

*****March 4, 2026 *****

The Board of County Commissioners met in a regular session on Wednesday, March 4, 2026. Commissioner Smith, Commissioner Dove, Commissioner Reid, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; Connie Harmon, Council on Aging Director; Jamie Miller, EMS/Health Department Director; Rhonda Berry, Community Corrections Business Manager

PUBLIC COMMENT:

Denise McCullough, Mike McDonald, Danielle Redmon and Nancy Carpenter commented.

ADMINISTRATIVE BUSINESS:

Commissioner Stieben read the March for Meal proclamation.

Commissioner Dove indicated he met with other commissioners through the Kansas Association of Counties to exchange and discuss information regarding data centers.

Commissioner Stieben read information through his research regarding data centers.

Commissioner Stieben discussed house bills passed in legislation about property taxes.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, March 4, 2026, as presented.

Motion passed, 5-0.

Connie Harmon requested appointment of a member to the Council on Aging Advisory Board.

A motion was made by Commissioner Dove and seconded by Commissioner Smith to appoint Sherry Brown to the Wyandotte/Leavenworth Areawide Advisory Council representing the Leavenworth County Council on Aging.

Motion passed, 5-0.

Jamie Miller presented the application for Aid to Local Grants.

A motion was made by Commissioner Dove and seconded by Commissioner Smith to authorize the chairman to sign the application for the Aid to Local Grants for the Health Department.

Motion passed, 5-0.

Rhonda Berry requested approval of the application for the adult comprehensive plan.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to approve the application for the FY27 Adult Comprehensive Plan.

Motion passed, 5-0.

Ms. Berry requested approval of the application for the juvenile comprehensive plan.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to approve the application for the FY27 Juvenile Comprehensive Plan.

Motion passed, 5-0.

Ms. Berry presented the quarterly report for adult and juvenile community corrections.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith that the Board recess for a closed executive meeting to allow the Commission to discuss personnel matters related to specific non-elected employees in order to protect the privacy interests of the individuals discussed as permitted under the Kansas Open Meetings Act and that board resume open meeting at 10:30 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Mike Smith, Jeff Culbertson, Vanessa Reid, Willie Dove, Mike Stieben, County Administrator Mark Loughry and County Counselor Misty Brown.

Motion passed, 5-0.

The Board has returned to regular session at 10:30 a.m. No action was taken and no decisions were made. The subject was limited to matters related to specific non-elected personnel.

Commissioner Reid testified in Topeka last week on the 911 communications sale tax in front of the house committee.

Commissioner Smith noted the voters turned down the Lansing USD#469 improvements.

Commissioner Stieben inquired where the money is coming from when departments implement a different amount for pay raises.

Mark Loughry indicated as long as that department stays within their budget, they can juggle between line items.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to adjourn.

Motion passed, 5-0.

The Board adjourned at 10:39 a.m.

*****March 11, 2026*****

The Board of County Commissioners met in a regular session on Wednesday, March 11, 2026. Commissioner Smith, Commissioner Reid, Commissioner Culbertson and Commissioner Stieben are present; Commissioner Dove is absent; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; Fran Keppler, County Clerk

PUBLIC COMMENT:

Nancy Carpenter commented.

ADMINISTRATIVE BUSINESS:

Fran Keppler shared information from the Secretary of State indicating the primary election could be huge due to two constitutional amendments.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, March 11, 2026, as presented.

Motion passed, 4-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to adjourn as the Board of County Commissioners and convene as the Board of County Canvassers.

Motion passed, 4-0.

Ms. Keppler indicated the Board is canvassing the USD#469 school bond election recommending to accept seven ballots.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the seven provisional ballots.

Motion passed, 4-0.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to adjourn as the Board of County Canvassers and reconvene as the Board of County Commissioners.

Motion passed, 4-0.

The Board considered a list of proclamations for the year.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the proclamations for the coming year as presented.

Motion passed, 4-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith that the Board recess for a closed executive meeting to consult with our attorney and discuss confidential matters related to the legal interests of the County which would be deemed privileged in the attorney-client relationship as permitted under the Kansas Open Meetings Act and that Board resume open meeting at 9:30 a.m. in the meeting room of the Board.

Present in the executive meeting will be Commissioners Mike Smith, Jeff Culbertson, Vanessa Reid, Mike Stieben, County Administrator Mark Loughry, County Counselor Misty Brown and Commissioner Dove on the phone.

Motion passed, 4-0.

The Board has returned to regular session at 9:30 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the county.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to adjourn as the Board of County Commissioners and reconvene as the Board of County Canvassers.

Motion passed, 4-0.

Ms. Keppler ran the provisionals and announced it did not change the outcome of the election. She reported that both questions still failed.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the finding by the County Clerk.

Motion passed, 4-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to adjourn as the Board of County Canvassers and reconvene as the Board of County Commissioners.

Motion passed, 4-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Reid that on the 25th we will meet in the evening at 7:00 p.m. rather than our regular time at 9:00 a.m. for the considerations that are on the agenda for that day.

Motion failed, 2-2, Commissioners Culbertson and Smith voting nay.

Commissioner Reid commented on the decision of the Leavenworth City Commission regarding CoreCivic.

Commissioners Smith, Reid and Dove attended the Basehor Mayor's State of the City Address on March 10th.

Commissioner Stieben discussed legislation that are being considered in Topeka regarding property taxes.

Commissioner Reid traveled the county gravel roads and indicated there wasn't any gravel on the roads. She will meet with the Public Works director.

Ted Grinter commented.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to adjourn.

Motion passed, 4-0.

The Board adjourned at 9:58 a.m.

Final Approved

*****March 18, 2026*****

The Board of County Commissioners met in a work session and in regular session on Wednesday, March 18, 2026. Commissioner Smith, Commissioner Reid, Commissioner Culbertson, Commissioner Dove and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor;

PUBLIC COMMENT:

Jim Karleskint, Janell Kinse Ed Irvine, Ted Grinter, Cecillia Pruitt, Maryam Hjersted and Rebecca Davis commented.

Commissioner Stieben opened the work session on data centers.

Paul Hughes with the Kansas Department of Commerce presented.

Chuck Caisley with Evergy presented.

Justin Grady with the Kansas Corporation Commission presented.

Aaron Bilyeu with Cloverleaf presented.

Zack Pistora with the Sierra Club presented.

Ben Morgan, John Hulsey, Ann Hulsey, Kevin Grower, Nancy Carpenter and Janice Bernhardt commented.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, March 18, 2026, as presented.

Motion passed, 5-0.

Misty Brown requested approval of Board Order 2026-3, authorizing the County Counselor to secure opioid related funds.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to approve Board Order 2026-3, authorizing the County Counselor to take action to secure the County's share of opioid-related funds to support opioid abasement in the County.

Motion passed, 5-0.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson that the Board recess for a closed executive meeting to consult with our attorneys and discuss confidential matters related to potential claims and litigation which would be deemed privileged in the attorney-client relationship as justified by K.S.A. 75-4319(b)(2) and that Board resume open meeting at 2:45 p.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Mike Smith, Jeff Culbertson, Vanessa Reid, Willie Dove, Mike Stieben, County Administrator, Mark Loughry and County Counselor Misty Brown.

Motion passed, 5-0.

The Board has returned to regular session at 2:45 p.m. No action was taken and no decisions were made. The subject was limited to matters related non-elected personnel.

*A motion was made by Commissioner Reid and seconded by Commissioner Smith to adjourn.
Motion passed, 5-0.*

The Board adjourned at 2:45 p.m.

Final Approved

*****March 25, 2026*****

The Board of County Commissioners met in regular session on Wednesday, March 25, 2026. Commissioner Smith, Commissioner Reid, Commissioner Culbertson, Commissioner Dove and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; Dave Martin, Information Systems Director; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director

PUBLIC COMMENT:

Colonel Sunday presented the Board a draft agreement for EMS services on Fort Leavenworth.

Laura Wyckoff, Ben Morgan, EJ Fike; Ted Grinter, Kevin Gruer, Alicia Boswell , Stacey Schmitt and Nancy Carpenter commented.

ADMINISTRATIVE BUSINESS:

Commissioner Reid inquired if the Board received a letter from Senator Klemp regarding Kaw Valley special use permit.

Commissioner Stieben indicated the letter expresses interest in rail spur from Union Pacific Railroad.

Misty Brown indicated the letter should not be considered since it was not presented at the public hearing.

Commissioner Reid read the letter from Senator Klemp.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, March 25, 2026, as presented.

Motion passed, 5-0.

John Groves requested allocation of funds from the Leavenworth County Special Alcohol Funds.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to distribute funds from the Leavenworth County Special Alcohol Fund as recommended.

Motion passed, 5-0.

Dave Martin requested approval of the purchase of vulnerability maintenance software.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to approve the purchase of Tenable Vulnerability Management Software in the amount of \$19,000.00.

Motion passed, 5-0.

Amy Allison presented Resolution 2026-7, a request for a special use permit for Kaw Valley, LLC.

A motion was made by Commissioner Smith and seconded by Commissioner Dove that since the Planning Commission's original recommendation in November, the applicant has suggested substantial changes for the Commission's consideration. These suggested changes include moving their operation into Leavenworth County and allowing retail sales on site, a new primary haul route, and royalty payments to the County. These changes, if implemented, could affect the intensity of use, the traffic patterns and materially alter the nature, scope, and potential impacts of the proposed use. The current record does not reflect the applicant's proposed changes to the application, and that makes it difficult for the Commission to properly evaluate the request. Simply put, the original public hearing record is no longer adequate for the County Commission to make a fully informed decision. In addition, due process and fundamental fairness require that neighboring property owners and the public have an opportunity to review and comment on the revised proposal. If the Commission includes the suggestions the applicant has brought forward, the changes could affect key considerations such as compatibility with surrounding uses, the traffic impact, the overall effect on the relative gain to economic development, public health, safety, and welfare which would require an updated analysis consistent with the Golden factors. Given the potential impacts to local roads, I'd encourage the applicant to consider evaluating alternatives to exclusive road use, including the feasibility of incorporating a rail loop. Understanding whether rail service is viable could help address traffic, safety, and road maintenance concerns, while still keeping the decision grounded in what's practical and achievable. The Planning Commission has not evaluated or made a recommendation on the proposed changes to the application, and I cannot either vote to approve or disapprove this matter at this time so I move that Case DEV-25-021 matter be remanded back to the Planning Commission with direction to the Planning to:

- 1. conduct a new public hearing and consider the newly proposed haul route, retail sales from the site, the applicant's reclamation plan, and the proposed royalty payment as well as any other proposed changes,*
- 2. Evaluate the application as modified under all applicable criteria, including the Golden factors; and*
- 3. develop an updated record and recommendation for consideration by the County Commission.*

Commissioner Reid read a letter from the Union Pacific Railroad.

Aaron March, counsel for Kaw Valley, LLC commented.

Motion passed, 4-1, Commissioner Culbertson voting nay.

Commissioner Stieben presented a list small businesses and special use permits that have been approved in the last seven years.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to adjourn.

Motion passed, 5-0.

The Board adjourned at 10:02 a.m.

Final Approved