*******June 3, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, June 3, 2026. Commissioner Smith, Commissioner Culbertson, Commissioner Reid, Commissioner Dove and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; John Jacobson, Planning and Zoning Director; Bill Noll, Infrastructure and Construction Services

PUBLIC COMMENT:

Brian Morley, Stacy Schmitt, Ben Morgan, Judy Smith, Lisa Haack, Cary Holton, Ted Grinter, Jeannie Garies, Rick Frederich, Cindy Reeves, Nancy Carpenter, Ernest Rieke, Paula Jaskinia, Allen Jaskinia, Joel Sipp and Wes Baker commented.

ADMINISTRATIVE BUSINESS:

Commissioner Stieben read accomplishments made by the Commission.

Commissioner Dove addressed a Facebook post in which Commissioner Stieben signed as Chairperson, Leavenworth County Commission. He wanted to clarify the Board has not advocated for any topic in the post.

Commissioner Reid spoke about property taxes and stalled growth in the county.

Commissioner Smith responded to Commissioner Reid’s comments.

Commissioner Stieben inquired about an advisory election limited to the proposed project site.

Misty Brown indicated a resolution would need to be prepared with a commitment from the County to pay for the advisory election.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, June 3, 2026, as presented.

Motion passed, 5-0.

John Jacobson presented Resolution 2026-9, a request for a special use permit for Tillman Infrastructure, LLC.

A motion was made by Commissioner Reid and seconded by Commissioner Smith to find that the request for a special use permit as outlined in Case DEV-26-015 complies with the Golden Factors and move to adopt Resolution 2026-9 and conditionally approve the special use permit as outlined in Case DEV-26-015 based on the recommendation and findings of the Planning Commission and the findings set forth in the staff report as amended by the Planning Commission and as substantiated by the facts, testimony and evidence presented at the public hearing.

Motion passed, 5-0.

Mr. Jacobson presented Resolution 2026-7, a request for a special use permit for Kaw Valley Companies, LLC.

Aaron March, on behalf of the applicant gave a brief presentation.

A motion was made by Commissioner Stieben and seconded by Commissioner Smith that the application generated extensive public comment and review by the County staff, the Planning Commission, the County Engineer, neighboring landowners, emergency responders and other interested parties; the findings of the Board of County Commissioners, the Planning Commission conducted public hearings regarding the application and received substantial testimony concerning traffic safety, road infrastructure, compatibility with surrounding land uses, environmental concerns, and impacts upon nearby property owners. The Planning Commission recommended denial of the application. Finding: Per Kansas statutory and case law requirements clear findings by the Board of County Commissioners are necessary to substantiate the decisions of the Board and ensure fairness and due process to the applicant. Finding: The Planning Commission found that the proposal failed to satisfy multiple Golden Factors, including neighborhood character, compatibility with surrounding uses, detrimental impacts to nearby property and the haul routes, and balance between public benefit and burdens imposed upon surrounding property owners. Finding: The Leavenworth County Comprehensive Plan encourages orderly growth, protection of rural character, compatibility of land uses, preservation of agricultural areas and protection of public infrastructure investments. Finding: The Board finds that preservation of rural character of southern Leavenworth County constitutes a substantial and legitimate planning objective. Finding: The Board finds that the proposed industrial sand mining operation is inconsistent with the established pattern of agricultural and rural residential development surrounding the subject property. Finding: The Board finds that introduction of a long-term industrial extraction operation would materially alter the character of the area and conflict with the Comprehensive Plan objectives promoting compatible land-use transitions. Finding: The Board finds that protection of the County transportation infrastructure is a stated and legitimate planning objective. Finding: The Board finds that approval of the proposed operation would impose substantial demands upon public road infrastructure and are inconsistent with long-term infrastructure preservation goals. Transportation and Infrastructure Finding: Transportation impacts represent one of the most significant adverse consequences associated with the proposed operation. Finding: The evidence demonstrates that extraction activities would require substantial movement of sand by heavy commercial vehicles utilizing county roads. Finding: The Board finds that portions of the anticipated haul route consist of rural roads originally designed to serve agricultural and residential traffic rather that sustained industrial hauling operations. Finding: The Board finds that roadway characteristics within the area include narrow pavement sections, limited shoulders, constrained sight distances, intersections with restricted visibility and roadway segments shared by school transportation, agricultural equipment, emergency vehicles and local residents. Finding: The Board finds that increased heavy truck traffic would increase roadway conflicts, accident exposure, maintenance demands and reconstruction costs. Finding: The Board finds that substantial evidence was presented regarding concerns for school transportation safety and the interaction of heavy truck traffic with school buses and other local traffic. Finding: The Board finds that substantial evidence was presented

regarding emergency responses concerns, including the effects of increased traffic congestion and roadway conflicts upon emergency vehicle operation. Finding: The Board finds that County Engineering reviews conducted during prior proceedings identified substantial concerns regarding long-term roadway performance under projected truck loading conditions. Finding: The Board finds that the applicant has not demonstrated that all transportation impacts have been fully mitigated. Rail Transportation alternative Finding: The Board finds that transportation impacts constitute a principal basis for opposition to the proposed operation. Finding: The Board finds that rail transportation is commonly utilized throughout the aggregate and mining industries to reduce impacts upon public roadway systems. Finding: The Board finds that rail transportation substantially reduces pavement deterioration, traffic conflicts, emissions, roadway maintenance costs and impacts upon neighboring residential properties. Finding: The Board finds that the applicant has not demonstrated that reliance upon truck transportation over County roads represents the least impactful transportation alternative reasonably available. Finding: The Board finds that transportation of extracted materials by rail would more effectively protect public infrastructure and reduce impacts upon the surrounding land owners. Golden Factor Analysis: Golden Factor 1, Character of the Neighborhood: The surrounding area consists primarily of agricultural uses, rural residences, estate residential development, open space and river corridor lands. Finding: The proposed industrial mining operation is incompatible with the existing rural character of the neighborhood. Finding: Nearby properties are predominantly agricultural and residential in nature. Finding: The proposed operation introduces industrial activities that are not compatible with surrounding uses. Detrimental Effects Upon Nearby Property Finding 36: The Board finds credible evidence regarding adverse impacts associated with truck traffic noise, dust, roadway deterioration, visual impacts and interference with enjoyment of nearby property. Finding: The Board finds that approval would create detrimental effects upon neighboring properties and users of affected haul routes. Relative Gain to the Public Compared to Hardship Imposed: The Board recognizes that the proposal may provide economic benefits to the application and limited economic activity associated with extraction operations. Finding: The Board further finds that the principal economic benefits are largely private rather than public. Finding: The Board finds that the burdens imposed upon the neighboring property owners, County infrastructure, public safety, and the rural character of the area substantially outweigh any demonstrated public benefit. Finding: The Board finds that roadway maintenance costs, reconstruction obligations, traffic safety concerns environmental concerns and land-use compatibility concerns represent substantial public burdens. Findings: The Board finds that the hardship imposed upon surrounding property owners and County taxpayers outweighs any demonstrated public good. For this reason, I move that we accept the recommendations of the Planning Commission and deny the application.

Motion failed 3-2, Commissioners Culbertson, Dove and Reid voting nay

A motion was made by Commissioner Reid and seconded by Commissioner Culbertson to find that the request for a special use permit outlined in Case DEV-25-021 complies with the Golden Factors, including Factors 1 and 6 and move to adopt Resolution 2026-7 and conditionally approve the special use permit as outlined in Case DEV-25-021 based on the findings as set forth in the staff report and information presented at the public hearing subject

to the following additional conditions: the first to be the amending of the route as Commissioner Dove has explained the second to be allowing them to do retail sales and the third which I'm open for discussion on I would like to allow this as I've expressed before on this Board to go to the 25- years which is a business forward mindset. Right now, it's 3and so my motion is for it to be 25 years, but again I'm open to discussion on that point and that's my motion.

The Board discussed the permit length and the dredging hours.

Commissioner Reid withdrew her motion.

A motion was made by Commissioner Reid and seconded by Commissioner Culbertson to find that the special use permit outlined in Case DEV-25-021 complies with the Golden Factors, including Factors 1 and 6 and move to adopt Resolution 2026-7 and conditionally approve the special use permit as outlined in Case DEV-25-021 based on the findings as set forth in the staff report and information presented at the public hearing subject to the following additional conditions: 15 years instead of 3, the route change as Commissioner Dove established and allowing retail sales.

Commissioner Stieben offered an amendment to 25 years and stated the rail component be implemented.

Commissioner Reid withdrew her motion.

Ms. Brown stated the commitment to the rail component was included in the development agreement.

A motion was made by Commissioner Reid and seconded by Commissioner Dove to find that the special use permit outlined in Case DEV-25-021 complies with the Golden Factors, including Factors 1 and 6 and move to adopt Resolution 2026-7 and conditionally approve the special use permit as outlined in Case DEV-25-021 based on the findings as set forth in the staff report and information presented at the public hearing subject to the following additional conditions: 20 years instead of 3, amending the route as Commissioner Dove established, allowing retail sales and 24 hour dredging.

Motion passed, 3-2 Commissioners Smith and Stieben voting nay

Ms. Brown reported she will bring back the revisions to the resolution.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to table the development agreement to June 17.

Motion passed, 5-0.

Mr. Jacobson presented Resolution 2026-10, a proposed amendment to the Leavenworth County Comprehensive Plan.

A motion was made by Commissioner Reid and seconded by Commissioner Smith to approve the recommendation of the Planning Commission as outlined in Case DEV-26-048 and move to adopt Resolution 2026-10, amendment to the Leavenworth Comprehensive Plan.
Motion passed, 5-0.

Bill Noll requested approval of the 1302 Project Programming request form.

A motion was made by Commissioner Culbertson and seconded by Commissioner Reid to approve the 1302 Project Programming request form for the CDS project on 235^{th} Street with KDOT.
Motion passed, 5-0.

Mr. Noll requested approval of a relocation agreement for a waterline north of Dempsey Road on 235^{th} St.

A motion was made by Commissioner Reid and seconded by Commissioner Dove to approve the agreement for the relocation of the waterline north of Dempsey Road on 235^{th} Street with Rural Water District #9.
Motion passed, 5-0.

Mr. Noll presented the construction contract with Norfolk Contracting for the replacement of bridge HP-51 on Jamison Road and bridge T-31 on Fairmount Road in the amount of $593,000.00 with a 10% contingency.

A motion was made by Commissioner Smith and seconded by Commissioner Dove to approve the construction contract with Norfolk Contracting for the replacement of bridge HP-51 on Jamison Road and bridge T-31 on Fairmount Road in the amount of $593,000.00 with a 10% contingency.
Motion passed, 3-2 Commissioners Culbertson and Dove voting nay

Mr. Noll requested to accept the bid from Foley Equipment for the purchase of a trench roller in the amount of $37,000.00.

A motion was made by Commissioner Dove and seconded by Commissioner Culbertson to accept the bid from Foley Equipment for the purchase of a trench roller in the amount of $37,000.00.
Motion passed, 5-0.

Wes Baker commented.

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

The Board adjourned at 1:16 p.m.

*******June 3, 2026 ********

The Board of County Commissioners met to hear budget presentations on Wednesday, June 3, 2026. Commissioner Smith, Commissioner Reid, Commissioner Stieben and Commissioner Dove are present; Commissioner Culbertson is absent; Also present: Mark Loughry, County Administrator;

The Board heard budget presentations from EMS, the Health Department, County Counselor, Coroner, Commission, Administration and Courthouse General.

Mark Loughry inquired how the Board wants the budget presented.

It was the consensus of the Board for a flat mill levy budget, revenue neutral and a quarter mill reduction.

The Board ended the presentations at 2:00 p.m.

*******June 10, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, June 10, 2026. Commissioner Smith, Commissioner Culbertson, Commissioner Reid, Commissioner Dove and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; Aaron Yoakam, Buildings and Grounds Director;

PUBLIC COMMENT:

Terry Booker, Ed Irvine, Cecilia Pruitt, Nancy Carpenter, Lukas Patton, Brooklyn Patton, Tammy Patton, Jim Karleskint, Aaron Bilyeu, Stephanie Shupe, Jane Dent, Russell Dent, Dee Karleskint, Janice Barnhardt, Alicia Mein, Judy Smith, Jerry Pruitt, Linda Seufert, Richard Paz, Kimberly Storm, Brian Morley, Ted Grinter, Kim Colbert, Wes Baker and Lisa Higge commented.

ADMINISTRATIVE BUSINESS:

Commissioner Stieben read a proclamation recognizing World Elder Abuse Awareness Day on June 15, 2026.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, June 10, 2026, as presented.
Motion passed, 5-0.

Commissioner Stieben requested to place an advisory election discussion on the agenda.

A motion was made by Commissioner Stieben and seconded by Commissioner Smith to put on the agenda to consider an advisory election and direct county staff to work with the county clerk to come up with two or three options on different methods of conducting the election.
Motion failed, 3-2 Commissioners Dove, Reid and Culbertson voting nay.

Commissioner Reid an article regarding how much water a data center versus agriculture uses.

Aaron Yoakam requested approval of a bid for the replacement of the Transfer Station tipping floor and apron.

A motion was made by Commissioner Dove and seconded by Commissioner Culbertson to approve a bid from Linaweaver Construction for the replacement of the Transfer Station tipping floor and apron in the amount of $70,000.00.
Motion passed, 5-0.

A motion was made by Commissioner Smith and seconded by Commissioner Dove that the Board recess for a closed executive meeting to consult with our attorneys and discuss confidential matters related to potential claims 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 11:45 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, County Counselor Misty Brown and Assistant County Counselor Anne Marie Yatsula.

Motion passed, 5-0.

The Board has returned to regular session at 11:45 a.m. No action was taken and no decisions were made. The subject was limited to matters related to attorney-client privileges.

No action on the moratorium resolutions.

Commissioner Stieben commented on water usage of a hyper data center.

Commissioner Reid addressed a public comment stating her comments are her own.

Alicia Mein, Ted Grinter Byron McFee Jane Dent, Lisa Higge and Wes Baker commented.

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

Motion passed, 5-0.

The Board adjourned at 12:17 p.m.

*******June 10, 2026 ********

The Board of County Commissioners met in a work session on Wednesday, June 10, 2026. Commissioner Smith, Commissioner Reid, Commissioner Culbertson, Commissioner Stieben and Commissioner Dove are present; Also present: Mark Loughry, County Administrator

The Board met in a work session to discuss data center regulations and water availability.

The Board ended the work session at 2:46 p.m.

*******June 17, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, June 17, 2026. Commissioner Smith, Commissioner Culbertson, Commissioner Reid, Commissioner Dove and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor

PUBLIC COMMENT:

Jim Karleskint, Dee Karleskint, Kim Colbert, Rebecca Davis, Ted Grinter, Mary Bowes, Tammy Patton, Brooklyn Patton, Brian Morley, Nancy Carpenter, Richard Paz, Tyler Carpenter, Kevin Finch and Lisa Hagge commented.

ADMINISTRATIVE BUSINESS:

Mark Loughry addressed a public comment regarding Leavenworth County's bid process.

Commissioner Stieben inquired about additional communication between staff and the city of Leavenworth regarding the Transfer Station.

Mr. Loughry indicated the Board previously voted to not proceed.

Commissioner Stieben inquired if a discussion regarding a memorial for Mr. Wrigley in Alexandria Township could be placed on the agenda.

Commissioner Stieben voiced concerns about AI.

Commissioner Reid requested the costs of lawsuits in the last 8 years.

Commissioner Stieben read a proclamation recognizing Juneteenth.

Commissioner Stieben requested to remove item F from the consent agenda for further discussion.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, June 17, 2026 less item F.
Motion passed, 5-0.

Misty Brown addressed questions regarding Resolution 2026-7, special use permit for Kaw Valley, LLC.

A motion was made by Commissioner Smith and seconded by Commissioner Reid to approve Resolution 2026-7, conditionally issuing a special use permit for Kaw Valley Companies, Inc. for a sand excavation and stockpiling operation.
Motion passed, 3-2 Commissioner Stieben and Smith voting nay.

Ms. Brown presented a development and road improvement agreement between Kaw Valley and Leavenworth County.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to approve the development and road improvement agreement between Kaw Valley Inc. and the County.

Motion passed, 4-1 Commissioner Stieben voting nay.

Mr. Loughry provided information on data center potential property tax impact and community benefit.

Byron McFee, Richard Paz, Dee Karleskint, Wes Baker, Annette Holton commented.

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

Motion passed, 5-0.

The Board adjourned at 12:10 p.m.

*******June 24, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, June 24, 2026. Commissioner Smith, Commissioner Culbertson, Commissioner Reid, Commissioner Dove and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; John Jacobson, Planning and Zoning Director; Bill Noll, Infrastructure and Construction Services

PUBLIC COMMENT:

Rick Watkins, Ashley Gubion, Kim Colbert, Dee Karleskint, Jim Karleskint, Ted Grinter, Linda Steele, Jerry Pruitt, Joan Murnane and David Todd commented.

ADMINISTRATIVE BUSINESS:

Commissioner Stieben read testimony from Senate Bill 91.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, June 24, 2026.

Motion passed, 5-0.

Charles Wrigley requested a commemorative plaque for property donated to the County in Springdale for a park.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to allow an exception to the policy so the application can be considered now.

Motion passed, 5-0.

John Jacobson presented Case DEV-26-053, a proposed final plat for HTD Estates.

A motion was made by Commissioner Dove and seconded by Commissioner Smith to find that the proposed final plat as outlined in Case DEV-26-053 is compliant with the County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

Motion passed, 5-0.

Mr. Jacobson presented Case DEV-26-070, a proposed final plat for Foxridge CAE East.

A motion was made by Commissioner Dove and seconded by Commissioner Culbertson to find that the proposed final plat as outlined in Case DEV-26-070 is compliant with the County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

Motion passed, 5-0.

Bill Noll requested to accept the bid for a dozer from Murphy Tractor.

A motion was made by Commissioner Smith and seconded by Commissioner Dove to approve the bid for a 5-year lease on a John Deere dozer from Murphy Tractor in the amount of $67,000.83 per year.

Motion passed, 5-0.

Mr. Noll requested to accept the bid for a dozer from Develon Tractor.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to approve the bid for a 5-year lease on a Develon dozer from Central Power Systems & Services in the amount of $26,285.09 per year.

Motion passed, 5-0.

Mr. Noll requested to accept a bid for two motor graders from Murphy Tractor.

A motion was made by Commissioner Smith and seconded by Commissioner Dove to approve the bid for a 5-year lease on two John Deere motor graders from Murphy Tractor in the amount of $70,465.58 per grader per year.

Motion passed, 5-0.

The Board discussed bridge maintenance and replacements.

Joan Murnane and Richard Paz commented.

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

Motion passed, 5-0.

The Board adjourned at 11:04 a.m.