

Leavenworth County Commission a year in review-

By County Commissioner Mike Stieben

It is hard to believe that the new five- member Leavenworth County Board of County Commissioners has now been working for a little over eight months, and it is even harder to believe the number of issues and events that have taken place in that short time. I want to take this opportunity to look back on the last eight months of activity at the County Commission and review the issues that have been settled, dealt with, and issues that are still pending in 2020.

The expansion of the Leavenworth County Commission was important to the southern part of the county to give our area an increased voice in local government concerns. Population growth has shifted to the south and with that growth many issues that are important to the future must be considered, with the concerns of southern residents being given added weight.

My goal as your Commissioner is to bring openness and transparency to both the process and the issues that are before us as we face the prospect of additional growth and development, and the concern with maintaining both our culture and our rural way of life. These issues require careful consideration and balance.

Tornado-

The May 28th Tornado was certainly the most impactful issue to area residents in this past year. The F-4 tornado resulted in the destruction of 48 homes and massive damage to many others. It cannot be overemphasized how the lives of so many residents were changed and even today as rebuilding moves forward some residents have informed me that it will take years to bring their properties back from the complete destruction that nature brought.

A key priority on the County level has been to move forward with property tax abatement of primary residences which were destroyed, which is provided for by Kansas law. The Commission has also advocated to our State elected officials for the inclusion of outbuilding tax-abatement which is not currently allowed under Kansas statutes.

It is events like the tornado that show the common-sense, decency, and community values of our area. It is faith in God and the community pulling together that allowed full recovery and we are all thankful for the fact that although property was damaged no one lost their life. Some have called it a miracle, after looking at the complete destruction and at the uncertain route of the storm just a small move to the east could have resulted in a direct hit on the city of Linwood. Special thanks to all of the first responders, community organizations, volunteers, and faith-based organizations and churches that provided so much to the efforts.

Taxes/Budget-The overall property tax burden is comprised of approximately 40% school district, 25% county and the remainder city and other local units of government, including a small portion that goes to the state. I recognize that the overall property tax burden for individual taxpayers was a major issue in 2019 and remains an issue for 2020.

Huge property valuation increases resulted in many taxpayers being burdened by disproportionately large property tax increase. The valuations increased 8.1% on average across Leavenworth County and it was not spread evenly fact, many southern Leavenworth County residents saw their tax bill increase between 10% and 20 % with some residents facing an even higher tax burden. The valuation increases brought in nearly \$2 million in new tax revenue to the county.

Overall the county budget is about \$61 million but this number includes nearly \$10 million in carryover and transfer budget amounts including pass through state and federal grants. In terms of actual spending in the county budget, the amount budgeted for in 2020 is a little over \$50 million. Budgeted spending levels have increased under the new county budget from \$49,009,9167 (FY2019) to \$51,160,069 (FY2020) This represents a \$2,151,153 increase in spending year over year.

During the August 21st County Commission meeting discussion centered on whether there should be a mil levy reduction to help offset some of the property tax increases. I introduced the motion to reduce the mil levy by a quarter mil, the motion was seconded by Commissioner Smith. Unfortunately, the motion failed on a 2-3 vote with both southern Leavenworth County Commissioners supporting the reduction. We will revisit the issue of tax relief, via reduction to the mil levy during the next budget cycle. We believe that continued revenue increases from addition upward valuation adjustments should persuade a majority of the commissioners to support efforts to provide tax relief to all residents.

Comprehensive Plan-

Leavenworth County is in the process of updating the 2008 Comprehensive Land Use Plan which is the basis for all current zoning within the County. The County hired a professional firm to hold meetings, conduct surveys, and meet with local citizens, business people, landowners, and stakeholders to gain insight on what direction land use law should take into the future for Leavenworth County. The consulting firm is completing its work and very soon the preliminary proposal will be forwarded to each County Commissioner for review and will eventually be presented to the Leavenworth County Planning Commission which will meet, review, make changes, and eventually make a recommendation to the Board of County Commissioners for implementation of a new Comprehensive Plan.

The optimistic goal is to see the plan adopted and implemented by early spring 2020 but the consulting firm has yet to release their preliminary document which was due prior to Christmas.

It is important that work be completed on the Comprehensive Land Use Plan as soon as possible because zoning decisions and requests for re-zoning from 5.0 acres to 2.5 acres in certain parts of the county are becoming more common and it is important that we have the plan so that the Planning Commission and the BOCC make zoning decisions in conformity with the new plan.

County Road 1-

Incorporated into the new comprehensive land use plan will be the County Road 1 corridor plan that has already been adopted by a previous County Commission. The new five-member commission lifted the moratorium on development along CR1 and sent it to the Planning Commission for consideration of the implementation of re-zoning in conformity with the corridor study.

The original re-zone was actually brought before the Board of County Commissioners prior to the final adoption of a table of uses for a myriad of new zoning categories that were established by Planning and Zoning Staff. Many issues have arisen with the manner in which the zoning was proposed and an all too rushed approach to the issue, which was a surprise to some commissioners. What was most surprising was that the actual new zoning categories and changes were to be county-wide rather than specific to the CR1 corridor.

This vast expansion of the re-zoning and the concerns expressed by citizens created the need to send the issue back to Planning and Zoning which will be conducting work sessions and additional hearings to assure that the table of uses is done correctly. Contained within the "proposed" table of uses were changes that could have allowed sand-mining and excavation without the requirement of a special use permit, this was problematic as it dove-tailed with another controversial issue already under consideration by the county. Because of the breath of this issue it is likely to take some time for all of the categories and tables to be completed.

Specific to the CR 1 issue some citizens argue that there should be no wholesale zoning in the corridor, others agree that there should be some zoning but centered just south of Tonganoxie, still others point out that the taxpayers have already committed over 25 million dollars to CR 1 corridor and the turnpike interchange and that it is important the county government at least focus on economic development along the route.

A possible compromise has been floated to limit re-zoning the area to just south of Tonganoxie where development is likely to occur first. As your County Commissioner I want to represent you on this issue as best I can and if we can come to a consensus or compromise by perhaps keeping areas of the corridor south of Himpel Road R2.5 or R5 and implement zoning north to Tonganoxie that would be an alternative. Please don't hesitate to let me know your opinion on this issue as the commissioners move toward a decision.

Sand Pit-

The Kaw Valley company has applied for a Special Use Permit in an industrial zoned area along the Kansas River near DeSoto. The application would permit sand mining and transportation of refined and unrefined sand to the Kaw Valley facility in Edwardsville, Kansas. The application from the company indicates that the company would likely employ 3-6 employees at the facility and would place 85-to over 100 trucks a day on county roads transporting sand from the Lenape facility to Edwardsville.

This issue has created an atmosphere of confusion in the southern part of Leavenworth County with many residents expressing concerns that their voices are not being heard and that there has been a lack of transparency. Let me assure you as the Commissioner representing this area that I will fight for openness and transparency and good government on this issue.

Unfortunately, the issue has demonstrated some problems in the Planning and Zoning department as it has failed in the past to standardize the handling of large industrial applicants, this was evidenced with this project in the highly deficient first road study that was presented to the Planning and Zoning Commission that seemed to rubber stamp the project, without getting a good handle on the actual cost of this volume of trucks being added to county roads. Fortunately, the county has been working with the very professional Olsson Company on many of our engineering projects, and they were able to identify some of the problems with the previous studies and establish actual scope for road studies now and in the future when dealing with large impactful proposals.

Currently, the fourth study/study-review is underway on the project, following scope established by Olsson. This will allow the county to identify what the actual cost and impact on county roads would be for such a project and what the financial requirements would be for Kaw Valley to move ahead.

As your Commissioner I am required to be open-minded and fair to all landowners as they seek the application of Special Use Permits. But the current proposal to use chip and seal roads to transport this amount of tonnage seems untenable, I have urged Kaw Valley to look into establishing a railhead at Lenape and transporting the sand via the Union Pacific Railroad.

Foster homes-

Recently residents in the southern part of the county sold their home on 23 acres to a foster care organization to build 10 foster care homes on the property. The goals of the Christian organization headed by a local pastor and his wife are laudable but as in so many of these land-use issues the devil was in the details.

Neighbors expressed concerns about safety, traffic, and maintaining the rural character of the area. Special concerns focused on the number of new residences and the number of children that would be brought into the area in quick succession.

Unfortunately, the news media then demonized some of our citizens by portraying them as anti-foster care and anti-child. One local resident was even exploited for a political cartoon feature in which he was portrayed as supporting his cattle over foster care children, when his real concern was for the safety of the children.

Politics many times is the art of compromise and that is exactly what successfully occurred. Although not everyone was happy a compromise was reached that allowed three additional homes to be constructed now and required road improvements and fencing prior to construction of the additional homes. After five years the foster care organization can make an application for an additional three homes to bring the total to seven. It was a compromise that attempted to meet all the concerns and yet allow the project to move forward.

Other issues-

The County Commission continues to move ahead on the dust abatement paving of certain rural county roads as identified by traffic counts. Many citizens have contacted me about how pleased they are with improvements made and with anticipation for pending improvements for next year. The County is moving ahead with yearly inspections on the 144 county bridge structures. I met as part of a committee, along with Public Works personnel, and the County Administrator to hire a professional firm for those services. The county also joined a rural road safety plan and will be looking forward to the report back from the state reviewing many of our rural roads.

The County Commission has also changed the Planning and Zoning Commission membership to include five members appointed by the Commissioners and four selected at large. The Commission also plans to move forward with a re-write of the Port Authority by-laws to give local communities more representation on the board, insisted on more accountability for outside agencies like the Leavenworth County Development Corporation (LCDC), initiated a committee to study the establishment of basic county building codes, and will review funding of local animal control services and consider a county ordinance requiring rabies vaccination.

Eight months-

It has been a very busy eight months as your new Commissioner, and I want you to know that it is my honor every day to be able to serve you in this capacity. Please contact me if you need help with any government issues, I will do everything in my power to solve your problem or at least point you in the right direction. I know that every decision I make cannot make everyone happy, but I do want you to know how I reached the decision and I want all the decisions to be made with openness and transparency.

If you have issues or concerns, please call me:

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