500.00	\$ 1,500.00	\$ 4,200.00	\$ 4,200.00
13	Seeding	1	L.S.	\$ 3,600.00	\$ 3,600.00	\$ 2,000.00	\$ 2,000.00	\$ 2,250.00	\$ 2,250.00	\$ 3,500.00	\$ 3,500.00
14	Contractor Construction Staking	1	L.S.	\$ 3,500.00	\$ 3,500.00	\$ 2,700.00	\$ 2,700.00	\$ 2,750.00	\$ 2,750.00	\$ 3,200.00	\$ 3,200.00

Miami County

1/19/2021

Tabulation of Bids

Letting Date: 12/22/2020 8:00 AM

Project(s): 19-01-SB (668)

Place of Letting: Paola, KS

Contract Time: 90 - Calendar

Contract Description: Evening Star Road 0.28 mile south of US169 Hwy

NO.	ITEM	QTY	UNIT	PYRAMID EXCAVATION & CONSTRUCTION		WCI, INC		BRYAN-OHLMEIER CONSTRUCTION		Engineer's Estimate	
				Unit Cost	Ext Cost	Unit Cost	Ext Cost	Unit Cost	Ext Cost	Unit Cost	Ext Cost
Alt Set											
15	Traffic Control	1.0	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00	\$ 3,200.00	\$ 3,200.00
				\$ 292,507.40		\$ 137,040.85		\$ 148,526.26		\$ 198,890.00	

Vendor Ranking

Letting Date: 12/22/2020 8:00 AM

Project(s): 19-01-SB (668)

Place of Letting: Paola, KS

Contract Time: 90 - Calendar

Contract Description: Evening Star Road 0.28 mile south of US 169 Hwy.

Rank	Vendor ID/Name	Total Bid	Percent Of Low Bid
1	WCI, INC	\$ 137,040.85	100.00%
2	BRYAN-OHLMEIER CONSTRUCTION CO	\$ 148,526.26	108.38%
3	PYRAMID EXCAVATION & CONSTRUCTION	\$ 292,507.40	213.45%

# Project 19-01-SB (668)

Evening Star Road 0.28 mile south of 169 Hwy

169

Evening Star Culvert

Evening Star Rd



# MIAMI COUNTY

## STAFF REQUEST FOR COMMISSION ACTION

Print Form

<b>SUBMITTED BY:</b> J.R. McMahon/Matt Oehlert	<b>REQUESTED MEETING DATE:</b> Wednesday, January 27, 2021
<b>DEPARTMENT:</b> Road and Bridge	<b>REQUESTED MEETING:</b> <input checked="" type="checkbox"/> <b>STUDY SESSION</b> <input checked="" type="checkbox"/> <b>REGULAR MEETING</b>
<b>CONTACT INFORMATION:</b> jmcMahon@miamicountyks.org	<b>PROJECT / REFERENCE NUMBER:</b> 21-02-CO (677)

**AGENDA SUBJECT:**  
 Project Authorization for Project 21-02-CO (677) 2021 Asphalt Program

**AGENDA SUBJECT BACKGROUND / DESCRIPTION:**  
 Request 1 hour for Study Session

Request Project Authorization for Project 21-02-CO (677) for 2021 Asphalt Program at the following locations:  
 Moonlight Road 215th-223rd; 399th E US169; Lonestar K-68-287th; Indianapolis US-169 to Lane Rd; 299th US-169-Victory; 311th US169-US69; 223rd Street Underpass; Club Estates-295th E Metcalf; EMS Road and Parking Lot; 271st at US69; 363rd Plum Creek-Lookout; Stewart Lane E Old KC Road

**REQUESTED ACTION / STAFF RECOMMENDATION:**  
 Commission to authorize Project 21-02-CO (677) 2021 Asphalt Program.

**BUDGET IMPACT:**  
 \$3,470,000

<b>BUDGET AVAILABLE FOR THIS ITEM:</b> \$	<b>BUDGET REMAINING FOR THIS ITEM:</b> \$	
<b>FUND / LINE ITEM TO BE CHARGED:</b> 450-203-677	<b>ITEM BUDGETED?:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>CAPITAL PROJECT?:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**Matthew Oehlert** Digitally signed by Matthew Oehlert  
 Date: 2021.01.21 09:33:41 -06'00'

1/21/2021

SUBMITTER'S SIGNATURE:

DATE:

FISCAL REVIEW

SIGNATURE:

DATE:

Comments:

LEGAL REVIEW

SIGNATURE:

DATE:

Comments:

ADMINISTRATOR REVIEW

*Shane Knell*

1-21-21

SIGNATURE:

DATE:

Comments:

COUNTY CLERK'S OFFICE USE

Commission Action Taken:

Accepted

Denied

Postponed

Acknowledged

Date Action Taken:

Required Follow-up Date:

Publication Required:

Submitted to Publication By:

Yes

No

NPG Account Number:

Mail Distribution Required:

Mailed By:

Yes

No

**Miami County  
Project Authorization Form**



Department Road & Bridge  
 Project Number 21-02-CO (677)  
 Project Type Asphalt Program  
 Project Location Various  
 Project Length Various

**Project Description:**

2021 Asphalt Program for Project 21-02-CO (677) at the following locations: Moonlight Road 215th-223rd overlay; 399th E US169 overlay; Lonestar K-68-287th overlay; Indianapolis US-169 to Lane Rd overlay; 299th US-169-Victory overlay; 311th US169-US69 mill, patch and overlay; 223rd Street Underpass mill, patch, overlay; Club Estates-295th E Metcalf mill, patch, overlay; EMS Road and Parking Lot; 271st at US69 mill, patch, overlay; 363rd Plum Creek-Lookout overlay; Stewart Lane E Old KC Road overlay.

**Project Schedule**

Estimated Start Date	<u>Summer 2021</u>	Consultant Selection
Estimated Bid Letting	<u>Spring 2021</u>	
Estimated Completion Date	<u>Fall 2021</u>	Project Completion

**Project Budget Summary**

Fund	Amount	Total Project Budget
<u>Road and Bridge</u>	<u>\$3,470,000.00</u>	<u>\$3,470,000.00</u>

**Attachments**

Project Budget	Project Aerial Photo
Project Request for Proposals	
Project Scope Memorandum	
Project Map	

**Approvals:**

Project Authorization:  
Board of County Commissioners

\_\_\_\_\_  
Director of Road and Bridge (date)

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Finance Director (date)

\_\_\_\_\_  
Member

\_\_\_\_\_  
County Administrator (date)

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Attest, County Clerk

Project Authorized this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

<b>2021 Road and Bridge Asphalt Program</b>		
<b>2021 Line Items Available for Asphalt</b>		
2021 R&B Budget (203-203-3017 Asphalt)	\$	2,500,000
Cash Carry Over (405-203-3714 Projects)	\$	300,000
Projects (203-203-6002 Transfers Out)	\$	450,000
Federal Fund Exchange (450-203-3714 Transfers Out)	\$	220,000
<b>Total</b>	<b>\$</b>	<b>3,470,000</b>
<b>New</b>		
Moonlight Road 215th to 223rd (Contract)	\$	150,000
399th St. East of US-169	\$	100,000
Lonestar K-68 to 287th St.	\$	150,000
Indianapolis Rd. US-169 to Lane Rd.	\$	75,000
299th Street US-169 to Victory Rd.	\$	75,000
<b>Subtotal</b>	<b>\$</b>	<b>550,000</b>
<b>Overlay (Contract)</b>		
311th (US-169 to US-69)- 10 Miles (Mill and Repair)	\$	1,550,000
223rd Street Underpass- (Mill and Repair)	\$	200,000
Club Estates (295th E of Metcalf) (Mill and Repair)	\$	50,000
EMS	\$	35,000
<b>Subtotal</b>	<b>\$</b>	<b>1,835,000</b>
<b>In-House</b>		
Chip Seal	\$	375,000
Patching	\$	650,000
<b>Subtotal</b>	<b>\$</b>	<b>1,025,000</b>
<b>Total Expenditures</b>		<b>\$ 3,410,000</b>
<b>Net</b>		<b>\$ 60,000</b>

# 21 Asphalt Program

## urfacing Work

 Chipseal / Patching

 Gravel to Paved

 Contracted Mill / Overlay

