

At this time the Courthouse is open to the public. Anyone wishing to attend will need to call ahead at 913-684-0417 to reserve a seat as the meeting room has limited capacity. We are encouraging everyone to continue to view the meeting live via YouTube.

***Leavenworth County***  
***Board of County Commissioners***

***Regular Meeting Agenda***  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048  
September 1, 2021  
9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be limited to 15 minutes at the beginning of each meeting for agenda items **only** and limited to three minutes per person. Comments at the end of the meeting shall be open to any topic of general interest to the Board of County Commissioners and limited to five minutes per person. There should be no expectation of interaction by the Commission during this time.  
  
Anyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 AM the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow up if needed prior to the meeting.
- V. ADMINISTRATIVE BUSINESS:
  - a) Ratification of motion on 2022 Leavenworth County Other Special Funds Budget.
  - b) Change meeting day for the week of October 18, 2021.
- VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a

member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.

- a) Approval of the minutes of August 25, 2021
- b) Approval of the schedule for the week September 6, 2021
- c) Approval of the check register
- d) Approve and sign the OCB's
- e) Approve Case Number DEV-21-110 & 111 Preliminary and Final Plat for Rolling K Acres
- f) Appoint Jaden Bailey to the Planning Commission for the 5<sup>th</sup> District

#### VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve the agreement for construction engineering inspection services between MHS, Leavenworth County and KDOT.
- b) Consider a motion to approve the agreement for rock crushing and quarry operations between LEXECO and Leavenworth County for the Tonganoxie Quarry.
- c) Consider a motion to approve Resolution 2021-33, a special use permit for a contractor's yard for Westland Construction located at 20510 163<sup>rd</sup> St.
- d) Consider a motion to approve Resolution 2021-34, a special use permit for a contractor's yard for Schuetz Construction located at 14833 142<sup>nd</sup> St.
- e) Consider a motion to approve Resolution 2021-35, a special use permit for a contractor's yard for Dave's Construction located at 18429 166<sup>th</sup> St.
- f) Consider a motion to approve Resolution 2021-36, a special use permit for a boat and RV Storage for Ledford Boat and RV Storage located at 28910 207<sup>th</sup> St.
- g) Consider a motion to approve Resolution 2021-37, a special use permit for a boat storage facility for Dusselier Boat Storage located at 15829 174<sup>th</sup> St.

h) Consider a motion to approve Resolution 2021-38, a request to rezone a tract of land from RR-5 to RR-2.5 located at the northeast intersection of K-32 and I-70.

i) Consider a motion to approve Resolution 2021-39, text amendment to the Leavenworth County Zoning and Subdivision Regulations, Article 19, Table of Uses.

j) Consider a motion to approve Resolution 2021-40, text amendment to the Leavenworth County Zoning and Subdivision Regulations, Articles 3, 19 & 57, solar farms.

VIII. PRESENTATIONS AND DISCUSSION ITEMS: presentations are materials of general concern where no action or vote is requested or anticipated.

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, August 30, 2021**

**Tuesday, August 31, 2021**

**Wednesday, September 1, 2021**

9:00 a.m.      Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

**Thursday, September 2, 2021**

**Friday, September 3, 2021**

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM



\*\*\*\*\*August 25, 2021 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, August 25, 2021. Commissioner Mike Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; Jamie Miller, EMS Director; Jamie VanHouten, Community Corrections Director; Larry Malbrough, Information Systems Director; John Richmeier, Leavenworth Times

Residents: John and Karen Fernandez, Timothy and Tammy Porterfield, Joe Herring, Sidonio Ramos, AW Himpel, Larry Theis, Joe Matzeder, Wallace Brawner, Eric McMillin

**PUBLIC COMMENT:**

John Fernandez, Timothy Porterfield, Sidonia Ramos and Joe Herring commented on an agenda items.

**ADMINISTRATIVE BUSINESS:**

Commissioner Mike Smith reported the County has been experiencing phone issues with dropped calls.

Mark Loughry mentioned the phone issues are with the carrier and not an internal problem.

Commissioner Kaaz requested the check registry be removed from the consent agenda.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to accept the consent agenda for Wednesday, August 25, 2021 minus the check registry.***

***Motion passed, 5-0.***

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the check registry section of the consent agenda.***

***Motion passed, 4-0, Commissioner Kaaz abstained.***

Commissioner Mike Smith opened the public hearing for the 2022 Leavenworth County Budget.

Janet Klasinski iterated that the first thing for the budget this year is to approve a resolution exceeding the revenue neutral rate with a public hearing for discussion.

Commissioner Mike Smith opened the public hearing on Resolution 2021-31, exceeding the revenue neutral rate.

Eric McMillin and Joe Matzeder spoke.

Commissioner Mike Smith closed the public hearing on Resolution 2021-31, exceeding the revenue neutral rate.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Doug Smith to approve Resolution 2021-31, a resolution to levy a property tax exceeding the revenue neutral rate for the tax year of 2022.***

***Motion passed, 4-1 Commissioner Stieben voting nay.***

Commissioner Mike Smith opened the public hearing for the 2022 Leavenworth County Budget.

Eric McMillin and Joe Matzeder spoke.

Commissioner Mike Smith closed the public hearing for the 2022 Leavenworth County Budget.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to approve the 2022 Leavenworth County budget.***

Commissioner Stieben offered an amendment to the motion to reduce the 4% wage increase from 4% to 3% and redirect that money to an additional ¼ mil levy reduction.

The amendment dies for lack of a second.

***Motion passed, 4-1 Commissioner Stieben voting nay.***

Commissioner Mike Smith opened the public hearing for Resolution 2021-32, exceeding the revenue neutral rate for the Leavenworth County Special Other Funds.

No one spoke.

Commissioner Mike Smith closed the public hearing for Resolution 2021-32.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Kaaz to approve Resolution 2021-32, a resolution to levy a property tax rate exceeding revenue neutral rate.***

***Motion passed, 4-1 Commissioner Stieben voting nay.***

Commissioner Mike Smith opened the public hearing for 2022 Leavenworth County Other Special Funds Budget.

Commissioner Doug Smith inquired if audits are received from outside agencies that Leavenworth County gives funds to.

Ms. Klasinski indicated if the agency has an audit done, then she receives a copy of the audit but not all agencies have audits done.

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

Amy Allison presented Resolution 2021-29, a request for a rezone from RR-5 to RR-2.5 located at 24257 Millwood Road.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve Resolution 2021-29, a rezoning from 5 acre to a 2.5acre tract located at 24257 Millwood Road.***

***Motion passed, 5-0.***

Ms. Allison presented Resolution 2021-30, a request for a rezone from RR-5 to RR-2.5 located at 24450 171<sup>st</sup> Street.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Resolution 2021-30, a rezoning of RR-5 to RR-2.5 located at the northeast corner of 17st and McIntyre.***

***Motion passed, 4-1, Commissioner Kaaz voting nay.***

Jamie Miller requested approval of new IT equipment for the Health Department.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to authorize the Health Department to purchase new IT equipment not to exceed \$70,000.00  
Motion passed 5-0.***

Mr. Miller requested approval of a policy for the Department of Justice Grant for funding received.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve and sign the Department of Justice Grant specific guidelines policy.  
Motion passed, 5-0.***

Larry Malbrough requested signature of a contract between Leavenworth County and NetStandard, Inc.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner to authorize the Chairman to sign the scope of work between Leavenworth County and NetStandard, Inc. not to exceed \$20,000.00.  
Motion passed, 5-0.***

Mr. Malbrough presented the quarterly report for the Information Systems Department.

Mr. Miller presented the quarterly reports for EMS and the Health Department.

Jamie VanHouten presented quarterly report for the Community Corrections Department.

Commissioner Mike Smith reported the census numbers are out indicating the numbers were down in the city of Lansing but the prison itself is included in that with 600 less inmates making it look like the city is losing population.

Commissioner Mike Smith recognized Jeff Focht who is retiring this week as the Street Superintendent at the city of Lansing.

Commissioner Doug Smith recognized the Solid Waste Committee minutes that reflect good things going on at the Transfer Station. He will attend the Basehor City Council meeting tonight and attended the MARC meeting yesterday.

Commissioner Stieben met with a developer on Lexi Drive reporting on the property values of the homes being built.

Commissioner Kaaz participated in the Leavenworth City Commission meeting reporting that the Camp Leavenworth event is still scheduled to move forward.

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

The Board adjourned at 11:06 a.m.

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, September 6, 2021 THE COURTHOUSE WILL BE CLOSED IN OBSERVANCE OF LABOR DAY**

**Tuesday, September 7, 2021**

**Wednesday, September 8, 2021**

9:00 a.m.          Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

**Thursday, September 9, 2021**

12:00 p.m.          LCDC meeting

**Friday, September 10, 2021**

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

START DATE: 08/21/2021 END DATE: 08/27/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	321751	93750 AP	08/27/2021	1-001-5-53-215	4013-01994 UNIFORM RENTALS	76.71	
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	321751	93750 AP	08/27/2021	1-001-5-53-215	4013-01994 UNIFORM RENTALS	76.71	
							*** VENDOR	4120 TOTAL	153.42
249	AMBERWELL	ATCHISON HOSPITAL	321718	93732 AP	08/24/2021	1-001-5-07-206	LVCO SHERIFF AUDIOMETRIC EXAM	25.00	
2541	BEST PLUMBING SPECIA	BEST PLUMBING SPECIALTIES,INC	321754	93753 AP	08/27/2021	1-001-5-07-357	65483 JAIL PLUMBING SUPPLIES	480.00	
2541	BEST PLUMBING SPECIA	BEST PLUMBING SPECIALTIES,INC	321754	93753 AP	08/27/2021	1-001-5-07-357	JAIL PLUMBING SUPPLIES	670.32	
							*** VENDOR	2541 TOTAL	1,150.32
24545	CDW GOVERN	CDW GOVERNMENT INC	321756	93755 AP	08/27/2021	1-001-5-07-362	3773122 SHF MSOFFICEFOR PATROL	1,391.95	
24545	CDW GOVERN	CDW GOVERNMENT INC	321756	93755 AP	08/27/2021	1-001-5-19-301	3773122 AVERMEDIA WEBCAM FOR C	65.11	
							*** VENDOR	24545 TOTAL	1,457.06
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-01-201	APPRAISER:COMPUTER/OFFICE USPP	67.02	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-01-202	BOCC KAC CONF REGX2, LITIGATIO	425.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-01-202	BOCC KAC CONF REGX2, LITIGATIO	425.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-01-230	BOCC KAC CONF REGX2, LITIGATIO	28.59	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-02-301	CO CLERK KITCHEN SUPPLIES	165.66	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-202	EMS TNG, FIELD SUPPLY, UNIFORMS+	2,370.54	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-202	EMS VEH MAINT, FIELD/BLDG MAINT	26.67	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-212	EMS TNG, FIELD SUPPLY, UNIFORMS+	49.95	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-215	TONGANOXIE - WATER FOR EMS 910	91.91	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-216	EMS TNG, FIELD SUPPLY, UNIFORMS+	459.13	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-282	EMS TNG, FIELD SUPPLY, UNIFORMS+	329.53	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-301	EMS TNG, FIELD SUPPLY, UNIFORMS+	308.76	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-306	EMS VEH MAINT, FIELD/BLDG MAINT	1,371.10	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-306	EMS VEH MAINT, FIELD/BLDG MAINT	1,000.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-306	EMS VEH MAINT, FIELD/BLDG MAINT	27.26	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-306	EMS VEH MAINT, FIELD/BLDG MAINT	38.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-306	EMS VEH MAINT, FIELD/BLDG MAINT	82.97	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-350	EMS TNG, FIELD SUPPLY, UNIFORMS+	1,051.55	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-381	EMS TNG, FIELD SUPPLY, UNIFORMS+	6,586.78	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-381	EMS VEH MAINT, FIELD/BLDG MAINT	141.73	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-381	EMS VEH MAINT, FIELD/BLDG MAINT	19.90	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-383	EMS VEH MAINT, FIELD/BLDG MAINT	159.11	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-05-383	EMS VEH MAINT, FIELD/BLDG MAINT	49.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-06-213	VEH MAINT, PLANNING COMM. , SMOKI	100.95	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-06-220	VEH MAINT, PLANNING COMM. , SMOKI	200.95	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-06-220	VEH MAINT, PLANNING COMM. , SMOKI	238.26	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-202	SHF:TNG, PRIS HEALTH, JAIL MAINT	154.28	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-202	SHF:TNG, PRIS HEALTH, JAIL MAINT	150.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-203	SHF OFFICESUPPLY, INVEST, TECH, J	149.90	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-208	FIRST ADVANTAGE BACKGROUND 4 C	17.90	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-210	AT&T SHF -287250470837	46.23	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-210	AT&T - 72413131494	221.80	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-219	SHF:TNG, PRIS HEALTH, JAIL MAINT	190.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-219	SHF OFFICESUPPLY, INVEST, TECH, J	65.54	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-251	SHF OFFICESUPPLY, INVEST, TECH, J	237.91	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-301	SHF:TNG, PRIS HEALTH, JAIL MAINT	32.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-301	SHF OFFICESUPPLY, INVEST, TECH, J	392.11	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-302	SHF OFFICESUPPLY, INVEST, TECH, J	12.70	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-350	SHF:TNG, PRIS HEALTH, JAIL MAINT	78.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-350	SHF OFFICESUPPLY, INVEST, TECH, J	141.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-354	SHF:TNG, PRIS HEALTH, JAIL MAINT	47.50	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-354	SHF:TNG, PRIS HEALTH, JAIL MAINT	9.00	

START DATE: 08/21/2021 END DATE: 08/27/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

				P.O.NUMBER	CHECK#						
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-354	SHF:TNG,PRIS HEALTH,JAIL MAINT		27.92	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-354	EOC - SUPPLIES FOR FAIR		50.51	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-357	SHF:TNG,PRIS HEALTH,JAIL MAINT		159.34	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-357	SHF OFFICESUPPLY, INVEST,TECH,J		80.52	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-359	SHF:TNG,PRIS HEALTH,JAIL MAINT		50.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-359	SHF OFFICESUPPLY, INVEST,TECH,J		87.92	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-07-362	SHF OFFICESUPPLY, INVEST,TECH,J		179.92	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-11-204	CO ATTY SUPPLIES, SCANNER MAINT		100.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-11-213	CO ATTY SUPPLIES, SCANNER MAINT		159.54	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-11-213	CO ATTY SUPPLIES, WITNESS TRAV		578.40	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-11-301	CO ATTY SUPPLIES, SCANNER MAINT		1,194.12	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-11-301	CO ATTY SUPPLIES, WITNESS TRAV		2,491.65	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-14-332	SHF:TNG,PRIS HEALTH,JAIL MAINT		21.53	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-14-332	SHF:TNG,PRIS HEALTH,JAIL MAINT		48.01	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-14-332	SHF:TNG,PRIS HEALTH,JAIL MAINT		36.08	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-18-213	POTS,WIRELESS, LOGMEIN		46.08	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-18-213	POTS,WIRELESS, LOGMEIN		1,161.09	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-18-254	POTS,WIRELESS, LOGMEIN		954.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-19-217	DIST CT LEGAL NOTICE		42.50	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-19-301	DIST CT MISC CLEANING SUPPLIES		51.90	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-28-223	HR-OPEN ENROLLMENT, SUPPLIES		48.86	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-28-223	HR-OPEN ENROLLMENT, SUPPLIES		30.14	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-28-223	HR-OPEN ENROLLMENT, SUPPLIES		27.96	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-28-223	HR-OPEN ENROLLMENT, SUPPLIES		40.93	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-28-301	HR-OPEN ENROLLMENT, SUPPLIES		124.18	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-28-301	HR-OPEN ENROLLMENT, SUPPLIES		45.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-297	SPECIAL BLDG,JC/CH/HD, SAFETY,M		60.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-301	SPECIAL BLDG,JC/CH/HD, SAFETY,M		93.29	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-312	SPECIAL BLDG,JC/CH/HD, SAFETY,M		302.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-312	HERKEN:CUSHING, EMS, VEH, MATERIA		193.81	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-312	TOMLIN:SD2, HD, SAFETY, JC, MATERI		33.86	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-313	TOMLIN:SD2, HD, SAFETY, JC, MATERI		17.55	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-317	HERKEN:CUSHING, EMS, VEH, MATERIA		2.39	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-320	SPECIAL BLDG,JC/CH/HD, SAFETY,M		24.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-320	HERKEN:CUSHING, EMS, VEH, MATERIA		175.76	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-383	SPECIAL BLDG,JC/CH/HD, SAFETY,M		227.75	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-383	TOMLIN:SD2, HD, SAFETY, JC, MATERI		11.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-384	SPECIAL BLDG,JC/CH/HD, SAFETY,M		71.31	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-390	SPECIAL BLDG,JC/CH/HD, SAFETY,M		629.64	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-31-391	SPECIAL BLDG,JC/CH/HD, SAFETY,M		306.02	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-32-296	SPECIAL BLDG,JC/CH/HD, SAFETY,M		1,660.06	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-32-391	TOMLIN:SD2, HD, SAFETY, JC, MATERI		15.92	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-33-391	HERKEN:CUSHING, EMS, VEH, MATERIA		54.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-41-211	APPRAISER:COMPUTER/OFFICE USPP		16.80	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-41-301	APPRAISER:COMPUTER/OFFICE USPP		75.67	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-41-371	APPRAISER:COMPUTER/OFFICE USPP		597.27	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-42-285	GIS DUES, TRAINING,REIM PER DI		10.90	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-42-285	GIS DUES, TRAINING,REIM PER DI		17.06	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-42-285	GIS DUES, TRAINING,REIM PER DI		160.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-42-286	GIS DUES, TRAINING,REIM PER DI		50.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-42-286	GIS DUES, TRAINING,REIM PER DI		37.50	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-42-286	GIS DUES, TRAINING,REIM PER DI		165.00	

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-42-293	GIS DUES, TRAINING,REIM PER DI	200.00		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-49-204	MACHINE PREP/DELIVERY COSTS -	100.13		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-49-340	OFFICE MEAL - ELECTION DAY	18.59		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-49-340	GRIER:VOTING EQUIPMENT DELIVEY	51.56		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-49-344	OFFICE MEAL - ELECTION DAY	18.59		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-49-344	MACHINE PREP/DELIVERY COSTS -	100.13		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-49-344	GRIER:VOTING EQUIPMENT DELIVEY	51.57		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-53-301	A PHILLIPS:OFFICE SUPPLIES, EQ	180.47		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-53-308	A PHILLIPS:OFFICE SUPPLIES, EQ	201.00		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-001-5-82-301	VEH MAINT,PLANNING COMM.,SMOKI	18.70		
							*** VENDOR 648 TOTAL			31,557.46
436	CORNERSTONE TEAM SPO	CORNERSTONE TEAM SPORTS, INC	321757	93756 AP	08/27/2021	1-001-5-07-359	SHERIFF-NITRILE GLOVES FOR JAI	1,658.00		
86	EVERGY	EVERGY KANSAS CENTRAL INC	321760	93759 AP	08/27/2021	1-001-5-53-219	ELEC SVC NOX WEED	291.03		
1011	FEDEX	FEDEX	321761	93760 AP	08/27/2021	1-001-5-19-302	2389-5871-7 TRANSPORTATION CHA	140.79		
971	GALLS	GALLS	321723	93737 AP	08/24/2021	1-001-5-07-350	5289255 SHF UNIFORMS	188.00		
27	HEALTH DEPT	LEAV CO HEALTH DEPT	321765	93764 AP	08/27/2021	1-001-5-05-285	EMS - TB TESTS/READING	60.00		
27	HEALTH DEPT	LEAV CO HEALTH DEPT	321765	93764 AP	08/27/2021	1-001-5-31-290	B&G IMMUNIZATIONS FOR EMPLOYEE	70.00		
							*** VENDOR 27 TOTAL			130.00
99	JUROR									

warrants by vendor

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#						
99	JUROR						*** VENDOR	99 TOTAL	2,945.08
537	LEAV TIMES	LEAVENWORTH TIMES	321854	93853 AP	08/27/2021	1-001-5-49-341	ACCT 388 NOTICE OF ELECTIONS (	23.15	
537	LEAV TIMES	LEAVENWORTH TIMES	321854	93853 AP	08/27/2021	1-001-5-49-341	ACCT 388 NOTICE OF ELECTIONS (	34.40	
537	LEAV TIMES	LEAVENWORTH TIMES	321854	93853 AP	08/27/2021	1-001-5-49-341	ACCT 388 NOTICE OF ELECTIONS (	18.65	
537	LEAV TIMES	LEAVENWORTH TIMES	321854	93853 AP	08/27/2021	1-001-5-49-341	ACCT 388 NOTICE OF ELECTIONS (	20.45	

warrants by vendor



START DATE: 08/21/2021 END DATE: 08/27/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#							
						*** VENDOR		537 TOTAL		96.65
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	321725	93739 AP	08/24/2021	1-001-5-02-301	ACCT OPL303_K MISSED COPY INVO	3.58		
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	321725	93739 AP	08/24/2021	1-001-5-49-301	ACCT OPL303_K MISSED COPY INVO	22.80		
						*** VENDOR		2059 TOTAL		26.38
652	REARDON KE	KEVIN E REARDON	321727	93741 AP	08/24/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	600.00		
652	REARDON KE	KEVIN E REARDON	321727	93741 AP	08/24/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	262.50		
						*** VENDOR		652 TOTAL		862.50
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-001-5-07-213	SHERIFF JULY FUEL, VEH MAINT	5,648.45		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-001-5-14-332	SHERIFF JULY FUEL, VEH MAINT	3,532.75		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-001-5-14-333	BLDGS/GROUNDS JULY FUEL	55.54		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-001-5-14-333	BLDGS/GROUNDS JULY FUEL	184.64		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-001-5-14-333	BLDGS/GROUNDS JULY FUEL	143.22		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-001-5-14-333	BLDGS/GROUNDS JULY FUEL	111.08		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-001-5-14-336	NOXIOUS WEED FUEL,VEH MAINT	202.47		
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-001-5-53-308	NOXIOUS WEED FUEL,VEH MAINT	171.98		
						*** VENDOR		458 TOTAL		10,050.13
25646	SUNFLOWER	SUNFLOWER EMBROIDERY LLC	321867	93866 AP	08/27/2021	1-001-5-05-350	EMS UNIFORM SHIRT EMBROIDERY	240.00		
25646	SUNFLOWER	SUNFLOWER EMBROIDERY LLC	321867	93866 AP	08/27/2021	1-001-5-05-350	EMS UNIFORM SHIRT EMBROIDERY	200.00		
						*** VENDOR		25646 TOTAL		440.00
22602	THOMPSON TODD	MR TODD THOMPSON	321728	93742 AP	08/24/2021	1-001-5-11-240	APPEAL BRIEF 2019-CR-278	600.00		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-01-302	JULY POSTAGE	28.03		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-02-302	JULY POSTAGE	10.67		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-03-302	JULY POSTAGE	845.63		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-04-302	JULY POSTAGE	79.56		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-05-302	JULY POSTAGE	474.09		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-06-302	JULY POSTAGE	122.98		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-07-302	JULY POSTAGE	212.69		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-09-302	JULY POSTAGE	.51		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-11-302	JULY POSTAGE	974.31		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-14-302	JULY POSTAGE	17.40		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-19-302	JULY POSTAGE	2,268.53		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-28-302	JULY POSTAGE	392.69		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-41-302	JULY POSTAGE	112.88		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-49-302	JULY POSTAGE	334.81		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-49-340	JULY POSTAGE	135.86		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-49-344	JULY POSTAGE	135.87		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-001-5-53-301	JULY POSTAGE	14.91		
						*** VENDOR		575 TOTAL		6,161.42
100	WITNESS LIST									

warrants by vendor

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#							
100	WITNESS LIST							*** VENDOR	100 TOTAL	419.60
								TOTAL FUND 001		58,352.84
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648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-211	HEALTH DEPT:PP,PHEP,WIC,TP,CON		11.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-213	HEALTH DEPT:PP,PHEP,WIC,TP,CON		31.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-219	HEALTH DEPT:PP,PHEP,WIC,TP,CON		567.28	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-219	AT&T MOBILITY - HEALHT DEPT		165.73	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-280	HEALTH DEPT:PP,PHEP,WIC,TP,CON		1,396.11	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-301	HEALTH DEPT:PP,PHEP,WIC,TP,CON		282.47	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-380	HEALTH DEPT:PP,PHEP,WIC,TP,CON		289.39	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-384	HEALTH DEPT:PP,PHEP,WIC,TP,CON		4,039.65	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-601	HEALTH DEPT:PP,PHEP,WIC,TP,CON		196.74	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-606	HEALTH DEPT:PP,PHEP,WIC,TP,CON		299.68	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-108-5-00-610	HEALTH DEPT:PP,PHEP,WIC,TP,CON		37.54	
								*** VENDOR	648 TOTAL	7,317.57
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	321851	93850 AP	08/27/2021	1-108-5-00-280	C-10180 PRENATAL CLINICAL SERV		1,800.00	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	321851	93850 AP	08/27/2021	1-108-5-00-280	C-10180 PRENATAL CLINICAL SERV		1,800.00	
								*** VENDOR	1629 TOTAL	3,600.00
29712	TB SKIN TESTS	KANSAS DEPT OF HEALTH & ENVIRO	321868	93867 AP	08/27/2021	1-108-5-00-384	PPD (TB SKIN TESTS)		100.00	
29712	TB SKIN TESTS	KANSAS DEPT OF HEALTH & ENVIRO	321868	93867 AP	08/27/2021	1-108-5-00-384	PPD (TB SKIN TESTS)		8.00	
								*** VENDOR	29712 TOTAL	108.00
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIEN-PO	321871	93870 AP	08/27/2021	1-108-5-00-302	JULY POSTAGE		125.80	
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIEN-PO	321871	93870 AP	08/27/2021	1-108-5-00-606	JULY POSTAGE		164.50	
								*** VENDOR	575 TOTAL	290.30
								TOTAL FUND 108		11,315.87
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406	PUBLIC SAFETY	PUBLIC SAFETY UPFITTERS LLC	321864	93863 AP	08/27/2021	1-115-5-00-408	BALLISTIC VESTS (LVSO)		872.26	
406	PUBLIC SAFETY	PUBLIC SAFETY UPFITTERS LLC	321864	93863 AP	08/27/2021	1-115-5-00-408	BALLISTIC VESTS (LVSO)		872.19	
								*** VENDOR	406 TOTAL	1,744.45
								TOTAL FUND 115		1,744.45
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648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-119-5-00-253	ROD:SUPPLIES, REFUNDED SALES T		110.38-	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-119-5-00-301	ROD:SUPPLIES, REFUNDED SALES T		34.98	
								*** VENDOR	648 TOTAL	75.40
3	OTHER COUNTY OFFICE	KS SOCIETY OF LAND SURVEYORS	321726	93740 AP	08/24/2021	1-119-5-00-253	ROD PROGRAM 10/8/2021		75.00	
								TOTAL FUND 119		.40
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648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-126-5-00-210	COMM CORR, JISP, COMMUNICATION		40.01	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-126-5-00-321	COMM CORR, JISP, COMMUNICATION		13.45	
								*** VENDOR	648 TOTAL	53.46
9635	DASH	DASH MEDICAL GLOVES	321758	93757 AP	08/27/2021	1-126-5-00-226	VINYL GLOVES		28.95	
7098	QUILL CORP	QUILL CORP	321865	93864 AP	08/27/2021	1-126-5-00-301	C5645204 COMM CORR, JISP,CMA O		151.48	
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIEN-PO	321871	93870 AP	08/27/2021	1-126-5-00-210	JULY POSTAGE		43.51	
								TOTAL FUND 126		277.40
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648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-127-5-00-3	COMM CORR/JISP TRAINING		34.40	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-127-5-00-3	JISP TVL/TNG, JCAB SUPPLIES		162.74	
								*** VENDOR	648 TOTAL	197.14
								TOTAL FUND 127		197.14

warrants by vendor

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	321751	93750 AP	08/27/2021	1-133-5-00-215	8-47 4013-01993 UNIFORM RENTAL		249.51	
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	321751	93750 AP	08/27/2021	1-133-5-00-215	8-47 4013-01993 UNIFORM RENTAL		205.61	
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	321751	93750 AP	08/27/2021	1-133-5-00-312	8-47 4013-01993 UNIFORM RENTAL		207.09	
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO	321751	93750 AP	08/27/2021	1-133-5-00-312	8-47 4013-01993 UNIFORM RENTAL		206.57	
							*** VENDOR	4120 TOTAL		868.78
25797	BERRY TRAC	BERRY TRACTOR & EQUIPMENT	321753	93752 AP	08/27/2021	1-133-5-00-360	8-48 066692 HINGE		122.30	
117	BUILDEX, LLC	HAMM INC (FORMERLY BUILDEX)	321755	93754 AP	08/27/2021	1-133-5-00-303	8-49 430742 ROAD SEAL		27,079.23	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-210	8-1 AT&T MOBILITY - DATA CONNE		245.20	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-214	PW:PARTS,SHIP,TIRES,SAFETY,OFF		71.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-214	PARTS,TIRES,SAFETY/OFFICE,TOOL		47.95	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-301	PW:PARTS,SHIP,TIRES,SAFETY,OFF		144.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-301	PW:PARTS,SHIP,TIRES,SAFETY,OFF		19.44	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-301	PARTS,TIRES,SAFETY/OFFICE,TOOL		359.10	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-309	PW:PARTS,SHIP,TIRES,SAFETY,OFF		1,048.72	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-309	PARTS,TIRES,SAFETY/OFFICE,TOOL		1,525.15	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-311	PARTS,TIRES,SAFETY/OFFICE,TOOL		84.13	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-312	PW:PARTS,SHIP,TIRES,SAFETY,OFF		2,124.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-312	PW:PARTS,SHIP,TIRES,SAFETY,OFF		119.92	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-312	PARTS,TIRES,SAFETY/OFFICE,TOOL		260.75	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-312	PARTS,TIRES,SAFETY/OFFICE,TOOL		209.81	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-315	PARTS,TIRES,SAFETY/OFFICE,TOOL		79.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-360	PW:PARTS,SHIP,TIRES,SAFETY,OFF		909.88	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-360	PW:PARTS,SHIP,TIRES,SAFETY,OFF		534.08	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-360	PARTS,TIRES,SAFETY/OFFICE,TOOL		2,760.61	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-363	PW:PARTS,SHIP,TIRES,SAFETY,OFF		191.44	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-364	PW:PARTS,SHIP,TIRES,SAFETY,OFF		166.05	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-364	PARTS,TIRES,SAFETY/OFFICE,TOOL		354.17	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-365	PARTS,TIRES,SAFETY/OFFICE,TOOL		381.93	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-365	PARTS,TIRES,SAFETY/OFFICE,TOOL		147.87	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-133-5-00-365	PARTS,TIRES,SAFETY/OFFICE,TOOL		43.76	
							*** VENDOR	648 TOTAL		11,830.91
86	EVERGY	EVERGY KANSAS CENTRAL INC	321722	93736 AP	08/24/2021	1-133-5-00-251	ELECTRIC SVC CO SHOP, ET AL		873.25	
86	EVERGY	EVERGY KANSAS CENTRAL INC	321722	93736 AP	08/24/2021	1-133-5-00-251	ELECTRIC SVC CO SHOP, ET AL		147.00	
86	EVERGY	EVERGY KANSAS CENTRAL INC	321722	93736 AP	08/24/2021	1-133-5-00-251	ELECTRIC SVC CO SHOP, ET AL		22.90	
86	EVERGY	EVERGY KANSAS CENTRAL INC	321722	93736 AP	08/24/2021	1-133-5-00-251	ELECTRIC SVC CO SHOP, ET AL		98.67	
							*** VENDOR	86 TOTAL		1,141.82
290	FELDMANS	FELDMANS	321762	93761 AP	08/27/2021	1-133-5-00-364	8-50 30336 SAFETY BOOTS - STIT		165.00	
292	GISEDGE	GISEDGE, INC	321763	93762 AP	08/27/2021	1-133-5-00-201	PYTHON FOR ARCGIS PRO		900.00	
434	HAMM QUARR	HAMM QUARRIES	321764	93763 AP	08/27/2021	1-133-5-00-361	8-54 300467 ROCK		205.51	
434	HAMM QUARR	HAMM QUARRIES	321764	93763 AP	08/27/2021	1-133-5-00-361	8-54 300467 ROCK		288.51	
434	HAMM QUARR	HAMM QUARRIES	321764	93763 AP	08/27/2021	1-133-5-00-361	8-54 300467 ROCK		1,325.87	
							*** VENDOR	434 TOTAL		1,819.89
3621	HERITAGE-CRYSTAL CLE	HERITAGE-CRYSTAL CLEAN,LLC	321766	93765 AP	08/27/2021	1-133-5-00-310	8-53 74217 HEAVY DUTY DIESEL		247.00	
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO	321767	93766 AP	08/27/2021	1-133-5-00-361	8-55 218331 AB3		550.91	
191	HOME DEPOT	HOME DEPOT USA	321768	93767 AP	08/27/2021	1-133-5-00-365	8-61 1111680 PRO 3 TESTER KIT		89.97	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	321852	93851 AP	08/27/2021	1-133-5-00-362	8-56 495 -ASPHALT & SEAL		27,015.26	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	321852	93851 AP	08/27/2021	1-133-5-00-362	8-56 495 -ASPHALT & SEAL		14,356.04	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	321852	93851 AP	08/27/2021	1-133-5-00-362	8-56 495 -ASPHALT & SEAL		24,159.84	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	321852	93851 AP	08/27/2021	1-133-5-00-362	8-56 495 -ASPHALT & SEAL		28,689.11	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	321852	93851 AP	08/27/2021	1-133-5-00-362	8-56 495 -ASPHALT & SEAL		24,175.03	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	321852	93851 AP	08/27/2021	1-133-5-00-362	8-56 495 -ASPHALT & SEAL		18,905.87	

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	321852	93851 AP	08/27/2021	1-133-5-00-362	8-56 495 -ASPHALT & SEAL	17,101.80	
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	321852	93851 AP	08/27/2021	1-133-5-00-362	8-56 495 -ASPHALT & SEAL	32,694.31	
							*** VENDOR	1351 TOTAL	187,097.26
537	LEAV TIMES	LEAVENWORTH TIMES	321854	93853 AP	08/27/2021	1-133-5-00-208	8-57 ACCT 264 SALT BID NOTICE	15.05	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	321855	93854 AP	08/27/2021	1-133-5-00-360	8-58 95988 SENSORS, GASKETS, P	785.73	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	321855	93854 AP	08/27/2021	1-133-5-00-360	8-58 95988 SENSORS, GASKETS, P	79.24	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	321855	93854 AP	08/27/2021	1-133-5-00-360	8-58 95988 SENSORS, GASKETS, P	727.08	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	321855	93854 AP	08/27/2021	1-133-5-00-360	8-58 95988 SENSORS, GASKETS, P	780.83	
232	MHC KENWORTH	MHC KENWORTH-OLATHE	321855	93854 AP	08/27/2021	1-133-5-00-360	8-58 95988 SENSORS, GASKETS, P	86.21-	
							*** VENDOR	232 TOTAL	2,286.67
2666	MISC REIMBURSEMENTS	KYLE HARDISTY	321859	93858 AP	08/27/2021	1-133-5-00-203	8-52 REIM CDL	23.00	
2666	MISC REIMBURSEMENTS	DENNIS J LINDSAY	321858	93857 AP	08/27/2021	1-133-5-00-303	8-68 TAR REMOVAL - DEMPSEY	17.00	
							*** VENDOR	2666 TOTAL	40.00
24	NATIONAL SIGN	NATL SIGN CO INC	321860	93859 AP	08/27/2021	1-133-5-00-363	8-59 KSCLEA SIGN MATERIAL	4,646.50	
418	PREMIER TRUCK	PENSKE COMMERCIAL VEHICLES US	321863	93862 AP	08/27/2021	1-133-5-00-360	8-60 805225500 NOZZLES	60.70	
960	TODD'S TIRE LLC	TODD'S TIRE LLC	321869	93868 AP	08/27/2021	1-133-5-00-309	8-62 TIRES, CAP,CASING	549.99	
960	TODD'S TIRE LLC	TODD'S TIRE LLC	321869	93868 AP	08/27/2021	1-133-5-00-309	8-62 TIRES, CAP,CASING	279.80	
							*** VENDOR	960 TOTAL	829.79
22972	TRANSFER STATION	TRANSFER STATION	321870	93869 AP	08/27/2021	1-133-5-00-214	8-63 PUBLIC WORKS ACCT 656 CON	103.00	
22972	TRANSFER STATION	TRANSFER STATION	321870	93869 AP	08/27/2021	1-133-5-00-214	8-30 ACCT 656 CONSTR,FREON,BRU	151.00	
22972	TRANSFER STATION	TRANSFER STATION	321870	93869 AP	08/27/2021	1-133-5-00-214	8-30 ACCT 656 CONSTR,FREON,BRU	6.00	
							*** VENDOR	22972 TOTAL	260.00
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-133-5-00-301	HR JULY POSTAGE	74.45	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	400.00	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,133.54	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,622.60	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,359.26	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,194.92	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,739.42	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,190.96	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,509.74	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,491.92	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-65 ACCT 437 ROAD SEAL	11,533.50	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,841.74	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,174.54	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,507.88	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,410.74	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,593.60	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,040.48	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,327.58	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,489.94	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,026.62	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	10,965.24	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,965.14	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,646.36	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,551.32	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,181.06	
1241	VANCE BROS	VANCE BROS INC	321872	93871 AP	08/27/2021	1-133-5-00-303	8-64 SACCT 437 ROAD SEAL	11,555.28	
							*** VENDOR	1241 TOTAL	274,453.38
5073	WE-MAC MAN	WE-MAC MANUFACTURING CO	321873	93872 AP	08/27/2021	1-133-5-00-360	8-67 LEALEA NOZZLES	267.00	
403	WELBORN	WELBORN SALES INC	321874	93873 AP	08/27/2021	1-133-5-00-325	8-66 LEAVCOHW CULVERTS, BANDS	2,463.70	
403	WELBORN	WELBORN SALES INC	321874	93873 AP	08/27/2021	1-133-5-00-325	8-66 LEAVCOHW CULVERTS, BANDS	4,807.70	

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#										
											*** VENDOR	403 TOTAL	7,271.40
											TOTAL FUND 133		522,118.01
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-136-5-00-201	JISP TVL/TNG, JCAB SUPPLIES		2.95			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-136-5-00-206	COMM CORR, JISP, COMMUNICATION		40.01			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-136-5-00-224	COMM CORR/JISP TRAINING		34.41			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-136-5-00-224	JISP TVL/TNG, JCAB SUPPLIES		162.75			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-136-5-00-238	JISP TVL/TNG, JCAB SUPPLIES		67.27			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-136-5-00-301	COMM CORR, JISP, COMMUNICATION		13.45			
											*** VENDOR	648 TOTAL	320.84
9635	DASH	DASH MEDICAL GLOVES		321758	93757 AP	08/27/2021	1-136-5-00-207	VINYL GLOVES		14.48			
9635	DASH	DASH MEDICAL GLOVES		321758	93757 AP	08/27/2021	1-136-5-00-227	VINYL GLOVES		14.47			
											*** VENDOR	9635 TOTAL	28.95
7098	QUILL CORP	QUILL CORP		321865	93864 AP	08/27/2021	1-136-5-00-301	C5645204 COMM CORR, JISP,CMA O		33.24			
7098	QUILL CORP	QUILL CORP		321865	93864 AP	08/27/2021	1-136-5-00-321	C5645204 COMM CORR, JISP,CMA O		33.24			
											*** VENDOR	7098 TOTAL	66.48
											TOTAL FUND 136		416.27
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO		321751	93750 AP	08/27/2021	1-137-5-00-203	8-8 4013-01993 UNIFORM RENTAL		110.47			
4120	ACE IMAGEWEAR	AAA LAUNDRY & LINEN SUPPLY CO		321751	93750 AP	08/27/2021	1-137-5-00-203	8-8 4013-01993 UNIFORM RENTAL		110.47			
											*** VENDOR	4120 TOTAL	220.94
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-137-5-00-320	LOCAL SVC:PARTS		235.00			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-137-5-00-320	LOCAL SVC:PARTS		1,210.45			
											*** VENDOR	648 TOTAL	1,445.45
434	HAMM QUARR	HAMM QUARRIES		321764	93763 AP	08/27/2021	1-137-5-00-312	8-9 300467 ROCK		9,421.42			
434	HAMM QUARR	HAMM QUARRIES		321764	93763 AP	08/27/2021	1-137-5-00-312	8-9 300467 ROCK		463.66			
434	HAMM QUARR	HAMM QUARRIES		321764	93763 AP	08/27/2021	1-137-5-00-312	8-9 300467 ROCK		47.56			
434	HAMM QUARR	HAMM QUARRIES		321764	93763 AP	08/27/2021	1-137-5-00-312	8-9 300467 ROCK		1,082.35			
											*** VENDOR	434 TOTAL	11,014.99
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO		321767	93766 AP	08/27/2021	1-137-5-00-312	8-10 218331 ROCK		908.12			
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO		321767	93766 AP	08/27/2021	1-137-5-00-312	8-10 218331 ROCK		680.30			
369	HOLLIDAY	HOLLIDAY SAND & GRAVEL CO		321767	93766 AP	08/27/2021	1-137-5-00-312	8-10 218331 ROCK		260.31			
											*** VENDOR	369 TOTAL	1,848.73
8569	KANEQUIP INC	KANEQUIP, INC		321850	93849 AP	08/27/2021	1-137-5-00-320	8-11 LEAVCO EQUIP PARTS		1,547.22			
8569	KANEQUIP INC	KANEQUIP, INC		321850	93849 AP	08/27/2021	1-137-5-00-320	8-11 LEAVCO EQUIP PARTS		751.79			
8569	KANEQUIP INC	KANEQUIP, INC		321850	93849 AP	08/27/2021	1-137-5-00-320	8-11 LEAVCO EQUIP PARTS		500.97			
8569	KANEQUIP INC	KANEQUIP, INC		321850	93849 AP	08/27/2021	1-137-5-00-320	8-11 LEAVCO EQUIP PARTS		163.55			
											*** VENDOR	8569 TOTAL	2,963.53
											TOTAL FUND 137		17,493.64
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-138-5-00-301	JIAS SUPPLIES		90.56			
7098	QUILL CORP	QUILL CORP		321865	93864 AP	08/27/2021	1-138-5-00-301	C5645204 OFFICE SUPPLIES JIAS		99.99			
7098	QUILL CORP	QUILL CORP		321865	93864 AP	08/27/2021	1-138-5-00-301	C5645204 OFFICE SUPPLIES JIAS		68.99			
7098	QUILL CORP	QUILL CORP		321865	93864 AP	08/27/2021	1-138-5-00-301	C5645204 OFFICE SUPPLIES JIAS		57.99			
											*** VENDOR	7098 TOTAL	226.97
											TOTAL FUND 138		317.53
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-144-5-00-2	COA MOW GRANTS,PALS,PRINTING,P		220.99			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-144-5-00-2	COA MOW GRANTS,PALS,PRINTING,P		276.00			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-144-5-00-3	COA MOW GRANTS,PALS,PRINTING,P		167.57			
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-144-5-00-3	COA MOW GRANTS,PALS,PRINTING,P		247.33			
											*** VENDOR	648 TOTAL	911.89

TYPES OF CHECKS SELECTED: \* ALL TYPES

										TOTAL FUND 144	911.89	
			P.O.NUMBER	CHECK#								
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-202	COA MOW GRANTS,PALS,PRINTING,P			175.00		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-208	COA MOW GRANTS,PALS,PRINTING,P			146.88		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-209	COA MOW GRANTS,PALS,PRINTING,P			24.00		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-210	COA MOW GRANTS,PALS,PRINTING,P			20.00		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-211	COA MOW GRANTS,PALS,PRINTING,P			8.48		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-211	COA MOW GRANTS,PALS,PRINTING,P			37.26		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-252	COA MOW GRANTS,PALS,PRINTING,P			10.76		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-254	COA MOW GRANTS,PALS,PRINTING,P			23.16		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-254	COA MOW GRANTS,PALS,PRINTING,P			7.92		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-254	COA MOW GRANTS,PALS,PRINTING,P			9.50		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-255	COA MOW GRANTS,PALS,PRINTING,P			21.83		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-260	COA MOW GRANTS,PALS,PRINTING,P			199.99		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-303	COA MOW GRANTS,PALS,PRINTING,P			665.01		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-303	COA MOW GRANTS,PALS,PRINTING,P			153.00		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-305	COA MOW GRANTS,PALS,PRINTING,P			6.87		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-00-345	COA MOW GRANTS,PALS,PRINTING,P			71.74		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-05-301	COA MOW GRANTS,PALS,PRINTING,P			10.32		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-06-301	COA MOW GRANTS,PALS,PRINTING,P			7.34		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-06-321	COA MOW GRANTS,PALS,PRINTING,P			10.60		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-07-302	COA MOW GRANTS,PALS,PRINTING,P			1.36		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-145-5-07-321	COA MOW GRANTS,PALS,PRINTING,P			7.34		
										*** VENDOR	648 TOTAL	1,618.36
86	EVERGY	EVERGY KANSAS CENTRAL INC	321722	93736 AP	08/24/2021	1-145-5-00-246	ELEC SVC COUNCIL ON AGING			1,639.13		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	321853	93852 AP	08/27/2021	1-145-5-00-255	CO ON AGING - CENTER PULL TOWE			150.60		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	321853	93852 AP	08/27/2021	1-145-5-00-303	CO ON AGING - INK CARTRIDGES			142.98		
										*** VENDOR	4755 TOTAL	293.58
2666	MISC REIMBURSEMENTS	JACQUELINE DAVIS	321856	93855 AP	08/27/2021	1-145-5-00-205	REIM MILEAGE -MEAL SITE TO COA			267.90		
2666	MISC REIMBURSEMENTS	MARY ANN SMITH	321857	93856 AP	08/27/2021	1-145-5-00-205	REIM MILEAGE - MEAL ROUTE			5.60		
										*** VENDOR	2666 TOTAL	273.50
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-00-345	C1&C2 CONSUMABLES			176.30		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-00-345	C1&C2 CONSUMABLES			675.38		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-00-345	C1&C2 CONSUMABLES			306.19		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-00-345	C1&C2 CONSUMABLES			1,173.00		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-00-345	C1&C2 CONSUMABLES			1,436.91		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-00-345	C1&C2 CONSUMABLES			3,117.56		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-05-301	C1&C2 CONSUMABLES			117.53		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-05-301	C1&C2 CONSUMABLES			204.13		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-05-301	C1&C2 CONSUMABLES			957.94		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-06-301	C1&C2 CONSUMABLES			59.49		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-06-301	C1&C2 CONSUMABLES			103.33		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-06-301	C1&C2 CONSUMABLES			484.91		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-06-321	C1&C2 CONSUMABLES			85.94		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-06-321	C1&C2 CONSUMABLES			149.25		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-06-321	C1&C2 CONSUMABLES			700.42		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-07-302	C1&C2 CONSUMABLES			15.47		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-07-302	C1&C2 CONSUMABLES			26.86		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-07-302	C1&C2 CONSUMABLES			126.05		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-07-321	C1&C2 CONSUMABLES			59.49		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-07-321	C1&C2 CONSUMABLES			103.33		
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-07-321	C1&C2 CONSUMABLES			484.91		

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
345	OLIVER PACKING	OLIVER PACKING & EQUIPMENT CO	321862	93861 AP	08/27/2021	1-145-5-08-500	C1&C2 CONSUMABLES		2,387.07	
							*** VENDOR	345 TOTAL		12,951.46
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-145-5-00-302	JULY POSTAGE		55.55	
							TOTAL FUND 145			16,831.58
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-146-5-00-301	CO TREAS SPECIAL (MV) SUPPLIES		169.77	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-146-5-00-301	CO TREAS SPECIAL (MV) SUPPLIES		91.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-146-5-00-301	CO TREAS SPECIAL (MV) SUPPLIES		1,699.97	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-146-5-00-301	CO TREAS SPECIAL (MV) SUPPLIES		224.62	
							*** VENDOR	648 TOTAL		2,186.34
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-146-5-00-302	JULY POSTAGE		1,923.49	
							TOTAL FUND 146			4,109.83
475	DSG EQUIPMENT	DSG EQUIPMENT & SUPPLIES	321759	93758 AP	08/27/2021	1-153-5-00-3	8-4 PRESSURE WASHER		7,742.00	
							TOTAL FUND 153			7,742.00
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-160-5-00-213	EQUIP FUSES (TRANSFER STATION)		64.10	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-160-5-00-263	PPE,SUPPLIES,WATER (TRANSFER S		83.84	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-160-5-00-301	PPE,SUPPLIES,WATER (TRANSFER S		208.54	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-160-5-00-305	PPE,SUPPLIES,WATER (TRANSFER S		599.96	
							*** VENDOR	648 TOTAL		956.44
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-160-5-00-213	TRANSFER STATION		48.00	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	321866	93865 AP	08/27/2021	1-160-5-00-304	TRANSFER STATION		170.93	
							*** VENDOR	458 TOTAL		218.93
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	321871	93870 AP	08/27/2021	1-160-5-00-201	JULY POSTAGE		29.78	
							TOTAL FUND 160			1,205.15
2138	ABSOLUTE COMFORT TEC	ABSOLUTE COMFORT TECHNOLOGIES	321750	93749 AP	08/27/2021	1-174-5-00-210	FT LEAV GENERATOR SVC		310.00	
1737	AT&T-CAROL STREAM IL	AT&T	321752	93751 AP	08/27/2021	1-174-5-00-210	913A38 0682 421 2 (4 TOWER)		90.60	
1737	AT&T-CAROL STREAM IL	AT&T	321752	93751 AP	08/27/2021	1-174-5-00-210	913A38 0682 421 2 (4 TOWER)		90.60	
1737	AT&T-CAROL STREAM IL	AT&T	321752	93751 AP	08/27/2021	1-174-5-00-210	913A38 0682 421 2 (4 TOWER)		86.53	
1737	AT&T-CAROL STREAM IL	AT&T	321752	93751 AP	08/27/2021	1-174-5-00-210	913A38 0682 421 2 (4 TOWER)		169.00	
							*** VENDOR	1737 TOTAL		436.73
6636	KANSAS GAS	KANSAS GAS SERVICE	321724	93738 AP	08/24/2021	1-174-5-00-210	510614745 2007004 82 GAS TRANS		59.29	
1248	NELSON SYSTEMS	NELSON SYSTEMS	321861	93860 AP	08/27/2021	1-174-5-00-210	LVSO MAINT CONTRACT	0	6,147.15	
							TOTAL FUND 174			6,953.17
86	EVERGY	EVERGY KANSAS CENTRAL INC	321760	93759 AP	08/27/2021	1-195-5-00-290	ELEC SVC JDC		687.65	
							TOTAL FUND 195			687.65
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-196-5-00-201	REDWOOD TOXICOLOGY		1,005.75	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-196-5-00-201	REDWOOD TOXICOLOGY		50.00	
							*** VENDOR	648 TOTAL		1,055.75
							TOTAL FUND 196			1,055.75
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-198-5-18-201	KEMA CONFERENCE - EMPG		250.00	
							TOTAL FUND 198			250.00
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	321740	93748 AP	08/26/2021	1-212-5-00-3	TOMLIN:SD2,HD,SAFETY,JC,MATERI		19.68	
							TOTAL FUND 212			19.68
2570	BOND ESCROW REFUND	ANDERW BENDER	321719	93733 AP	08/24/2021	1-503-5-00-2	REFUND ENTRANCE PERMIT - GARRE		100.00	

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
2570	BOND ESCROW REFUND	JOHN SILVERSTEIN	321720	93734 AP	08/24/2021	1-503-5-00-2	REFUND ENTRANCE PERMIT TIMBER	100.00	
2570	BOND ESCROW REFUND	PCDI HOMES	321721	93735 AP	08/24/2021	1-503-5-00-2	REF ENTRANCE PERMIT 204TH ST	100.00	
							*** VENDOR	2570 TOTAL	300.00
							TOTAL FUND 503		300.00
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2666	MISC REIMBURSEMENTS	EMPLOYEE INSURANCE							
							*** VENDOR	2666 TOTAL	714.64
							TOTAL FUND 510		714.64
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							TOTAL ALL CHECKS		653,014.09



TYPES OF CHECKS SELECTED: \* ALL TYPES

FUND SUMMARY

001	GENERAL	58,352.84
108	COUNTY HEALTH	11,315.87
115	EQUIPMENT RESERVE	1,744.45
119	ROD TECHNOLOGY	.40-
126	COMM CORR ADULT	277.40
127	COMM CORR ADULT NON GRANT	197.14
133	ROAD & BRIDGE	522,118.01
136	COMM CORR JUVENILE	416.27
137	LOCAL SERVICE ROAD & BRIDGE	17,493.64
138	JUV INTAKE & ASSESSMENT	317.53
144	PALS (PETS AND LOVING SENIORS	911.89
145	COUNCIL ON AGING	16,831.58
146	COUNTY TREASURER SPECIAL	4,109.83
153	PUBLIC WORKS,EQUIP.RESERVE FUND	7,742.00
160	SOLID WASTE MANAGEMENT	1,205.15
174	911	6,953.17
195	JUVENILE DETENTION	687.65
196	DRUG TEST & SUPERVISION FEES	1,055.75
198	SPECIAL GRANTS	250.00
212	SEWER DISTRICT 2: TIMBERLAKES	19.68
503	ROAD & BRIDGE BOND ESCROW	300.00
510	PAYROLL CLEARING	714.64
	TOTAL ALL FUNDS	653,014.09

**CONSENT AGENDA 9-1-2021  
CHECKS DATED 8-21 TO 8-27**

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**\*\*Consent Agenda\*\***  
**Leavenworth County**  
**Request for Board Action**  
**Case No. DEV-21-110/111**  
**Preliminary & Final Plat Rolling K Acres**

**Date:** September 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Krystal Voth, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** The applicants are requesting a Preliminary and Final Plat for a two lot subdivision. Proposed Lot 1 is approximately 8 acres and Lot 2 is approximately 29 acres.

**Analysis:** The plat, as submitted, is a two-lot subdivision located on Hemphill Road, which is a local county roadway. Lot 1 is proposed at 8 acres in size, while Lot 2 is approximately 29 acres in size. The subdivision is in conformance with the Comprehensive Plan. As of the writing of this report, Public Works has outstanding comments on the drainage report, and editorial comments on the Preliminary and Final Plats. Due to the nature of the comments left during the review, Staff recommends approval of the subdivision.

**Recommendation:** The Planning Commission voted 6-0 to recommend approval of Case No. DEV-21-110/111, Preliminary and Final Plat for Rolling K Acres subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-21-110/111, Preliminary and Final Plat for Rolling K Acres, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-21-110/111, Preliminary and Final Plat for Rolling K Acres, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-21-110/111, Preliminary and Final Plat for Rolling K Acres, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

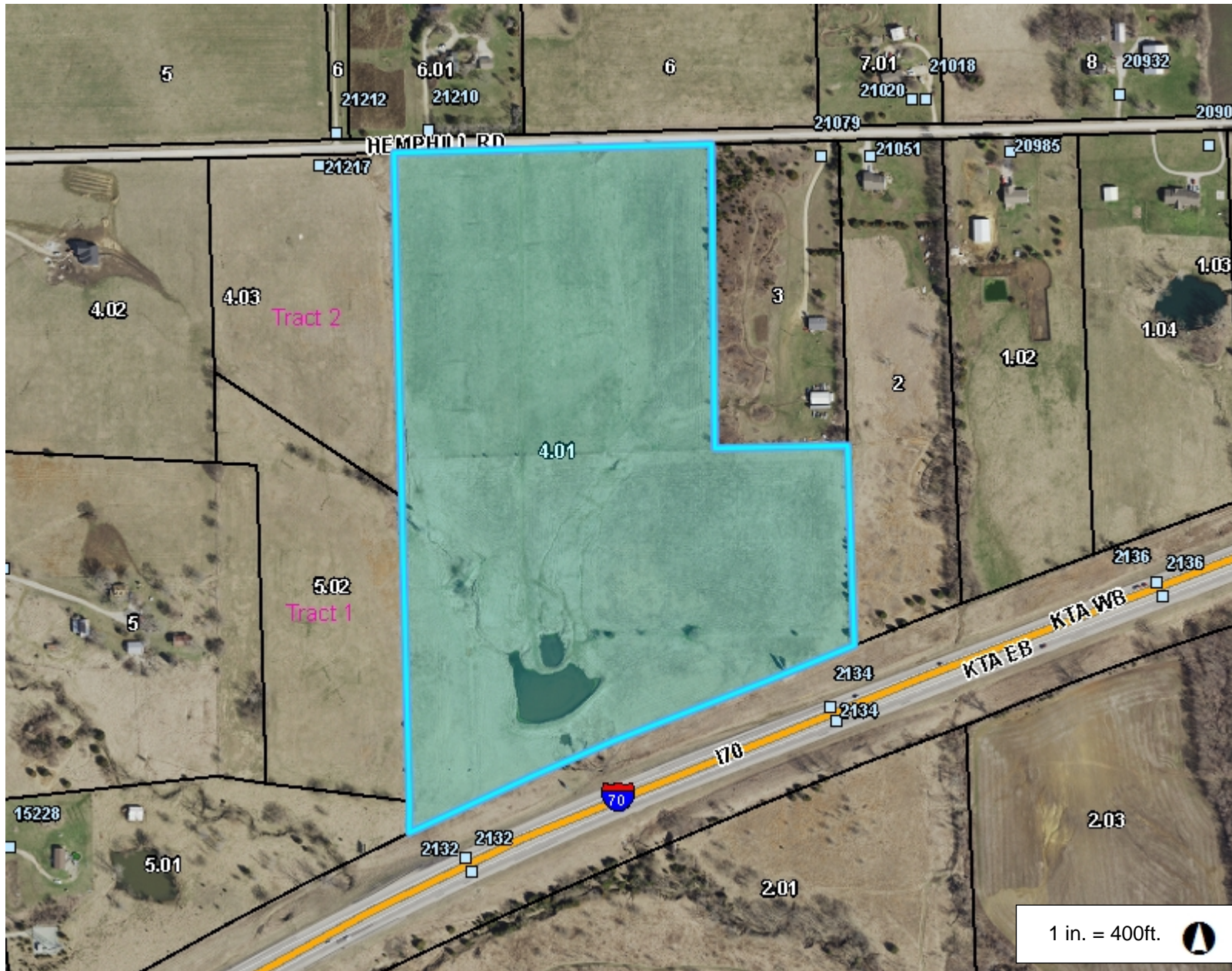
**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

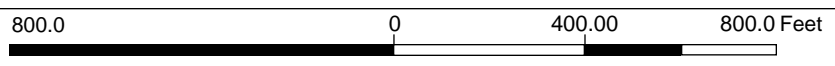
# DEV-21-110 & 111 Prelim & Final Plat Rolling K Acres



## Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⊞ City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad

1 in. = 400ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

**\*\*\*Consent Agenda\*\*\***  
**Case No. DEV-21-110/111**  
**Rolling K Acres**  
**Preliminary and Final Plat**

**Staff Report – Board of County Commissioners**

**September 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Samantha Kiely & Tyler Kendrick  
521 Rockledge Road  
Lawrence, KS 66049

**Agent:** American Surveying  
7531 US 59  
Oskaloosa, KS 66066

**Legal Description:** A tract of land in the Northwest Quarter of Section 34, Township 11 South, Range 21 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Parcel Size:** ± 38 acres

**Zoning/Land Use:** RR-5, Rural Residential 5-acre minimum size parcels

**Comprehensive Plan:** This parcel is within the Residential land use category.

**Parcel ID No.:** 198-34-0-00-00-004.01

**Planner:** Joshua Gentzler

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**REPORT:**

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-110 & 111, Preliminary and Final Plat for Rolling K Acres, with the following conditions:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. The applicant shall receive approval from the Public Works Department for the Preliminary Plat, Final Plat, and Drainage Report prior to the case being heard by the Board of County Commissioners.
5. At time of development, fire hydrants shall be required if necessary infrastructure is available.
6. An exception shall be granted for the lot-depth to lot-width ratio for Lot 2.
7. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

**Request**

The applicant is requesting a Preliminary and Final Plat for a two-lot subdivision.

### **Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 5 acre to 38 acres in size.

### **Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0325G July 16, 2015.

### **Utilities/Services**

Sewer: Private septic system  
Fire: Sherman  
Water: Suburban  
Electric: Evergy

### **Access/Streets**

The property is accessed by Hemphill Road. This road is a County local road with a gravel surface  $\pm$  20' wide.

### **Agency Comments**

See attached comments – Email – Lauren Anderson – Survey, July 23, 2021

### **Findings**

1. The proposed subdivision is generally consistent with the zoning district of RR 5. Lot 1 meets the regulations for Rural Residential 5-acre with the correct lot-depth to lot-width ratio of 3.5:1, the minimum frontage of 300', and a minimum lot size of 5 acres. Lot 2 is generally consistent RR-5 zoning regulations, but does not meet the lot-width to lot-depth ratio of 4:1. Staff is supportive of this division as it maintains similar layout of lots in the neighborhood and maximizes potential for future development of this lot.
2. The property is not within a sewer district boundary or is within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements.  
Any further subdividing of any lot within this subdivision shall require the installation of public sanitary sewer or connection to an existing public sanitary sewer.
3. At time of development, fire hydrants shall be required if necessary infrastructure is available.
4. The proposed subdivision is in accordance with the Comprehensive Plan.

### **Subdivision Classification**

This is classified as a Class "C" Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class "C" Subdivision is any subdivision in which all the lots lie within the Rural Growth Area of Leavenworth County.

Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision. (See condition 3.)

### **Staff Comments**

The plat, as submitted, is a two-lot subdivision located on Hemphill Road, which is a local county roadway. Lot 1 is proposed at 8 acres in size, while Lot 2 is approximately 29 acres in size. The subdivision is in conformance with the Comprehensive Plan. As of the writing of this report, Public Works has outstanding comments on the drainage report, and editorial comments on the Preliminary and Final Plats. Due to the nature of the comments left during the review, Staff recommends approval of the subdivision.

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**ACTION OPTIONS:**

1. Approve Case No. DEV-21-110/111, Preliminary and Final Plat for Rolling K Acres, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-21-110/111, Preliminary and Final Plat for Rolling K Acres, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-21-110/111, Preliminary and Final Plat for Rolling K Acres, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

---

**ATTACHMENTS:**

Aerial Map  
Memorandums  
Preliminary and Final Plat





# Summary of Comments on LV2-051221P&Frev Model (1)

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Page: 1

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☰ Number: 1 Author: mjbogina Subject: Typewritten Text Date: 7/16/2021 4:54:27 PM

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Reviewed 2021.07.16. No comments.



**From:** [Anderson, Lauren](#)  
**Sent:** Friday, July 23, 2021 12:15 PM  
**To:** [Gentzler, Joshua](#); [Voth, Krystal](#)  
**Subject:** FW: Rolling K Acres Subd. - Kiely plat DEV-21-110&111  
**Attachments:** Rolling K Acres Comments 2021.07.16.pdf

---

Krystal/Josh,

Please see the attached, no comment comments for survey review. I don't know if this got forwarded out to you or not.

Lauren

---

**From:** Michael Bogina <mjbogina@olsson.com>  
**Sent:** Friday, July 16, 2021 4:56 PM  
**To:** Anderson, Lauren <LAnderson@leavenworthcounty.gov>  
**Subject:** RE: Rolling K Acres Subd. - Kiely plat DEV-21-110&111

*Notice:* This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Reviewed. No comments.

---

**From:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Sent:** Friday, July 16, 2021 4:06 PM  
**To:** Michael Bogina <[mjbogina@olsson.com](mailto:mjbogina@olsson.com)>  
**Subject:** FW: Rolling K Acres Subd. - Kiely plat DEV-21-110&111

Mike,

Please see attached.

Lauren

---

**From:** Gentzler, Joshua  
**Sent:** Friday, July 16, 2021 3:32 PM  
**To:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Subject:** RE: Rolling K Acres Subd. - Kiely plat DEV-21-110&111

Lauren,

Here is the revision for the Rolling K plats.

**Joshua Gentzler**  
[Planning & Zoning](#)

---

**From:** Anderson, Lauren  
**Sent:** Wednesday, July 7, 2021 7:36 PM  
**To:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Subject:** FW: Rolling K Acres Subd. - Kiely plat

Joshua,

Please see the attached survey comments, engineering comments are not included.

Thanks,  
Lauren

---

**From:** Michael Bogina <[mjbogina@olsson.com](mailto:mjbogina@olsson.com)>  
**Sent:** Wednesday, July 7, 2021 6:46 PM  
**To:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Subject:** RE: Rolling K Acres Subd. - Kiely plat

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Comments attached.

---

**From:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Sent:** Monday, June 28, 2021 8:38 AM  
**To:** Michael Bogina <[mjbogina@olsson.com](mailto:mjbogina@olsson.com)>  
**Cc:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Subject:** FW: Rolling K Acres Subd. - Kiely plat

Mike,

Please see the attached survey for review.

Lauren

---

**From:** Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>  
**Sent:** Monday, June 28, 2021 8:35 AM  
**To:** Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>  
**Subject:** FW: Rolling K Acres Subd. - Kiely plat

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**From:** Steve [<mailto:stevetuft@yaho.com>]  
**Sent:** Friday, June 25, 2021 10:29 AM  
**To:** Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>  
**Subject:** Rolling K Acres Subd. - Kiely plat

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Hey Bill; delete first email. Here are attached files for review, Garret is bringing over copies and application to Planning today.

Thanks,  
Steve  
American Surveying  
785-231-8090

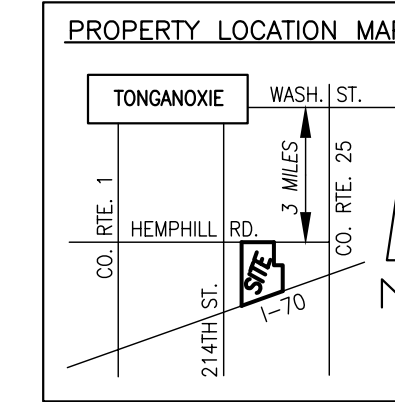


# ROLLING K ACRES

A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE SIXTH P.M., LEAVENWORTH COUNTY, KANSAS.

## PRELIMINARY PLAT

**LEAVENWORTH COUNTY DISCLAIMER**  
Leavenworth County, Kansas, does not represent, warrant or guarantee the details shown on this document and provided by the applicant, or any agent of applicant, including any survey information, should be used upon by any third party as being wholly or partially accurate and complete.



### AMERICAN SURVEYING

Steve Tuttle & Garret Tuttle  
7531 US 59 Hwy, Oskaloosa, Kansas 66066  
785-231-8090 785-231-9903

ADDRESS: 214TH ST. & HEMPHILL RD., TONGANOXIE, KS  
DATE OF SURVEY: 6/22/21 JOB NO: LV2-051221  
ORDERED BY: SAMANTHA KIELY, OWNER

BEARINGS ARE BASED ON THE  
THE NORTH LINE OF THE NW1/4  
ASSUMED AS: N88°26'05"E

**REFERENCE DOCUMENTS**  
SURVEY BY T.B. MELTON, DATED 6/26/2002, RECORDED IN BOOK S-15-05, PAGE 73.  
SURVEY BY D.G. WHITE, DATED 10/24/1991, RECORDED IN BOOK S-14, PAGE 68.  
SURVEY BY D.G. WHITE, DATED 8/05/1991, RECORDED IN BOOK S-14, PAGE 48.  
KTA DRAINAGE EASEMENT DEED, TRACT NO. 35-7, BY R.L. BUFORD, DATED 3/23/1955.  
KTA HIGHWAY R/W DEED, TRACT NO. 35-7, BY R.L. BUFORD, DATED 1/06/1955.  
KANSAS TURNPIKE CENTERLINE SURVEY MAP, SHEETS 5 AND 6, DATED 9/27/1954.

**PROPERTY OWNER**  
Tyler Kendrick & Samantha Kiely  
521 Rockledge Rd., Lawrence, KS 66049  
Recorded in Doc. No. 2021R06200  
Parcel CAMA No. 052-198-34-0-00-00-004.01-0

**VERTICAL BENCHMARK**  
Leavenworth Co. Control Point LVCO-0051  
Top of 9/16" Stainless Steel Rod, 0.4' below surface  
+25' East of CL 246th St., +2660' North of Stillwell Rd.  
Elevation: 893.90, NAVD 88

ORIGIN OF MONUMENTS UNKNOWN  
UNLESS NOTED OTHERWISE  
THIS SURVEY DOES NOT CERTIFY OWNERSHIP  
PROPERTY IS NOT WITHIN A FLOOD HAZARD AREA  
UTILITY LOCATIONS ARE APPROXIMATE  
NOTE:  
MONUMENTS SET AT CALCULATED DISTANCES



**DESCRIPTION**  
(Prepared by Stephan Tuttle, PS No. 1252, on June 24, 2021)  
A tract of land located in the Northwest Quarter of Section 34, Township 11 South, Range 21 East of the Sixth P.M., Leavenworth County, Kansas, described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence S88°26'05"W assumed bearing, along the North line of said Northwest Quarter 633.36 feet for the Point of Beginning; thence S01°21'52"E 849.38 feet; thence N88°30'38"E 352.55 feet; thence S01°57'10"E parallel with the East line of said Northwest Quarter 547.49 feet to the Northerly right-of-way line of Interstate 70, also known as the Kansas Turnpike; thence S70°09'15"W along said Northerly right-of-way line 380.25 feet; thence Southwesterly along said Northerly right-of-way line 912.98 feet on a curve to the left, having a radius of 11609.16 feet with a chord bearing S66°51'17"W 912.74 feet, thence N01°23'02"W 1852.31 feet to the North line of said Northwest Quarter; thence N88°26'05"E along said North line 850.68 feet to the Point of Beginning, containing 37.71 acres, more or less. Subject to easements of record and public road right-of-way.

**NOTE: FORMERLY DESCRIBED IN DOC. NO. 2021R06200.**

**I-70 (KANSAS TURNPIKE) DEED DESCRIPTION**  
(Tract No. 35-7, by R.L. Buford, dated 1/06/1955)  
A tract of land 300.0 feet in width, lying 150.0 feet each side of the following described center line of the Kansas Turnpike as now surveyed; Beginning at a point on the West line of Section 34, Township 11, Range 21, Leavenworth County, Kansas, said point being 2594.58 feet South of the Northwest corner of said Section 34, and being also Survey Station 13812+11.25 on the center line survey of the Kansas Turnpike; thence Northeasterly along center line of said Turnpike a distance of 708.65 feet; thence on a curve to the right, having a radius of 11459.16 feet, an arc distance of 1534.55 feet; thence Northeasterly and tangent to said curve 633.34 feet to a point on the East line of the Northwest Quarter of said Section 34, said point being 1459.51 feet South of the Northeast corner of said Northwest Quarter; being also Survey Station 13840+89.91 on the center line survey of said Turnpike, containing 19.43 acres, more or less.

- LEGEND**
- = FOUND 1/2" REBAR, UNLESS NOTED OTHERWISE
  - = FOUND 5/8" REBAR
  - = SET 1/2" x 24" REBAR W/ CAP NO. 1252
  - = SET 1/2" x 24" REBAR W/ CAP NO. 1252 IN CONC.
  - R/W = ROAD RIGHT-OF-WAY
  - POB = POINT OF BEGINNING
  - C = CALCULATED DIMENSION
  - D = DIMENSION AS SHOWN IN DEED DESCRIPTIONS: DOC. NO. 2021R06200 BOOK 587, PAGE 94 BOOK 740, PAGE 1454
  - KD = DIMENSION AS SHOWN IN KTA DEED DESCRIPTION
  - UE = UTILITY EASEMENT DEDICATED THIS PLAT
  - OHE = OVERHEAD ELECTRIC LINE
  - UGT = UNDERGROUND TELE. LINE
  - CMP = CORRUGATED METAL PIPE
  - CPP = CORRUGATED PLASTIC PIPE
  - CL = CENTERLINE
  - = FENCE

- NOTES**
1. PROPERTY IS ZONED RR-5.0, CURRENT USE IS AG, PROPOSED USE IS RESIDENTIAL
  2. PROPERTY IS NOT IN A FLOOD HAZARD AREA
  3. WASTEWATER SYSTEMS HAVE BEEN APPROVED BY LEAVENWORTH COUNTY
  4. WATER SERVICE PROVIDED BY "SUBURBAN WATER"
  5. ELECTRIC SERVICE PROVIDED BY EVERGY
  6. TELEPHONE SERVICE PROVIDED BY AT&T
  7. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE
  8. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING
  9. THERE ARE NO COVENANTS OR OFF PLAT RESTRICTIONS
  10. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY

- NORTHWEST COR. REFERENCE TIES**  
FOUND 5/8" REBAR  
1. 60D SPIKE & SHINER IN TOP FENCE CORNER POST - 35.61' SW  
2. 60D SPIKE IN NORTH FACE FENCE CORNER POST - 51.13' ESE  
3. 60D SPIKE & SHINER IN NORTHWEST FACE FENCE CORNER POST - 52.65' SE  
4. TOP CENTER FIRE HYDRANT - 87.6' NE  
5. EXISTING CENTERLINE NORTH/SOUTH GRAVEL ROADWAY - 1.5' WEST  
6. EXISTING CENTERLINE EAST/WEST GRAVEL ROADWAY - 2.0' SOUTH
- NORTH 1/4 COR. REFERENCE TIES**  
FOUND 1/2" REBAR  
1. 60D SPIKE IN SOUTHWEST FACE POWER POLE - 40.83' NW  
2. 60D SPIKE IN SOUTHWEST FACE POWER POLE - 40.88' SE  
3. 40D SPIKE & WASHER IN WEST FACE FENCE CORNER POST - 24.60' SOUTH  
4. IN LINE WITH EXISTING CENTERLINE GRAVEL ROADWAY RUNNING EAST/WEST  
5. EXISTING CENTERLINE GRAVEL DRIVEWAY RUNNING NORTH - 16.5' WEST

- WEST 1/4 COR. REFERENCE TIES**  
FOUND CHISELED "X" IN EAST CONC. BRIDGE HUBGUARD  
1. MAG NAIL IN TOP EAST HANDRAIL - 2.37' SE  
2. MAG NAIL IN TOP WEST HANDRAIL - 23.27' WEST  
3. MAG NAIL IN TOP EAST HANDRAIL - 18.32' NORTH  
4. CHISELED "X" IN CONC. BRIDGE DECK - 15.85' WEST  
5. CHISELED "X" IN SOUTHEAST CORNER CORNER BRIDGE RETAINING WALL - 55.94' SOUTH  
6. EXISTING CENTERLINE NORTH/SOUTH CONC. BRIDGE DECK - 11.0' WEST  
7. EXISTING CENTERLINE I-70, RUNNING NORTHEAST/SOUTHWEST - 46' NORTH  
8. STA. 13812+11.25 (CALCULATED FROM HIGHWAY CONSTRUCTION PLANS) - 47.58' NORTH
- CENTER COR. REFERENCE TIES**  
FOUND 1/2" REBAR W/ALUM. CAP  
1. 60D SPIKE & WASHER IN NORTH FACE FENCE POST - 22.68' ESE  
2. 60D SPIKE & WASHER IN WEST FACE FENCE CORNER POST - 13.31' SOUTH  
3. 60D SPIKE & WASHER IN WEST FACE FENCE POST - 15.65' SSW  
4. FENCELINE RUNNING EAST/WEST - 13.0' SOUTH  
5. IN LINE WITH FENCELINE RUNNING SOUTH, EXTENDED

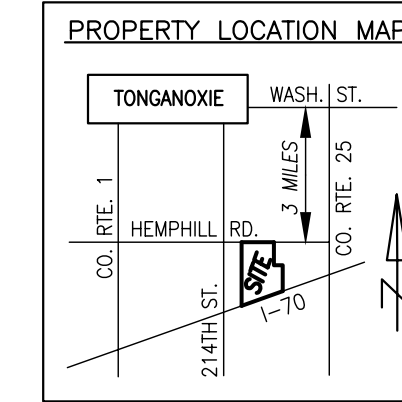


# ROLLING K ACRES

A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE SIXTH P.M., LEAVENWORTH COUNTY, KANSAS.

## FINAL PLAT

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**AMERICAN SURVEYING**  
Steve Tufte & Garret Tufte  
7531 US 59 Hwy, Oskaloosa, Kansas 66066  
785-231-8090 785-231-9903

ADDRESS: 214TH ST. & HEMPHILL RD., TONGANOXIE, KS  
DATE OF SURVEY: 6/22/21 JOB NO: LV2-051221  
ORDERED BY: SAMANTHA KIELY, OWNER

BEARINGS ARE BASED ON THE NORTH LINE OF THE NW1/4 ASSUMED AS: N88°26'05"E

### DESCRIPTION

(Prepared by Stephan Tufte, PS no. 1252, on June 24, 2021)  
A tract of land located in the Northwest Quarter of Section 34, Township 11 South, Range 21 East of the Sixth P.M., Leavenworth County, Kansas, described as follows: Commencing at the Northeast corner of said Northwest Quarter; thence S88°26'05"W assumed bearing, along the North line of said Northwest Quarter 633.36 feet for the Point of Beginning; thence S01°21'52"E 849.38 feet; thence N88°30'38"E 352.55 feet; thence S01°57'10"E parallel with the East line of said Northwest Quarter 547.49 feet to the Northerly right-of-way line of Interstate 70, also known as the Kansas Turnpike; thence S70°09'15"W along said Northerly right-of-way line 380.25 feet; thence Southwesterly along said Northerly right-of-way line 912.98 feet on a curve to the left, having a radius of 11609.16 feet with a chord bearing S66°51'17"W 912.74 feet; thence N01°23'02"W 1852.31 feet to the North line of said Northwest Quarter; thence N88°26'05"E along said North line 850.68 feet to the Point of Beginning, containing 37.71 acres, more or less. Subject to easements of record and public road right-of-way.

NOTE: FORMERLY DESCRIBED IN DOC. NO. 2021R06200.

### NOTES

- PROPERTY IS ZONED RR-5.0, CURRENT USE IS AG, PROPOSED USE IS RESIDENTIAL
- PROPERTY IS NOT IN A FLOOD HAZARD AREA
- WASTEWATER SYSTEMS HAVE BEEN APPROVED BY LEAVENWORTH COUNTY
- WATER SERVICE PROVIDED BY "SUBURBAN WATER"
- ELECTRIC SERVICE PROVIDED BY EVERGY
- TELEPHONE SERVICE PROVIDED BY AT&T
- EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE
- RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING
- THERE ARE NO COVENANTS OR OFF PLAT RESTRICTIONS
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY

### County Engineer Approval:

The County Engineer's plat review is only for general conformance with the Subdivision Regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations and quantities.

County Engineer

I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Michael J. Bogina, KS PLS-1655  
Leavenworth County Survey Reviewer

### SURVEYOR'S CERTIFICATE

I hereby certify this plat meets the requirements of K.S.A. 58-2001 through 58-2005, and that this plat map and the survey on which it is based, were prepared and conducted by me or under my direct supervision.

Stephan C. Tufte, Kansas PS No. 1252  
Field survey completed: June 22nd, 2021

We the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing Plat of ROLLING K ACRES this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

Mike Smith, Chairman Janet Klasinski, County Clerk

This is to certify that this instrument was filed for record in the Register of Deeds Office on the \_\_\_\_\_ day of \_\_\_\_\_ 2021, in Plat Book \_\_\_\_\_ Page \_\_\_\_\_ at \_\_\_\_\_.

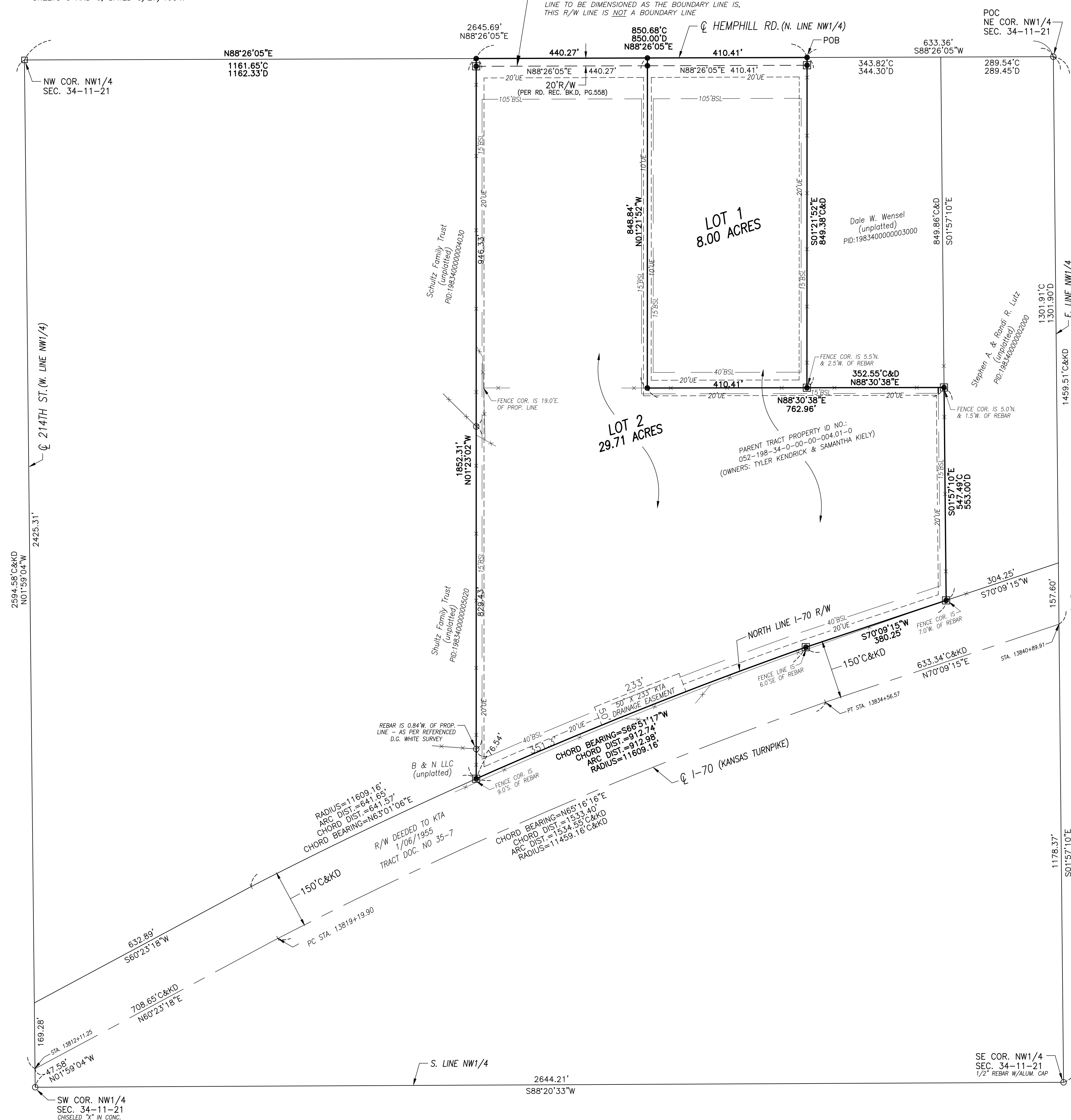
TerriLois C. Mashburn  
Register of Deeds

**REFERENCE DOCUMENTS**  
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SURVEY BY D.G. WHITE, DATED 10/24/1991, RECORDED IN BOOK S-14, PAGE 68.  
SURVEY BY D.G. WHITE, DATED 8/05/1991, RECORDED IN BOOK S-14, PAGE 48.  
KTA DRAINAGE EASEMENT DEED, TRACT NO. 35-7, BY R.L. BUFORD, DATED 3/23/1955.  
KTA HIGHWAY R/W DEED, TRACT NO. 35-7, BY R.L. BUFORD, DATED 1/06/1955.  
KANSAS TURNPIKE CENTERLINE SURVEY MAP, SHEETS 5 AND 6, DATED 9/27/1954.

**PROPERTY OWNER**  
Tyler Kendrick & Samantha Kiely  
521 Rockledge Rd., Lawrence, KS 66049  
Recorded in Doc. No. 2021R06200  
Parcel CAMA No. 052-198-34-0-00-00-004.01-0

**VERTICAL BENCHMARK**  
Leavenworth Co. Control Point LVCO-0051  
Top of 9/16" Stainless Steel Rod, 0.4' below surface  
+-25' East of CL 246th St., +-2660' North of Stillwell Rd.  
Elevation: 893.90, NAVD 88

**ORIGIN OF MONUMENTS UNKNOWN UNLESS NOTED OTHERWISE**  
THIS SURVEY DOES NOT CERTIFY OWNERSHIP  
PROPERTY IS NOT WITHIN A FLOOD HAZARD AREA  
UTILITY LOCATIONS ARE APPROXIMATE  
NOTE:  
MONUMENTS SET AT CALCULATED DISTANCES



### LEGEND

- = FOUND 1/2" REBAR, UNLESS NOTED OTHERWISE
- = FOUND 5/8" REBAR
- = SET 1/2" X 24" REBAR W/ CAP NO. 1252
- ⊗ = SET 1/2" X 24" REBAR W/ CAP NO. 1252 IN CONC.
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- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- C = CALCULATED DIMENSION
- D = DIMENSION AS SHOWN IN DEED DESCRIPTIONS
- DOC. NO. 2021R06200 BOOK 587, PAGE 94 BOOK 740, PAGE 1454
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- BSL = BUILDING SETBACK LINE
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- UGT = UNDERGROUND TELE. LINE
- CMP = CORRUGATED METAL PIPE
- CPP = CORRUGATED PLASTIC PIPE
- ⊕ = CENTERLINE
- \*\*\* = FENCE



- NORTHWEST COR. REFERENCE TIES**
- FOUND 5/8" REBAR
  - 60D SPIKE & SHINER IN TOP FENCE CORNER POST - 35.61' SW
  - 60D SPIKE IN NORTH FACE FENCE CORNER POST - 51.13' ESE
  - 60D SPIKE & SHINER IN NORTHWEST FACE FENCE CORNER POST - 52.65' SE
  - TOP CENTER FIRE HYDRANT - 87.6' NE
  - EXISTING CENTERLINE NORTH/SOUTH GRAVEL ROADWAY - 1.5' WEST
  - EXISTING CENTERLINE EAST/WEST GRAVEL ROADWAY - 2.0' SOUTH
- NORTH 1/4 COR. REFERENCE TIES**
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- 60D SPIKE IN SOUTHWEST FACE POWER POLE - 40.83' NW
  - 60D SPIKE IN SOUTHWEST FACE POWER POLE - 40.08' SE
  - 40D SPIKE & WASHER IN WEST FACE FENCE CORNER POST - 24.60' SOUTH
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- WEST 1/4 COR. REFERENCE TIES**
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  - MAG NAIL IN TOP WEST HANDRAIL - 23.27' WEST
  - MAG NAIL IN TOP EAST HANDRAIL - 18.32' NORTH
  - CHISELED "X" IN CONC. BRIDGE DECK - 15.85' WEST
  - CHISELED "X" IN SOUTHEAST CORNER CORNER RETAINING WALL - 55.94' SOUTH
  - EXISTING CENTERLINE NORTH/SOUTH CONC. BRIDGE DECK - 11.0' WEST
  - EXISTING CENTERLINE I-70, RUNNING NORTHEAST/SOUTHWEST - 46' NORTH
  - STA. 13812+11.25 (CALCULATED FROM HIGHWAY CONSTRUCTION PLANS) - 47.58' NORTH
- CENTER COR. REFERENCE TIES**
- FOUND 1/2" REBAR W/ALUM. CAP
- 60D SPIKE & WASHER IN NORTH FACE FENCE POST - 22.68' ESE
  - 60D SPIKE & WASHER IN WEST FACE FENCE CORNER POST - 13.31' SOUTH
  - 60D SPIKE & WASHER IN WEST FACE FENCE POST - 15.65' SSW
  - FENCELINE RUNNING EAST/WEST - 13.0' SOUTH
  - IN LINE WITH FENCELINE RUNNING SOUTH, EXTENDED

**\*\*\*Consent Agenda\*\*\***

**Leavenworth County  
Request for Board Action  
Planning Commission Vacancy  
Announcement**

**Date:** September 1, 2021

**To:** Board of County Commissioners

**From:** Planning & Zoning Staff

**Department Head Review:**     Krystal Voth, Reviewed    

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review** x **Legal Review** x



**Action Requested:** Appoint Mr. Jaden Bailey to the vacant Planning Commission position in the 5<sup>th</sup> District.

**Analysis:** The Planning and Zoning Department received Mr. Bailey’s application on August 26, 2021. Mr. Bailey meets the qualification requirements for the Planning Commission.

**Budgetary Impact:** None

- X Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**

\$0.00

**Additional Attachments:** Application

## Sloop, Stephanie

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**From:** noreply@revize.com  
**Sent:** Thursday, August 26, 2021 4:06 PM  
**To:** PZ  
**Subject:** [QUAR] PC App

**Importance:** Low

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Full Name = Jaden Dean Bailey

Phone-Number = [REDACTED]

Address = [REDACTED]

Email Address = [REDACTED]

Years-in-LCVO = 7

Outside-City-Limits = Sherman Township

Registered-Voter = Yes

Presently-Employed[] = Yes

Employer = Turner Dental Group/Dentist/Owner

Have-you-served-on-a-Commission = No

What-type =

Why-do-you-wish-to-serve = Help to maintain the rural integrity within Leavenworth County while also aiding to ensure a prosperous and stable future for the county.

Any-personal-conflicts = No

What-are-objectives-and-goals-of-the-commission = To provide a framework for citizens to make decisions regarding their property while maintaining the rural and small town nature that is ever present in Leavenworth County. I view rapid expansion due to migration away from the metro to be a prospective issue that will be ever increasing in the next 5 to 10 years.

How-would-you-help-achieve-these-goals = I would aim to provide insight and perspective that would allow for the types of developments that would continue to foster the types of communities that have made Leavenworth County a great place to live and raise a family.

Are-you-able-to-attend-meetings = Yes

Explain-the-role-you-played-before-in-local-government = No experience

What-is-your-understanding-of-the-role-of-a-Planning-Commissioner = To provide a framework that allows for citizens to live in an environment that is safe, free, not overly regulated, and bolsters the community environment.

How-would-you-balance-residents-concerns-with-overall-County-goals = Taking into account that the citizens are the most important aspect of a community, their concerns would weigh heavily on any plans or decisions. The long-term goals and benefits of the county should be aimed at providing the best environment possible for the citizens themselves. Therefore, the balance between goals and concerns is an extremely important one that needs constant consideration.

Client IP = 216.21.168.118

# Leavenworth County Request for Board Action

Date: 09/01/2021

To: Board of County Commissioners

From: Public Works

Department Head Approval: *B. Noll*

**Additional Reviews as needed:**

Budget Review  Administrator Review  Legal Review

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**Action Requested:** Approve the Agreement for Construction Engineering Inspection services between MHS, Leavenworth County and Kansas Department of Transportation (KDOT)

**Recommendation:** Approval

**Analysis:**

MHS was selected to provide signage improvement design and construction engineering inspection services on the High Risk Rural Road (HRRR) project 52 C-5058-01 for Signage Improvements along County Route 13 and 14. The engineering design services contract has already been approved by all parties.

This agreement approves the budgeted hours and expense of CE services. KDOT is responsible for 100% for the total actual costs of CE, up to a limit of \$61,496.04. Leavenworth County will be responsible for any actual costs beyond KDOT's funding limit.

**Alternatives:** Deny, Table

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds (Sales Tax Fund)
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:** No Funds Required

**Additional Attachments:**

Unsigned Agreement

Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3745

Julie L. Lorenz, Secretary  
Michael J. Stringer, P.E., Chief



Phone: 785-296-3861  
Fax: 785-296-2079  
kdot#publicinfo@ks.gov  
<http://www.ksdot.org>  
Laura Kelly, Governor

August 23, 2021

52 C-5058-01  
Leavenworth County

Mr. Joe McAfee, P.E.  
McAfee Henderson Solution, Inc.  
309 Jefferson Street  
Oskaloosa, Kansas 66066

Dear Mr. McAfee:

Attached is the Cost Plus Net Fee Agreement for construction engineering inspection services on the above noted project that were prepared from your submitted proposal. Please print out one (1) copy of the seventeen- (17) page document with the ten (10) special attachments. Please review the entire Agreement and specifically note how the authority to proceed is issued (Item II, A., (1)) and also note the basis of payment (Item III, A., (1) through (4) and Special Attachment No. 1 - Item III, A. through D.).

The Consultant should note Section V, Miscellaneous Provisions, Paragraph J, Conflict of Interest, which states the Consultant is prohibited from doing any of the work that is the construction contractor's responsibility.

The Agreement and Special Attachments should be signed and attested as follows:

1. Agreement - Page 16 - signed and attested by the **County and Consultant.**
2. Special Attachment No. 2(Certification) - Sheet 1 - **Consultant** completes first paragraph, sign and date.



Mr. Joe McAfee, P.E.  
52 C-5058-01  
Page 2  
August 23, 2021

3. Special Attachment No. 2(Certification) - Sheet 2 - County should sign and date.
4. Special Attachment No. 9 (Certification) - Consultant answers questions and signs and dates.
5. Special Attachment No. 10 (Certification) – Consultant signs and dates.

The Agreement should immediately forward the signed copy to the County. The County should execute the Agreement and return it to the Bureau of Local Projects as soon as possible. Processing of the Agreement will continue as noted in federal regulations 23 C.F.R.172. **Please Note: Could the County please send an electronic copy of the agreement to the KDOT Office of Chief Counsel's Contracts team at [KDOT#OCC.Contracts@ks.gov](mailto:KDOT#OCC.Contracts@ks.gov) Thanks,**

When the Agreement has been executed and dated by KDOT, the Consultant the County will receive by email a scanned copy for your records. The Notice to Proceed Letter will come from the KDOT Field Engineer assigned to the Project.

Sincerely,

Michael J. Stringer, P. E., Chief  
Bureau of Local Projects

By: \_\_\_\_\_  
Tod L. Salfrank  
Assistant Bureau Chief

RJS:TLS:mlb  
Enclosures

**AGREEMENT FOR  
FEDERAL-AID CONSTRUCTION ENGINEERING  
INSPECTION SERVICES BY CONSULTANT  
(COST PLUS NET FEE CE AGREEMENT)**

CMS Contract No. \_\_\_\_\_

**PROJECT NO. 52 C-5058-01  
HSIP-C496(222)  
LEAVENWORTH COUNTY, KANSAS**

**THIS AGREEMENT** entered into and is effective the date signed by the Secretary or designee by and between **Leavenworth County**, Kansas, hereinafter referred to as the "**LPA**" (**Local Public Authority**), as principal, and the consulting engineering firm of **McAfee Henderson Solutions, Inc.**, hereinafter called the "**Consultant**," and the Secretary of Transportation of the State of Kansas acting by and through the **Kansas Department of Transportation (KDOT)**, hereinafter referred to as the "**Secretary**." The Secretary acts as agent for the LPA pursuant to authority vested in K.S.A. § 68-402b and K.S.A. § 68-401, *et seq.* and an agreement between them dated August 3, 2020. The Consultant's address is 309 Jefferson, Oskaloosa, KS 66066. The LPA, the Consultant, and the Secretary are collectively referred to as the "Parties."

**WITNESSETH:**

**WHEREAS**, the Federal Government through its Department of Transportation and the FHWA, pursuant to Title 23, U.S. Code, has established a program of Federal-Aid to the states designated as the Federal-Aid Program, with a general purpose to increase the safety and capacity of roads in the United States, and;

**WHEREAS**, the LPA desires to accomplish this Federal-Aid "Project," with the aid of funds provided under Federal-Aid highway programs and the rules and regulations promulgated by said U.S. Department of Transportation in the Federal-Aid Policy Guide, and;

**WHEREAS**, the LPA does not have sufficient qualified engineering employees to accomplish the Construction Engineering Inspection Services on this Project within a reasonable time and the LPA deems it advisable and is desirous of engaging the professional services and assistance of a qualified consulting engineering firm to do the necessary construction engineering, and;

**WHEREAS**, the Consultant has represented and by entering into this Agreement now represents, it is in full compliance with the statutes of the State of Kansas for registration of professional engineers and all personnel to be assigned to perform the Construction Engineering Inspection Services required under this Agreement are fully qualified to perform the Construction Engineering Inspection Services in a competent and professional manner, and;

**WHEREAS**, the Consultant has indicated it desires to perform the Construction Engineering Inspection Services set forth in this Agreement upon the terms and conditions set forth below, and;

**WHEREAS**, the final design Plans and specifications for said Project are available in the KDOT Headquarters in Topeka, and;

**WHEREAS**, the LPA, Consultant, and the Secretary desire to set forth in this Agreement their understanding and agreements relating to the construction engineering and allocation of costs for the said Project.

**NOW, THEREFORE**, in consideration of the covenants of the Parties and to give this Agreement full force and effect in providing the benefits mentioned, the Parties hereto mutually agree as follows:

## **ARTICLE I. SCOPE OF SERVICES**

### **A. DEFINITIONS**

- (1) Construction Contract. The term "Construction Contract" shall mean the written agreement between the Secretary and a Contractor, requiring the Contractor to construct or reconstruct a portion of the LPA's roadway system. The Construction Contract includes the invitation for bids, the notice to contractors, the proposal, the contract form, the contract bond, the Standard Specifications, the Special Provisions, the Project Special Provisions, the Plans, the drawings, the notice to proceed, the change orders and the supplemental agreements made after the Secretary awards the Construction Contract.
- (2) Construction Engineering (CE). The term "Construction Engineering", "CE", or "Construction Engineering Inspection Services" shall mean the services necessary to inspect and monitor the construction of the Project as detailed here in this Agreement and in Special Construction Provisions found in Special Attachment No. 1.
- (3) Consultant. The term "Consultant" shall mean **McAfee Henderson Solutions, Inc.**, a Kansas corporation, with its place of business located at 309 Jefferson, Oskaloosa, KS 66066, the consulting engineering firm, and its authorized employees who will be performing the work required under this Agreement.
- (4) Contract Documents. The term "Contract Documents" or "Documents" shall mean the Standard Specifications, the Construction Contract, the Special Provisions, the Project Special Provisions, and the Plans as defined above.
- (5) Contractor. The term "Contractor" shall mean the individual, partnership, joint ventures, corporation, or agency undertaking the performance of the work designated under the terms of the Construction Contract.
- (6) District Construction Engineer. The term "District Construction Engineer" shall mean the KDOT District Construction Engineer who will perform KDOT's administrative functions on this Project.

- (7) FHWA. The term "FHWA" shall mean the Federal Highway Administration, a federal agency of the United States, and its authorized representatives.
- (8) Field Engineer. The term "Field Engineer" shall, for the administrative control of this Agreement, be considered to mean the KDOT Metro Engineer, the KDOT Field Engineering Administrator, the KDOT Area Engineer, the KDOT Construction Engineer or Construction Manager.
- (9) KDOT. The term "KDOT" shall mean the Kansas Department of Transportation and its authorized representatives. KDOT shall mean the Secretary of the Kansas Department of Transportation or the Secretary.
- (10) Local Public Authority. The term "Local Public Authority" or "LPA" shall mean Leavenworth County, Kansas and its authorized employees with its place of business located at 300 Walnut, Leavenworth, KS 66048.
- (11) Manuals. The term "Manuals" shall mean the current version of each of the following manuals: Construction Manual, the Form Manual, the CMS Procedures Manual, the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Secretary, and all other documents KDOT requires for constructing or reconstructing projects, and all other documents KDOT requires for inspecting and monitoring projects.
- (12) Non-Participating Costs. The term "Non-Participating Costs" shall mean the costs of any items or services which the Secretary, acting on the Secretary's own behalf and on behalf of the FHWA, reasonably determines are not Participating Costs.
- (13) Notice to Proceed. The term "Notice to Proceed" shall mean a written notice from KDOT authorizing the LPA to begin performance of Services.
- (14) Participating Costs. The term "Participating Costs" shall mean expenditures for items or services which are an integral part of highway, bridge and road construction projects, as reasonably determined by the Secretary.
- (15) Plans. The term "Plans" shall mean the final design plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproductions thereof, which show the location, character, dimensions, and details of the work to be done by the Contractor.
- (16) Project. The term "Project" shall mean a portion of the LPA's roadway system to be constructed or reconstructed under a Construction Contract(s) consisting of 19.8 miles of Permanent Signing located on RS-1400 from K-192 to the City of Potter, Kansas, RS-855 from Jefferson/Leavenworth county line to US-73, RS-2153 from US-73 to the City of Leavenworth, Kansas, and for which the LPA needs Construction Engineering Inspection Services.
- (17) Project Special Provisions. The term "Project Special Provisions" shall mean the documents that modify the Standard Specifications for a particular Project.

- (18) Secretary. The term "Secretary" shall mean the Secretary of Transportation, his or her successors and assigns, and the Kansas Department of Transportation (KDOT).
- (19) Special Provisions. The term "Special Provisions" shall mean the documents that modify the Standard Specifications for all Projects.
- (20) Standard Specifications. The term "Standard Specifications" shall mean the current English edition of the KDOT Standard Specifications for State Road and Bridge Construction.

**B. RESPONSIBILITIES OF THE CONSULTANT, LPA, AND SECRETARY**

- (1) The Consultant shall perform the Construction Engineering Inspection Services necessary and incidental to the accomplishment of this Project to the satisfaction of KDOT, and as more fully detailed in Special Construction Provisions found in Special Attachment No. 1.
- (2) The Consultant shall furnish the Construction Engineering Inspection Services, labor, materials, equipment, supplies and incidentals, other than those hereinafter designated to be furnished by KDOT, necessary to conduct and complete the Construction Engineering Inspection Services.
- (3) The Consultant agrees to provide the Construction Engineering Inspection Services that shall be performed under this Agreement in accordance with the rules and guidelines developed for KDOT's program for the Construction Engineering Inspection Services and in accordance with the current edition of the Standard Specifications, Project Special Provisions, and Special Provisions. Further, the Consultant agrees at all times the Construction Engineering Inspection Services shall be subject to review by KDOT. Any review of these items performed by KDOT is not intended to and shall not be construed to be an undertaking of the Consultant's duty to provide adequate and accurate Construction Engineering Inspection Services. The Consultant shall have the sole responsibility for the adequacy and accuracy of the Construction Engineering Inspection Services.
- (4) The Consultant will require all personnel comply with the high visibility requirements of the MUTCD, Chapter 6E.02, High-Visibility Safety Apparel, as a minimum, while inspection is being performed.
- (5) The Consultant and/or LPA's principal contact with KDOT shall be with the Field Engineer in the construction field office.
- (6) The Consultant agrees the Construction Engineering Inspection Services performed under this Agreement shall comply with all applicable federal and state laws and regulations.
- (7) The FHWA shall have the right to participate in all conferences and reviews.
- (8) The Consultant agrees compliance with all of the foregoing shall be considered to be within the purview of this Agreement and shall not constitute a basis for additional or extra compensation.

- (9) The District Construction Engineer will delegate a construction office to this Project where a KDOT Construction Engineer or Construction Manager will be assigned to determine compliance with applicable federal and state requirements of the Construction Engineering Inspection Services.
- (10) The Consultant will designate a Project Engineer/Project Manager and other inspection personnel who are certified by KDOT in the appropriate classification to inspect all work performed and materials furnished. The Consultant may designate a Chief Inspector who will perform the duties and have the responsibilities of the Project Engineer/Project Manager. The Project Engineer/Project Manager is not authorized to alter, waive or issue instructions contrary to the provisions of the Contract Documents. The Project Engineer/Project Manager is not to act as foreman for the Contractor; however, the Project Engineer/Project Manager shall have the authority to reject work or materials until any questions at issue can be referred to and be decided by the Field Engineer.
- (11) The Project Engineer/Project Manager shall serve as the field supervisor of all Consultant personnel and Construction Engineering Inspection Services performed under this Agreement, and to act as liaison between the Consultant and KDOT.
- (12) The Project Engineer/Project Manager shall transmit all reports and paperwork to, and communicate and coordinate with the Field Engineer.
- (13) Instructions issued by the Field Engineer will be transmitted through Project Engineer/Project Manager to the Contractor. If in the absence of the Project Engineer/Project Manager, a matter needs prompt attention the Field Engineer will give the instructions to the Contractor and then notify the Project Engineer/Project Manager.
- (14) In the event of a controversy, the Project Engineer/Project Manager shall confer with the Field Engineer to determine a course of action.
- (15) In the event the Field Engineer and the Project Engineer/Project Manager cannot agree, the Field Engineer will promptly contact the District Construction Engineer of KDOT who will determine the course of action. If no solution is reached, the Secretary may make a determination on the matter which shall be binding on all Parties.
- (16) If financial assistance provided under this Agreement exceeds \$25,000.00, this Agreement is a covered transaction for purposes of 2 C.F.R. Part 180. As such, the Consultant is required to verify that neither it nor its "principals," [as defined by 2 C.F.R. Parts 180 and 1200] is presently debarred, suspended, proposed for debarment, declared ineligible, disqualified or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Consultant should be unable to certify to the statements in this certification, the Consultant shall attach an explanation to this submitted Agreement.
- (17) If it has not already done so, the Consultant shall obtain a Data Universal Numbering System (DUNS) number, which may be obtained from Dun and Bradstreet, Inc. (D & B) by telephone (currently 866-705-5711) or the Internet (currently <http://fedgov.dnb.com/webform>).

- (18) The Consultant agrees it shall maintain current registrations in the System for Award Management (<http://www.sam.gov>) at all times during which it has active federal awards.

**C. COORDINATION AND COOPERATION**

- (1) The Consultant shall cooperate fully with KDOT, LPA, local, state and federal agencies including the FHWA, the general public, utilities, railroad companies, private consultants, and contractors when so requested by KDOT. Such cooperation may include the Consultant's attendance at conferences.

**D. MEETINGS AND CONFERENCES**

- (1) Conferences as may be necessary for the Construction Engineering Inspection Services under this Agreement shall be scheduled between the Consultant, the LPA, and KDOT. These conferences may include an onsite review of the Project.
- (2) Conferences may be held upon the request of the Consultant, the LPA, KDOT, or the FHWA.

**ARTICLE II PROSECUTION AND PROGRESS**

**A. GENERAL**

- (1) Written authority to proceed with the Construction Engineering Inspection Services on any construction Project under this Agreement will be given to the Consultant by KDOT acting as the LPA's agent to the Consultant. Neither the LPA nor KDOT will be responsible for any Construction Engineering Inspection Services performed by the Consultant prior to such authorization or liable for payment therefore.
- (2) Construction Engineering Inspection Services performed under this Agreement will commence with attendance at a formal Construction Conference by the Consultant, the LPA, and KDOT, unless otherwise stated elsewhere in this Agreement or at the direction of the Field Engineer during an informal Construction Conference. Attendees at a formal Construction Conference shall include representatives of the LPA, KDOT's Field Engineer and the Consultant's Project Engineer/Project Manager and such other representatives as may be designated by each party to this Agreement. KDOT's Field Engineer will notify the LPA and the Consultant of the location, date and time and will make necessary arrangements for the conference. Topics for discussion shall include scope of the Contractor's construction operations and anticipated schedule, review of necessary staffing by the Consultant, lines of communication and authority, equipment needs, standard practices of KDOT, and related subjects.
- (3) The Consultant shall attend the formal Construction Conference held between KDOT, the Contractor and the involved utilities and agencies, unless otherwise stated elsewhere in this Agreement.

- (4) The Consultant shall have KDOT Certified Inspector(s) of the appropriate classification on this Project or plant site at all times when work, which requires inspection, is being performed. The inability of the Consultant to provide appropriate certified inspectors for this Project may, at the Secretary's discretion, give cause for termination of this Agreement by the Secretary.
- (5) This Agreement shall be considered completed upon notice of written release from KDOT unless previously terminated as provided in Article II, Section C.
- (6) Should KDOT deem it necessary for the Consultant to render additional Construction Engineering Inspection Services for review of agreement items, conditions, claims or litigation matters after completion of this Agreement, the Consultant agrees to cooperate and render such requested Construction Engineering Inspection Services. Such Construction Engineering Inspection Services shall be paid for in the amount and manner mutually agreed upon by the LPA and the Consultant.
- (7) A Close-Out Conference may be held upon completion of this Agreement to evaluate the performance of the Consultant. Attendees shall include the Field Engineer and Consultant's Project Engineer/Project Manager and such other representatives as may be designated by each party to this Agreement. KDOT will notify the Consultant of the location, date and time and will make necessary arrangements for the conference. The evaluation shall consider the quality of the Consultant's work, adequacy of staffing, extent of corrections, cooperation and related subjects.

**B. DELAYS AND EXTENSIONS**

- (1) Delays caused through no fault of the Consultant may be cause for extension of time in completion of the work. Time extensions may be granted by KDOT upon reasonable claim and justification by the Consultant and when necessary, approval has been given by the FHWA. Granted time extensions may also be cause for consideration of adjustments in payment where approved by KDOT in a supplemental agreement.

**C. TERMINATION OF AGREEMENTS**

- (1) The right is reserved by KDOT to terminate all or part of this Agreement at any time upon written notice to the Consultant. Such notice shall be sent not less than ten (10) days in advance of the termination date stated in the notice.
- (2) The Consultant may terminate this Agreement, in the event of substantial failure of other Parties to perform in accordance with the terms hereof, upon ten (10) days written notice in advance of the effective date of such termination received by all Parties to this Agreement.
- (3) In the event this Agreement is terminated by KDOT without fault on the part of the Consultant, the Consultant shall be paid for the work performed or Construction Engineering Inspection Services rendered under Article III, Basis of Payment of this Agreement.



- (4) In the event the Construction Engineering Inspection Services of the Consultant are terminated by KDOT for fault, including, but not limited to, unreasonable delays in performance, failure to respond to KDOT requests, and/or unsatisfactory performance on the part of the Consultant, the Consultant shall be paid the reasonable value of the Construction Engineering Inspection Services performed or rendered and delivered to KDOT up to the time of termination. The value of the Construction Engineering Inspection Services performed and rendered-will be determined by KDOT.
- (5) In the case of any dispute, as to payment arising under this Agreement, pertinent information will be submitted to a Review Committee for resolution. The Review Committee will be comprised of a maximum of two (2) representatives from each of this Agreement's Parties.
- (6) In the event of the death of any member or partner of the Consultant's firm, the surviving members shall complete the Construction Engineering Inspection Services, unless otherwise mutually agreed upon by the LPA, KDOT, and the survivors, in which case the Consultant shall be paid as set forth in Article III, Basis of Payment.

**D. SUBLETTING OR ASSIGNMENT OF AGREEMENT**

- (1) The Consultant shall not sublet or assign all or any part of the Construction Engineering Inspection Services under this Agreement without the prior written approval of KDOT. Consent by KDOT to assign, sublet or otherwise dispose of any portion of this Agreement shall not be construed to relieve the Consultant of any responsibility for the fulfillment of this Agreement.
- (2) All the applicable terms and all Special Attachments of this Agreement shall remain in force and are a condition to any Construction Engineering Inspection Services approved to be sublet or assigned by KDOT.

**ARTICLE III BASIS OF PAYMENT**

**A. GENERAL**

- (1) The table below reflects the funding commitments of each Party under this Agreement. The Parties agree costs and contributions are estimates to be used for encumbrance purposes and may be subject to change. The LPA will notify the Bureau of Local Projects if costs increase by more than 10% over the estimate.

Party	Responsibility
Secretary	100% of Total Actual Costs of Construction Engineering (CE), including \$7,658.27 net fee, up to the upper compensation limit of \$61,496.04.
LPA	100% of Total Actual Costs of CE after Secretary's funding limit is reached.  100% Non-Participating Costs.

- (2) The Consultant will be paid the supported actual salaries, overhead rates, and direct costs and net fee by KDOT for the completed Construction Engineering Inspection Services rendered under this Agreement on the basis of and at this Agreement price set forth in Specific Construction Provisions found in Special Attachment No. 1. The Consultant will be paid for extra work, if any, at the compensation therefore set forth in an approved supplement to this Agreement covering such work. The extra work will be paid for separately and in addition to the foregoing amount listed in the Special Attachment No. 1, Specific Construction Provisions. Payment shall be full compensation for Construction Engineering Inspection Services performed or rendered and for all labor, material, supplies, equipment and incidentals necessary to complete the work. The Consultant agrees to provide the LPA with a status of expenditures by sending the LPA a copy of each voucher submitted to KDOT for payment. The LPA copy shall be marked "For Information Only."
- (3) The overhead rate will be submitted by the Consultant for audit within seventy-five (75) days after the completion of the Consultant's fiscal year. The Consultant will assemble work papers for audit at its normal place of business. The overhead rate may be audited on a yearly basis and adjusted at the time of the audit review. If the overhead rate increases or decreases, previous payments may be adjusted so the Consultant is reimbursed for the actual cost for that fiscal year.
- (4) Should this Agreement contain more than one (1) construction Project, any and all invoices and the final statement shall itemize charges by individual Projects.
- (5) Final payment of any balance due the Consultant of the ultimate gross amount earned will be made promptly upon its verification by KDOT, upon completion of the work under this Agreement and its acceptance by KDOT, and upon receipt of the survey notes, records, reports, final estimates, record drawings, Manuals, Contract Documents, guides, and other documents required to be returned or to be furnished under this Agreement.
- (6) The terms governing compensation contained in this Agreement are to be read together with all applicable attachments, either attached hereto or incorporated by reference, including but not limited to, Special Attachment No. 1 and No. 6. Any terms found to be in conflict shall be resolved by the Secretary.

#### **ARTICLE IV           WORK ORDERS, INCREASED WORK, OR DECREASED WORK**

##### **A.       AUDIT**

- (1) Audit Requirements for Federal Awards. All local governmental units, state agencies or instrumentalities, non-profit Organizations, institutions of higher education and Indian Tribal governments shall comply with Federal-Aid Transportation Act and the requirements of 2 C.F.R. Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (commonly known as the "Supercircular"). The Audit Standards set forth in 2 C.F.R. Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," and specifically the requirements in Subpart F, 2 C.F.R. §

200.500, *et seq.* require either a single or program specific audit be performed by an independent certified public accountant in accordance with these standards. All information audited and audit standards and procedures shall comply with 2 C.F.R. § 200.500, *et seq.*

- (2) Agency Audit. If the Audit Standards set forth in 2 C.F.R. Part 200 do not apply, the Secretary and/or the FHWA may request, in their sole discretion, to conduct an audit of the Project. Upon the request of the Secretary and/or the FHWA for an audit, the LPA and the Consultant will participate and cooperate in the audit and shall make their records and books available to representatives of the requesting agency for a period of five (5) years after date of final payment under this Agreement. If the audit reveals payments have been made with federal funds by the LPA for items considered Non-Participating Costs, the LPA shall promptly reimburse the Secretary for such items upon notification by the Secretary.

## **B. GENERAL**

- (1) Written orders regarding the Construction Engineering Inspection Services to be performed will be given by KDOT. Orders that do not change the scope of Construction Engineering Inspection Services in this Agreement, but increase or decrease the quantity of labor or materials or the expense of the Construction Engineering Inspection Services, shall not annul or void this Agreement.
- (2) The Consultant must proceed with the Construction Engineering Inspection Services as directed by furnishing the necessary labor, equipment, materials, and professional Construction Engineering Inspection Services to complete the Construction Engineering Inspection Services within the time limits specified in schedules or as adjusted by agreement of the Parties.
- (3) If in the Consultant's opinion such work orders involve Construction Engineering Inspection Services not included in the terms or scope of this Agreement, the Consultant must notify KDOT in writing of this opinion if extra compensation is desired, along with a copy to the LPA.
- (4) If in the Consultant's opinion such work orders would require the discarding or redoing of Construction Engineering Inspection Services which was based upon earlier direction or approvals, the Consultant must notify KDOT in writing of this opinion, and that extra compensation is desired, along with a copy to the LPA.
- (5) Such notification by the Consultant to KDOT shall include the justification for extra compensation and the estimated amount of additional fee requested.
- (6) KDOT will review the Consultant's submittal for extra compensation and, if acceptable, a supplement to this Agreement will be executed. The Consultant shall only proceed with the Construction Engineering Inspection Services for extra work upon prior written authorization by KDOT, which will be followed up with the execution of the supplemental agreement.

## **ARTICLE V MISCELLANEOUS PROVISIONS**

### **A. CONSTRUCTION ENGINEERING INSPECTION STANDARDS**

- (1) The Consultant agrees all Construction Engineering Inspection Services performed under this Agreement shall be done in accordance with the current rules and guidelines developed for the current KDOT Construction Engineering Inspection Services and in accordance with the current version of the Standard Specifications for State Road and Bridge Construction with Special Provisions, and any necessary Project Special Provisions with the rules and regulations of the Federal Highway Administration pertaining thereto.
- (2) The Consultant agrees no variations in the Construction Engineering Inspection Standards will be permitted except by written concurrence from KDOT to the Consultant.

### **B. REVISION OF SPECIFICATIONS AND PLANS**

- (1) KDOT may, by written notice and without invalidating this Agreement, make changes in the Construction Contract, the Standard Specifications, the Special Provisions, the Project Special Provisions and the Plans resulting in the revision or abandonment of Construction Engineering Inspection Services already performed by the Consultant or resulting in work by the Consultant not contemplated in this Agreement.
- (2) Claims by the Consultant for compensation for Construction Engineering Inspection Services resulting from such revisions shall be submitted and processed in accordance with Article IV of this Agreement.

### **C. OWNERSHIP OF DOCUMENTS**

- (1) All data provided to the Consultant by KDOT is the sole property of KDOT and is intended for use on this Project only. Any data provided shall not be disclosed to anyone outside the Consultant's firm without the express, written permission of KDOT. Upon completion or termination of this Agreement all Manuals, Contract documents, guides, written instructions, unused forms and record-keeping books, and other written data and information furnished to the Consultant by KDOT for the performance of this Agreement, and all survey notes, diaries, reports, records and other information and data collected or prepared by the Consultant in the performance of this Agreement shall be properly arranged and delivered to KDOT, and shall become the property of KDOT.
- (2) All documents prepared by the Consultant pursuant to this Agreement are instruments of service in respect of this Project. They are not intended or represented to be suitable for reuse by the Secretary or others on extensions of this Project or on any other project. Any reuse without written verification or adaptation by the Consultant for the specific purpose intended will be at the Secretary's sole risk and without liability or legal exposure to the Consultant. Any such verification or adaptation by the Consultant will entitle the Consultant to further compensation at rates to be agreed upon by the Consultant and Secretary.

**D. CONTINGENT FEES**

- (1) The Consultant warrants they have not employed or retained any firm or person, other than a bonafide employee working solely for the Consultant to secure this Agreement, and they have not paid or agreed to pay any company or person, any fee, commission, percentage, brokerage fees, gift, or any other consideration, contingent upon or resulting from the award or making of this Agreement. See Special Attachment No. 2, Certification.
- (2) For breach or violation of this warranty KDOT in consultation with the LPA shall have the right to annul this Agreement without liability.

**E. CERTIFICATE REGARDING SEXUAL HARASSMENT**

- (1) The Consultant agrees to comply with Executive Order 18-04 (February 5, 2018), by signing the Policy Regarding Sexual Harassment Special Attachment, which is attached to and made a part of this Agreement

**F. CERTIFICATE REGARDING NO BOYCOTT OF ISRAEL**

- (1) If the total value of this Agreement exceeds \$100,000.00, a Certification of Company Not Currently Engaged in a Boycott of Goods or Services from Israel will be included as Special Attachment No. 12 to this Agreement and be incorporated by reference and made a part thereof.

**G. AGREEMENT ITEMS**

- (1) The Consultant and KDOT understand and agree the Construction Contract, the Standard Specifications, the Special Provisions, the Project Special Provisions and the Plans, as available, and the Agreement estimate and other Special Attachments as listed in the Index of Special Attachments are all essential documents of this Agreement and are hereby incorporated by reference into this Agreement and are a part thereof.

**H. ACCESS TO RECORDS**

- (1) The Consultant and any subcontractors to the Consultant agree to maintain for inspection and audit by the LPA, KDOT, and the FHWA all books, documents, papers, accounting records and other evidence pertaining to all costs incurred under this Agreement and to make such materials available at their respective offices at all reasonable times during the life of this Agreement and for three (3) years from the date of the final federal payment to KDOT under this Agreement, and to furnish copies thereof if requested.
- (2) If more than a nominal number of copies are requested, the additional copies shall be furnished at the expense of the requesting agency.
- (3) The Consultant will maintain these materials at the Consultant's offices noted in the Special Attachment No. 1, Specific Construction Provisions.

**I. LEGAL RELATIONS**

- (1) The Consultant shall become familiar with, and shall at all times observe and comply with, all applicable federal, state, and local laws, ordinances and regulations.
- (2) The Consultant shall be responsible for any and all damages to property or persons arising out of an error, omission, and/or negligent act in the Consultant's performance of Construction Engineering Inspection Services under this Agreement.
- (3) The Consultant shall have the sole responsibility for the Construction Engineering Inspection Services for the Project. KDOT's review of the Consultant's Construction Engineering Inspection Services is not intended to and shall not be construed to be an undertaking of the Consultant's duty to provide Construction Engineering Inspection Services for the Project. Any such oversight or review by KDOT is not done for the benefit for the Consultant, Construction Contractor, the LPA or other political subdivisions, or the traveling public. KDOT makes no representation, express or implied warranty to any person or entity concerning the adequacy or accuracy of the Consultant's Construction Engineering Inspection Services or any other work performed by the Consultant or the LPA
- (4) The Parties agree no third party beneficiaries are intended to be created by this Agreement, nor do the Parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

**J. WORKERS' COMPENSATION AND OTHER EMPLOYEE PROVISIONS**

- (1) The Consultant will accept full responsibility for payment of Unemployment Insurance, Workers' Compensation and Social Security as well as income tax deductions and any other taxes or payroll deductions required by state and federal law for the Consultant's employees engaged in work authorized by this Agreement.

**K. NEGLIGENCE ACTS, ERRORS, OR OMISSIONS**

- (1) The Consultant shall be responsible for the accuracy of the work performed by the Consultant under this Agreement, and shall promptly make necessary revisions or corrections resulting from their negligent acts, errors or omissions without additional compensation.
- (2) The Consultant shall give immediate attention to these revisions or corrections to prevent or minimize delay to the Contractor.
- (3) The Consultant shall be responsible for any damages incurred as a result of their negligent acts, errors, or omissions and for any losses or costs to repair or remedy construction.

**L. CONFLICT OF INTEREST**

- (1) The Consultant warrants they have no public or private interest, and shall not acquire directly or indirectly any such interest, which would conflict in any manner with the performance of the

work under this Agreement. Specifically, the Consultant is prohibited from performing contractor construction staking or any other work that is the construction Contractor's responsibility on this Project.

- (2) The Consultant will not, without written permission from KDOT, engage the services of any person(s) in the employment of KDOT for any work required by the terms of this Agreement.

**M. CONTRACTUAL PROVISIONS ATTACHMENT**

- (1) The provisions found in Special Attachment No. 4, "Contractual Provisions Attachment (DA-146a)," or its current version, which is attached hereto, are hereby incorporated into this Agreement and made a part thereof.

**N. HOLD HARMLESS CLAUSE**

- (1) The Consultant hereby expressly agrees to indemnify, hold harmless and save the LPA, the LPA's authorized representatives, the Secretary, and the Secretary's authorized representatives from any and all costs, liabilities, expenses, suits, judgments and damages to persons or property or claims of any nature whatsoever arising out of or in connection with the provisions or performance of this Agreement by the Consultant, its agents, employees, or subcontractors which may result from negligent acts, errors, or omissions from the Consultant's operation in connection with the Construction Engineering Inspection Services to be performed hereunder.
- (2) The LPA hereby expressly agrees to indemnify, hold harmless and save the Secretary and the Secretary's authorized representatives from any and all costs, liabilities, expenses, suits, judgments, and damages to persons or property or claims of any nature whatsoever arising out of or in connection with the provisions or performance of this Agreement by the LPA, its agents, employees, or subcontractors which may result from negligent acts, errors, or omissions from the LPA's operation in connection with the Construction Engineering Inspection Services to be performed hereunder.

**O. CORRELATION, INTERPRETATION, AND INTENT OF THE AGREEMENT**

The correlation, interpretation, and intent of the Agreement Documents, including the Agreements and Special Attachments thereto, shall be as follows:

- (1) The Agreement, the Notice to Proceed and all supplemental agreements shall be defined as the Agreement Documents.
  - a. The Contract Documents comprise the entire Agreement between the Secretary, the Consultant and the LPA. They may be altered only by supplemental agreement.
  - b. The Contract Documents are complimentary; that is, what is called for by one is binding as if called for by all. If the Consultant or the LPA finds a conflict, error, or discrepancy in the Contract Documents, the Consultant or the LPA will call it to the Secretary's attention before proceeding with the work affected thereby. In resolving such conflicts,

errors, and discrepancies, the Documents shall be given precedence in the following order: Supplemental Agreement, Agreement and Notice to Proceed.

**P. BINDING AGREEMENT**

- (1) It is further understood this Agreement and all other agreements entered into under the provisions of this Agreement shall be binding upon the Parties to this Agreement and their successors in office.

**Q. BUY AMERICA COMPLIANCE**

- (1) The Parties agree to comply with the Buy America requirements of 23 CFR § 635.410, as applicable, when purchasing items using Federal funds under this Agreement. Buy America requires the Parties to purchase only steel and iron produced in the United States, unless a waiver has been granted by FHWA or the product is subject to a general waiver. Costs for applicable materials which are not certified either compliant or under waiver will not be reimbursed. Buy America requirements apply to all contractors/subcontractors and should be incorporated through appropriate contract provisions as needed.

**R. PROHIBITED USE OF CERTAIN TECHNOLOGIES**

- (1) All Parties agree that they will comply with 2 CFR § 200.216 and 2 CFR § 200.471 regulations. Such regulations provide that recipients and sub-recipients of federal funds are prohibited from obligating or expending loan or grant funds, if any, to 1) procure or obtain; 2) extend or renew a contract to procure or obtain, or; 3) enter into a contract to procure or obtain telecommunication or video surveillance equipment, services, or systems produced by: Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); and Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). Any expenditures for such telecommunication or video surveillance equipment, services or systems are unallowable costs and will not be reimbursed.

**S. COUNTERPARTS**

- (1) This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.

**T. SEVERABILITY**

- (1) If any provision of this Agreement is held invalid, the invalidity does not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.



IN WITNESS WHEREOF the Parties hereto have caused this Agreement to be signed by their duly authorized officers.

RECOMMEND FOR APPROVAL:

LEAVENWORTH COUNTY, KANSAS:

\_\_\_\_\_  
Leavenworth County Engineer

\_\_\_\_\_  
Chairperson of Board  
of County Commissioners

ATTEST:

\_\_\_\_\_  
Commission Member

\_\_\_\_\_  
Leavenworth County Clerk (Date)

\_\_\_\_\_  
Commission Member

ATTEST:

BY   
Name Vicki L McAfee

TITLE Constr Insp IV

  
\_\_\_\_\_  
McAfee Henderson Solutions, Inc.

Joseph L. McAfee President 8-24-21  
Name (Date)

Kansas Department of Transportation  
Secretary of Transportation

BY: \_\_\_\_\_ (Date)  
Burt Morey, P. E.  
Deputy Secretary and  
State Transportation Engineer

## INDEX OF ATTACHMENTS

Special Attachment No. 1	Specific Construction Provisions
Special Attachment No. 2	Certification
Special Attachment No. 3	Civil Rights Attachment
Special Attachment No. 4	Contractual Provisions Attachment (DA 146a, Rev. 07.16.19)
Special Attachment No. 5	Listing of KDOT Certified Inspectors
Special Attachment No. 6	Estimate of Engineering Fee
Special Attachment No. 7	Certification of Final Indirect Cost
Special Attachment No. 8	Tax Clearance Certificate
Special Attachment No. 9	Certificate of Compliance with K.S.A. 46-239 (c)
Special Attachment No. 10	Policy Regarding Sexual Harassment

## **SPECIFIC CONSTRUCTION PROVISIONS**

### **ARTICLE I        SCOPE OF SERVICES (CONSTRUCTION ENGINEERING INSPECTION SERVICES TO BE PERFORMED BY THE CONSULTANT)**

#### **A.        THE CONSULTANT AGREES TO THE FOLLOWING:**

- (1) Attend all conferences designated by KDOT or required under the terms of this Agreement.
- (2) Designate a Project Engineer/Project Manager who shall meet KDOT's certification policy and report and transmit Project activity and documents to KDOT's Field Engineer.
- (3) Assign KDOT Certified Inspector(s) of the appropriate classifications to the Project to perform the services required under this Agreement in a timely manner to avoid delay to the Contractor.
- (4) Become familiar with the standard practices of KDOT, the Contract Documents, and the Contractor's proposed schedule of operations prior to beginning field services to be performed under this Agreement.
- (5) Perform the Consultant's field operations in accordance with accepted safety practices.
- (6) Furnish all equipment required to accomplish the Consultant's services and to check or test it prior to use on the Project.
- (7) Provide for Consultant personnel such transportation, supplies, materials and incidentals as are needed to accomplish the services required under this Agreement.
- (8) Transmit orders from KDOT to the Contractor and provide guidance in the interpretation of the Contract Documents.
- (9) Transmit orders from KDOT to the Contractor and provide guidance in the proper interpretation of the Contract Documents.
- (10) Perform or provide construction surveys, staking, and measurements needed by the Contractor (unless provided for in the contract where contractor construction staking is to be performed as a bid item by the Contractor) and perform measurements and surveys that are involved in the determination of final pay quantities.
- (11) Inspect all phases of construction operations to determine the Contractor's compliance with the Contract Documents and to reject such work and materials, which do not comply with the Contract Documents until any questions at issue, can be referred to and be decided by the KDOT's Field Engineer.

- (12) Take field samples and/or test materials to be incorporated in the work and reject those not meeting the provisions of the Contract Documents until any questions at issue can be referred to and be decided by the Field Engineer.
- (13) Make certain that test report records or certificates of compliance for materials tested off the Project site and required, prior to the incorporation in the work, have been received.
- (14) Keep such daily diaries, logs and records as are needed for a complete record of the Contractor's progress, including the Consultant's Project Engineer/Project Manager and Chief Inspector's diaries.
- (15) Measure and compute all materials incorporated in the work and items of work completed and maintain an item account record.
- (16) Provide measurement and computation of pay items.
- (17) Prepare and submit, or assist in preparing, such periodic, intermediate and final reports and records as may be required by KDOT and as are applicable to the Project, which may include:
  - a. Progress Reports
  - b. Weekly statement of working days
  - c. Notice of change in construction status
  - d. Report of field inspection of material
  - e. Test report record
  - f. Contractor pay estimates
  - g. Pile driving data
  - h. Piling record
  - i. Final certification of materials
  - j. Explanation of quantity variation
  - k. Other reports as required by the Project
- (18) Review, or assist in reviewing, all Contractor submittals of records and reports required by KDOT, as applicable to the Project, which may include:
  - a. Requests for partial and final payment
  - b. Other reports and records as required by the individual Project
- (19) Prepare and submit if desired by the Consultant, partial payment invoices for services rendered by the Consultant, but not to exceed one submittal per month.
- (20) Collect, properly label or identify, and deliver to KDOT all original diaries, logs, notebooks, accounts, records, reports and other documents prepared by the Consultant in the performance of this Agreement, upon completion or termination of this Agreement.

- (21) Return, upon completion or termination of this Agreement, all Contract Documents, Manuals, written instructions, unused forms and record keeping books, and other documents and materials furnished by KDOT. The Consultant shall be responsible for replacing lost documents or materials at the price determined by KDOT.
- (22) Prepare and submit a certification of Project completion.
- (23) Prepare and submit a final payment voucher for services rendered by the Consultant.
- (24) Prepare and deliver (when Project is completed) one copy of major changes to the Plans (by letter) to KDOT. The letter should contain such items as the following:

a. Earthwork and Culverts

1. A revised list of benchmarks
2. Location of government benchmarks
3. Major changes in alignment
4. Major changes in grade line
5. Established references on cornerstones
6. Major changes in location of drainage structures
7. Major changes in flow-line of drainage structures
8. Drainage structures added or deleted
9. Any change of access control

b. Bridges

1. Changes in stationing
2. Changes in type, size or elevation of footings
3. Changes in grade line

**B. THE SECRETARY AGREES TO THE FOLLOWING:**

- (1) Make available to the Consultant sufficient copies of the Contract Documents, shop drawings, plan revisions, written instructions and other information and data considered by KDOT to be necessary for the Consultant to perform the Construction Engineering Inspection Services under this Agreement, for the Project.
- (2) Provide for the use of the Consultant a sufficient supply of the blank diaries, logs, record keeping books, and reporting forms considered by KDOT to be necessary for the Consultant to perform the Construction Engineering Inspection Services under this Agreement.
- (3) Provide space in the field office and field laboratory furnished by the Contractor under the terms of the Construction Contract, for the occupancy and use of the Consultant until completion of the construction work.
- (4) Perform or provide for laboratory testing of materials requiring off-site testing facilities and obtain test reports or certificates of compliance hereof.

- (5) Perform weld inspection when there is welding for bridge beam connections and splices, and for sign supports. This includes all cross frames, diaphragm connections, and stud welding.
- (6) Designate a Field Engineer Coordinator in the Construction Office with the duties and responsibilities set forth in Article I, Section C of this Agreement.
- (7) The Secretary reserves the right to assign and charge to the Project such KDOT personnel as may be needed.

## **ARTICLE II PROSECUTION AND PROGRESS**

- (1) It is anticipated the Construction Engineering Inspection Services to be performed under the Construction Contract will start in 2021 and be completed by 2021.
- (2) The Consultant shall complete all of the Construction Engineering Inspection Services to be rendered under this Agreement no later than two months after completion of Project construction. Failure to comply may result in disqualification of the Consultant's Project Engineer/Project Manager or Chief Inspector until proper documentation is submitted and accepted.

## **ARTICLE III BASIS OF PAYMENT**

- (1) Compensation of Construction Engineering Inspection Services provided by the Consultant under the terms of this Agreement shall be made on the basis of the reimbursable Consultant's actual cost plus a net fee amount of **\$7,658.27**. The actual cost shall be incurred in conformity with the cost principles established in Volume 1, Chapter 7, Section 2 of the Federal-aid Highway Policy Guide and 48 C.F.R. pt. 31 *et seq.* The upper limit of compensation for the Construction Engineering Inspection Services detailed in this Agreement shall be **\$61,496.04**.
- (2) Compensations for Construction Engineering Inspection Services during the progress of work normally will be made to the Consultant within 30 days after receipt by the Secretary of proper billing and when supported by appropriate documentation. The Consultant may not request partial payments at intervals of more than one per calendar month. Progress billings shall be acceptable to the Secretary before payments can be made to the Consultant. Unless extra Construction Engineering Inspection Services has been authorized by the Secretary, the total of the final payment and previous payments can not exceed the upper limit of compensation approved for the Construction Engineering Inspection Services. If extra Construction Engineering Inspection Services has been authorized it will be reimbursed as per the terms of the supplemental agreements(s).
- (3) The Secretary will pay 100 percent of all partial billings up to 95 percent of the upper limit of compensation. Any further amount due will be held until the KDOT field office obtains all deliverables (field books, CMS disks, as-built plans, etc.) from the Consultant. When

all deliverables are received by KDOT the remainder due may be paid if requested by the Consultant minus a \$500.00 retainage or the amount earned in excess of 95 percent of the upper limit, whichever is less. If partial payments never reach 95 percent of the upper limit, the Consultant may request payment of 100 percent of the amount earned minus a \$500.00 retainage. The retainage amount will be released to the Consultant when this Agreement has been audited by KDOT.

- (4) The Secretary will reimburse the Consultant for the approved voucher amount up to the upper limit of compensation (or upper limit plus any amount approved by a revised supplemental) for Construction Engineering Inspection Services detailed in this Agreement. The payments will be made provided the LPA has submitted to KDOT the estimated LPA's share of the Project cost and the LPA's estimated share of the Construction Engineering cost.
- (5) If this Agreement's upper limit of compensation exceeds the amount approved by the FHWA, KDOT will reimburse the Consultant for the approved voucher fee (not to exceed this Agreement's upper limit of compensation unless authorization has been granted and included in a revised supplemental agreement for the Construction Engineering Inspection Services). The LPA will reimburse KDOT for fees voucher by the Consultant and approved by KDOT up to the upper limit of compensation in this Agreement that may exceed the FHWA's approved amount unless provisions are provided for payment under state law.

#### **ARTICLE IV MISCELLANEOUS PROVISIONS**

##### **A. AUTHORIZED REPRESENTATIVES**

- (1) The Field Engineer for KDOT will be Mr. Jerry Thomas, Jr., P.E., whose work address is 650 North K-7 Highway, Bonner Springs, Kansas 66012 and work telephone is 913-942-3040.
- (2) The Project Engineer/Project Manager for the Consultant will be Mr. Joe McAfee, P.E., Certification Number 1033 (expiration date is 11/26/23), whose work address is 309 Jefferson Street, Oskaloosa, Kansas 66066 and work telephone is 785-863-2647.
- (3) The Chief Inspector for the Consultant will be Ms. Vicki McAfee, Certification Number 4452 (expiration date is 3/26/2024), whose work address is 309 Jefferson Street, Oskaloosa, Kansas 66066 and work telephone is 785-863-2647.
- (4) The contact person for the LPA will be Mr. Bill Noll, P.E., Infrastructure & Construction Services Director whose work address is 300 Walnut, Suite 7, Leavenworth, Kansas 66048 and work telephone is 913-684-0470.



**B. ACCESS TO RECORDS**

- (1) All documents and evidence pertaining to costs incurred under this Agreement will be available for inspection during normal business hours in the Consultant's office, located at 309 Jefferson Street, Oskaloosa, Kansas 66066, for a period of three (3) years following final Agreement payment.

**CERTIFICATION**

**CERTIFICATION OF CONSULTANT**

I hereby certify that I am the President and duly authorized representative of the firm of McAfee Henderson Solutions, whose address is PO BOX 397, 309 Jefferson Oskaloosa, KS, 66066 and that neither I nor the above firm I here represent has:

- (a) employed or retained for the commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this agreement,
- (b) agreed, as an express or implied condition for obtaining this agreement, to employ or retain the services of any firm or person in connection with carrying out this agreement, or
- (c) paid, or agreed to pay, to any firm, organization of persons (other than a bonafide employee working solely for me or the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out this agreement;

except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the Secretary of the Kansas Department of Transportation in connection with this agreement and is subject to applicable state and federal laws, both criminal and civil.

8-24-21  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
(Signature)

**CERTIFICATION OF THE DEPUTY SECRETARY AND STATE TRANSPORTATION ENGINEER**

I hereby certify that I am the Deputy Secretary and State Transportation Engineer of the State of Kansas and that the above Consultant or his representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this Agreement to

- (a) employ or retain, or agree to employ or retain, any firm or person, or
- (b) pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind;

except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the above referenced firm in connection with this Agreement, and is subject to applicable state and federal laws, both criminal and civil.

Kansas Department of Transportation  
Secretary of Transportation

\_\_\_\_\_  
(Date)

By: \_\_\_\_\_  
Burt Morey, P. E.  
Deputy Secretary and  
State Transportation Engineer

**CERTIFICATION OF LEAVENWORTH COUNTY**

We hereby certify that we are the above-noted County's Appropriate Local Officials authorized to sign for the County and the Consultant noted in Sheet 1 of this Special Attachment or his representative has not been required, directly or indirectly, as an expressed or implied condition in connection with obtaining or carrying out this Agreement to:

- (a) employ or retain, or agree to employ or retain, any firm or person, or,
- (b) pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind:

except as herein expressly stated (if any):

We acknowledge that this certificate is to be furnished to the above referenced firm in connection with this Agreement, and is subject to applicable state and federal laws, both criminal and civil.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Chairperson of Board of  
County Commissioners

\_\_\_\_\_  
Commission Member

\_\_\_\_\_  
Commission Member

## KANSAS DEPARTMENT OF TRANSPORTATION

Special Attachment  
To Contracts or Agreements Entered Into  
By the Secretary of Transportation of the State of Kansas

### PREAMBLE

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d to 2000d-4) and other nondiscrimination requirements and the Regulations, hereby notifies all contracting parties that it will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level or Limited English Proficiency (“LEP”).

### CLARIFICATION

Where the term “contractor” appears in the following “Nondiscrimination Clauses”, the term “contractor” is understood to include all parties to contracts or agreements with the Secretary of Transportation, Kansas Department of Transportation. This Special Attachment shall govern should this Special Attachment conflict with provisions of the Document to which it is attached.

### ASSURANCE APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”), agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in its Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration (“FTA”) or the Federal Aviation Administration (“FAA”) as they may be amended from time to time which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, Including Procurements of Material and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA, Federal Transit Administration (“FTA”), or Federal Aviation Administration (“FAA”) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or, the FHWA, FTA, or FAA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA, FTA, or FAA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of the paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any

subcontract or procurement as the Recipient or the FHWA, FTA, or FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

#### ASSURANCE APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- The Federal Aid Highway Act of 1973 (23 U.S.C. § 324 et. seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et. seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et. seq.), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL No. 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with LEP, and resulting agency guidance, national origin discrimination includes discrimination because of LEP. To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681)

State of Kansas  
Department of Administration DA-146a  
(Rev. 07-19)

### CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to

comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if it is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

6. **Acceptance of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority to Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility for Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.*
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.







Summary Total Direct Payroll Costs

	Hours	Rate	Extension
Project Manager	<u>41 @</u>	<u>\$45.00 =</u>	\$1,845.00
Chief Insp. (Straight)	<u>461 @</u>	<u>\$30.00 =</u>	\$13,830.00
Chief Insp. (OT)	<u>136.5 @</u>	<u>\$45.00 =</u>	\$6,142.50
<b>Total Direct Payroll Costs</b>			<b>\$21,817.50</b>
<b>B. Salary Related Overhead</b>	<u>134.01 %</u>		<b>\$29,237.63</b>
<b>C. Total Payroll plus Overhead</b>			<b>\$51,055.13</b>
<b>D. Net Fee</b>			<b>\$7,658.27</b>
<b>E. Direct Expenses (Travel, Postage, Misc.)</b>			
Mileage Pickup	miles <u>4969 @</u>	<u>\$0.56/mile</u> <u>0.56</u>	\$2,782.64
<b>TOTAL COST PLUS NET FEE ESTIMATE</b>			<b><u>\$61,496.04</u></b>

Consultant Representative  Date 5-17-21

LPA Authorized Representative  Date 5/17/21

Approving KDOT Representative \_\_\_\_\_ Date \_\_\_\_\_

**Certification of Final Indirect Costs**

Firm Name: McAfee Henderson Solutions, Inc.

Indirect Cost Rate Proposal: 134.01%

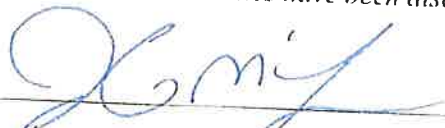
Date of Proposal Preparation (mm/dd/yyyy): 5/17/2021

Fiscal Period Covered (mm/dd/yyyy to mm/dd/yyyy): 1/1/2021 - 12/31/2021

*I, the undersigned, certify that I have reviewed the proposal to establish final indirect cost rates for the fiscal period as specified above and to the best of my knowledge and belief:*

- 1.) All costs included in this proposal to establish final indirect cost rates are allowable in accordance with the cost principles of the Federal Acquisition Regulations (FAR) of title 48, Code of Federal Regulations (CFR), part 31.*
- 2.) This proposal does not include any costs which are expressly unallowable under the cost principles of the FAR of 48 CFR 31.*

*All known material transactions or events that have occurred affecting the firm's ownership, organization and indirect cost rates have been disclosed.*

Signature: 

Name of Certifying Official (Print): Joseph McAfee

Title: President

Date of Certification (mm/dd/yyyy): 3/4/2021



Laura Kelly, Governor  
Mark A. Burghart, Secretary  
[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

McAfee Henderson Solutions, Inc.  
DBA as McAfee Henderson Solutions, Inc.

**ISSUE DATE**  
05/14/2021

**TRANSACTION ID**  
TSNF-GCG3-D7TH

**CONFIRMATION NUMBER**  
CNRD-C56F-YPJJ

**TAX CLEARANCE VALID THROUGH 08/12/2021**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*



**Policy Regarding Sexual Harassment**

**WHEREAS**, sexual harassment and retaliation for sexual harassment claims are unacceptable forms of discrimination that must not be tolerated in the workplace; and

**WHEREAS**, state and federal employment discrimination laws prohibit sexual harassment and retaliation in the workplace; and

**WHEREAS**, officers and employees of the State of Kansas are entitled to working conditions that are free from sexual harassment, discrimination, and retaliation; and

**WHEREAS**, the Governor and all officers and employees of the State of Kansas should seek to foster a culture that does not tolerate sexual harassment, retaliation, and unlawful discrimination.


**NOW THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order as follows:

1. All Executive Branch department and agency heads shall have available, and shall regularly review and update at least every three years or more frequently as necessary, their sexual harassment, discrimination, and retaliation policies. Such policies shall include components for confidentiality and anonymous reporting, applicability to intern positions, and training policies.
2. All Executive Branch department and agency heads shall ensure that their employees, interns, and contractors have been notified of the state's policy against sexual harassment, discrimination, or retaliation, and shall further ensure that such persons are aware of the procedures for submitting a complaint of sexual harassment, discrimination, or retaliation, including an anonymous complaint.
3. Executive Branch departments and agencies shall annually require training seminars regarding the policy against sexual harassment, discrimination, or retaliation. All employees shall complete their initial training session pursuant to this order by the end of the current fiscal year.
4. Within ninety (90) days of this order, all Executive Branch employees, interns, and contractors under the jurisdiction of the Office of the Governor shall be provided a written copy of the policy against sexual harassment, discrimination, and retaliation, and they shall execute a document agreeing and acknowledging that they are aware of and will comply with the policy against sexual harassment, discrimination, and retaliation.
5. Matters involving any elected official, department or agency head, or any appointee of the Governor may be investigated by independent legal counsel.
6. The Office of the Governor will require annual mandatory training seminars for all staff, employees, and interns in the office regarding the policy against sexual harassment, discrimination, and retaliation, and shall maintain a record of attendance.
7. Allegations of sexual harassment, discrimination, or retaliation within the Office of the Governor will be investigated promptly, and violations of law or policy shall constitute grounds for disciplinary action, including dismissal.
8. This Order is intended to supplement existing laws and regulations concerning sexual harassment and discrimination, and shall not be interpreted to in any way diminish such laws and regulations. The Order provides conduct requirements for covered persons, and is not intended to create any new right or benefit enforceable against the State of Kansas.
9. Persons seeking to report violations of this Order, or guidance regarding the application or interpretation of this Order, may contact the Office of the Governor regarding such matters.

**Agreement to Comply with the Policy Against Sexual Harassment, Discrimination, and Retaliation.**

I hereby acknowledge that I have read the above State of Kansas Policy Against Sexual Harassment, Discrimination, and Retaliation established by Executive Order 18-04 and agree to comply with the provisions of this policy.

Contractor Name (Type or Print) McAfee Henderson Solutions, Inc

By:   
Signature

Joseph L. McAfee  
Printed Name

President  
Title

8-24-21  
Date

# Leavenworth County Request for Board Action

Date: 09/01/2021

To: Board of County Commissioners

From: Public Works

Department Head Approval: *B. Noll*

**Additional Reviews as needed:**

Budget Review  Administrator Review  Legal Review

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**Action Requested:** Approve the Agreement for Rock Crushing and Quarry Operations between Leavenworth Excavating and Equipment Company (LEXECO) and Leavenworth County for the Tonganoxie Quarry

**Recommendation:** Approval

**Analysis:**

On June 9<sup>th</sup>, Commissioners approved the selection of LEXECO, from proposals submitted to the county, to provide Rock Crushing and Quarry Operation Services.

The requested Owner-Contractor Agreement sets the terms and conditions for the duration of the contract (December 31, 2023) to include the following:

- Hours of operations
- Overburden removal
- Blasting/Crushing operations
- Quantity/Quality of the provided material
- Pricing and payment
- Billing

**Alternatives:** Deny, Table

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds (Sales Tax Fund)
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:** No Funds Required

**Additional Attachments:**

Unsigned Agreement

## **OWNER-CONTRACTOR AGREEMENT**

**THIS AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_ 20\_\_, by and **between LEAVENWORTH COUNTY, KANSAS** (hereafter "Owner") and **LEAVENWORTH EXCAVATING AND EQUIPMENT COMPANY, INC. (LEXECO)** (hereafter "Contractor"), collectively referred to as the "Parties", to perform the agreed upon services as described herein.

**PROJECT:** QUARRY OPERATIONS/ROCK CRUSHING  
(TONGANOXIE QUARRY)

**CONTRACTOR'S SCOPE OF SERVICES:** (hereafter referred to as "Services") are generally described as follows, as more fully set out in Contractor's proposal dated May 14, 2021 and incorporated herein.

### **TERMS AND CONDITIONS**

#### **1.0 GENERAL PROVISIONS**

Owner is the permitted addressee of a Reclamation plan filed with the Kansas State Conservation Commission for the Tonganoxie quarry. All Contractor operations will be conducted in accordance with the Owner's reclamation plan and mining permit.

Owner is the permitted addressee of a Storm Water Pollution Prevention Plan (SWPPP) filed with the Kansas Department of Health and Environment (KDHE) all normal quarry operations will be conducted in accordance with the Contract's SWPPP.

Owner is the permitted addressee of a Spill Prevention Plan (SPP) filed with the Kansas Department of Health and Environment (KDHE) all normal quarry operations will be conducted in accordance with Owner's SPP plan.

Contractor will acquire an Air Permit (Class II General Operating Permit for Crushed and Broke Stone Facilities) prior to commencement of operations.

Contractor's expectation is not to store any explosives on site, as blasting activities will most likely be conducted by an independent licensed blasting contractor. Therefore, no explosive storage permit will be required. In the event Contractor elects to perform blasting activities, Contractor will secure all State required permitting.

#### **2.0 OPERATIONS**

##### **2.1 Hours of Operation**

Hours of production operation will be 7:00 am to 5:00 pm Monday thru Saturday. Contractor is requesting that maintenance of equipment be performed outside the hours of production operation.

##### **2.2 Topsoil / Overburden Removal**

Whereas Owner is the Mining Permit addressee of the site for operations conducted by Contractor in regards to removal of top soil and overburden. Accordingly, Contractor's mining activities will be conducted under Owner's Reclamation Plan filed with the State Conservation Commission. For the areas to be quarried along the southern portion of the property, there is an exclusion area of 350 foot setback from Sandusky Road.



A site Operations Map must be agreed upon by Parties and on file at the Public Works Office at least 30 days prior to Contractor starting site operations. The Operations Map may be amended by written mutual agreement between Owner and Contractor. For placement of the overburden and cap rock, please refer to the agreed upon Operations Map.

Contractor will utilize removed overburden to fill and establish 3 to 1 slopes of high walls to previously quarried areas, and topsoil will be preserved and applied in accordance with standards set forth by the Kansas Department of Agriculture. The County will be responsible for seeding of the reclaimed areas.

### **2.3 Blasting Operations**

Based on the size of area for which quarrying activities will be conducted on the Owner's property, pre-blast surveys will be offered to all property owners with structures within 1/4-mile (1,320 feet) of the proposed quarry area, as outlined within the operations map. Contractor, or their Blasting Contractor, will employ an independent seismic monitoring firm to conduct the pre-blast surveys of the houses and buildings (parcels with houses and/or structures within a 1/4-mile radius of the proposed quarry area). Pre-blast surveys will be completed a month prior to any blasting activities. Contractor shall send a certified registered letter with return receipt to all affected property owners informing them of the offer for the pre-blast survey. The pre-blast survey shall be submitted to the owners of the parcels who accept the offer and a copy provided to Leavenworth County Public Works. Upon request, a copy of the letter informing the residents offering the pre-blast survey and return receipts shall be provided to Leavenworth County Public Works.

Throughout blasting process, the independent seismic monitoring firm shall provide a remote seismograph to monitor and record data of all blasting activities. The remote seismograph will transmit blast data to a centralized location, where the data will then be distributed via email to parties requesting blast data. In addition, Contractor will maintain blast data at the Office in Leavenworth, Kansas available to review during the business hours of 9:00 am to 4:00 pm Monday through Friday.

Contractor, or their subcontractors, will self-perform the drilling of boreholes but will likely engage an independent licensed blaster to conduct blasting activities. Blasting will normally be conducted between 10:00 am and 2:00 pm Monday thru Friday. Blasting will only be conducted outside of normal hours if weather or technical conditions prohibit blasting during the preferred hours. Contractor will require independent licensed blaster to provide industry standard insurance coverage. Contractor will continue to maintain a 350 foot no blast setback from Sandusky Road.

Contractor, or their authorized representative, will inspect and clear the blast zone of any unauthorized entry prior to blast signal being sounded. A blasting signal will be sounded prior to all blasts being detonated. The blasting signal will be a one-minute horn blast followed by a 15 second pause followed by a 15 second horn blast followed by detonation. The blast area will be inspected after the blast and an all clear given prior to work commencing. No charged blast holes will be left undetonated overnight.

In the event that Contractor elects to self-perform blasting activities, Contractor will notify Leavenworth Emergency Preparedness Office of explosives to be moved on site and to secure an Explosive Storage Permit issued by the Kansas State Fire Marshall prior to transporting explosives onto the site. Explosives will be stored in ATF approved storage magazines.

## **2.4 Crushing Operations**

Upon completion of the removal of overburden a precise shot pattern will be drilled and blasting activities will be performed. A front end loader will be used to load the shot rock onto off-road trucks which will transport the shot rock to the plant. Contractor will use a portable generator to supply electricity necessary to power crushing plant.

## **3.0 QUANTITY/QUALITY OF MATERIAL**

### **3.1 Produced Material**

Contractor understands that the crushing of the agreed upon rock ledge, in the Tonganoxie Quarry, will generate a significant amount of waste fines when producing the required KDOT AB-1 spec rock. Contractor will offer to assist the Owner in evaluating crushing mode alternatives to maximize the desired products from the available ledge.

Contractor will work with Owner to evaluate the remaining available rock ledges in the previously mined south-central site areas in an effort to produce the desired material of Owner.

### **3.2 Sampling of Produced Materials**

For quality control purposes, Contractor will continuously complete visual inspections of the aggregate material being produced and notify Owner of any quality concerns. Upon the written request of the Owner, Contractor shall sample production daily and make test results of sieve analysis for produced material available to the Owner. Results can be available by email directly from Quality Control Lab or sent out by traditional US Mail. Contractor shall designate an employee as its Quality Control Manager as the point of contact for information requests.

### **3.3 Material Handling**

Finished materials will be transferred from the plant site to a stockpile at an agreed location(s).

Contractor will utilize a water truck to apply water to haul roads as needed. Contractor will be permitted to use any or all standing water within the quarry for dust control purposes.

### **3.4 Stockpiling**

Contractor is proposing to produce at least 50,000 tons of the required materials per crushing setting.

Once contracted crushing has commenced, and the quality of the material able to be produced is evaluated, a higher volume of production may be agreed upon by Contractor and the Owner in writing. Current stockpile area will accommodate produced materials.

Any rock that does not meet the AB-1 spec will be stockpiled separately.

## **4.0 PRICING AND PAYMENT**

### **4.1 Material Purchasing/Scale**

The county will have the option to purchase the aggregate produced by Contractor for \$8.20/ton within 30 days of the time it is produced. The weight of the material in the stockpile being purchased will be

determined off the scale on the belt of the crusher. The remaining stockpiled material, not purchased within 30 days of the time of production, will be paid for by Owner at a rate of \$8.40/ton.

Parties agree to honor the material purchase prices listed above through December 31, 2023. If both parties agree to extend this agreement, material purchasing prices will be renegotiated at the time of extension.

Contractor will provide a State Certified Truck Scale to weigh County trucks hauling Contractor produced materials. If the second alternate for payment (\$8.40/ton) is exercised, all loads of material hauled from the stockpiles will be scaled and a paper scale ticket to be filled out with gross, tare, net weights and material hauled.

Payment will become due within 30 days of removal by the County.

**4.2 Billing and Purchasing**

Parties agree to utilize paper ticketing of material for the purchase of the stockpiled material. One copy of the ticket will be placed in a secure deposit box and the driver will retain a copy. Contractor will invoice on a weekly basis and provide a monthly statement for all tons hauled from the site.

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement, the day and year first above written.

**LEAVENWORTH COUNTY, KANSAS**

**LEAVENWORTH EXCAVATING AND EQUIPMENT COMPANY (LEXECO)**

By: \_\_\_\_\_

By: Matt D. Kaaz

Print Name: \_\_\_\_\_

Print Name: Matt D. Kaaz

Title: \_\_\_\_\_

Title: Vice President

Date: \_\_\_\_\_

Date: 8/20/2021

**Leavenworth County  
Request for Board Action  
Resolution 2021-33  
Special Use Permit Renewal for a Contractor's Yard – Westland  
Construction, Inc.**

**Date:** September 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Consider Resolution 2021-33, a Special Use Permit for a Contractor's Yard for Westland Construction, Inc., Inc. located at 20510 163<sup>rd</sup> Street, Basehor, Kansas.

**Analysis:** The applicant is requesting a fourth renewal of their existing Special Use Permit for a contractor's yard. The business has been in operation in this location for more than a decade but had indicated with each renewal, they plan to move their operation to a more appropriate location within a City. The property includes two buildings used as office and storage space, storage of large trucks and equipment as well as a material storage yard. A majority of the business's operation takes place off-premises. The property is located within an area that is suitable for rural and agricultural uses. The request (light industrial) is not compatible with the character of the neighborhood and the Comprehensive Plan Future Land Use Map designates this property as Residential three-units/acre. Due to its incompatibility and the Comprehensive Plan designation, Planning Staff recommends denial of Case No. DEV-21-062.

**Recommendation:** The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-062 (Resolution 2021-33) Special Use Permit Renewal for a Contractor's Yard at 20510 163<sup>rd</sup> Street. The Planning Commission also recommended that this be the final approval for a Special Use Permit for this business.

**Alternatives:**

1. Approve Resolution 2021-33 (Case No. DEV-21-062) Special Use Permit for a Contractor's Yard for Westland Construction, Inc., with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-33 (Case No. DEV-21-062) Special Use Permit for a Contractor's Yard for Westland Construction, Inc., with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-33 (Case No. DEV-21-062) Special Use Permit for a Contractor's Yard for Westland Construction, Inc., with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- Not Applicable  
 Budgeted item with available funds  
 Non-Budgeted item with available funds through prioritization  
 Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

**\*\*\*Renewal without changes\*\*\***  
**Resolution 2021-33**  
**Westland Construction**  
Special Use Permit – Contractor’s Yard

**Staff Report – Board of County Commissioners**

**September 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Charles L. Breuer  
20510 163<sup>rd</sup> Street  
Basehor, KS 66007

**Legal Description:** A tract of land in the Southwest 1/4 of Section 27, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

**Location:** 20510 163<sup>rd</sup> Street, located north of the intersection of 163<sup>rd</sup> & Leavenworth Road.

**Parcel Size:** ± 5 acres

**Zoning/Land Use:** RR-2.5, Rural Residential 2.5-acre minimum size parcels

**Comprehensive Plan:** This parcel is within the Residential – 3 units/acre land use category.

**Parcel ID No.:** 158-27-0-00-00-006.03

**Planner:** Krystal A. Voth

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**REPORT:**

**Planning Commission Recommendation:**

Staff recommended denial of Case No. DEV-21-062. The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-062, Special Use Permit for Westland Construction. Should the Board of County Commissioners vote to recommend approval of Case No. Dev-21-062, staff recommend the following conditions:

1. The SUP shall be limited to a period of three (3) years.
2. The business shall be limited to the hours of 8:00 AM until 5:00 PM, Monday – Friday.
3. The SUP shall be limited to 15 employees.
4. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
5. No on-street parking shall be allowed.
6. This SUP shall be limited to the Narrative dated April 22, 2021 submitted with this application.
7. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

The Planning Commission also made a recommendation to approve this Special Use Permit as the last one for this business.

**Request**

The applicant is requesting the fourth renewal of a Special Use Permit for a contractor’s yard.

### **Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 160 acres in size. The City of Basehor is located less than ½ mile to the east of the property.

### **Flood Plain**

There is a portion of the southeast portion of the property located within the Special Flood Hazard Area on this parcel per FEMA Firm Map 20103C0239G July 16, 2015.

### **Utilities/Services**

Sewer: Private septic system

Fire: Fairmount

Water: Suburban

Electric: Evergy

### **Access/Streets**

The property is accessed by 163<sup>rd</sup> a County Collector with a hard surface ± 24' wide.

### **Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, June 3, 2021

See attached comments – Email – Lauren Anderson – Public Works, June 10, 2021

See attached comments – Email – Chuck Magaha – Emergency Management, June 28, 2021

See attached comments – Email – Mike Lingenfelter –Township Fire Department, June 7, 2021

See attached comments – Email – Mike Fulkerson – Rural Water District 1, June 4, 2021

See attached comments – Email – Tyler Rebel – Electric utility, June 3, 2021

See attached comments – Email – Name – City of Basehor, June 8, 2021

### **Factors to be considered**

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Special Use Permit request:

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses. A contractor's yard does not fit the character of the area. The applicant has stated several times in the past that he intends to move the business into the city.
2. Zoning and uses of nearby property: The unincorporated areas of the County surrounding the property are zoned as RR-2.5. The City of Basehor is directly to the east, approximately one-half mile from the property.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. While the use is allowed with a Special Use Permit this area of the County is expected to develop residentially and has been identified in the Comprehensive Plan as Residential 3 units/acre. As development occurs, the contractor's yard will be out of character.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The business has operated at this location for more than 10 years. To date, there has not been a known-detrimental impact to the area. The business does create additional truck traffic along 163<sup>rd</sup> and Leavenworth Road.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use provide income to the applicant and provides 15 jobs.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential 3 units/acre.
8. Staff recommendation is for the denial of Special Use Permit.

<b>LOCATION</b>	
<b>Adjacent Residences</b>	Adjacent residences are rural in nature. The majority of residences in the immediate vicinity are located on parcels greater than five acres.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-2.5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The immediate area is not densely populated. The City of Basehor is to the east.
<b>Nearby City Limits</b>	The city of Basehor is approximately ½ mile to the east.
<b>Initial Growth Management Area</b>	The property is not located within an initial growth management area.

<b>IMPACT</b>	
<b>Noise Pollution</b>	The use does not cause significant noise pollution. Primarily, the site is used for storage of materials, vehicles and an office. The site does house heavy equipment which creates noise when the machines are loaded for transport or area leaving/returning to the site.
<b>Traffic</b>	The use will create additional traffic in the morning and evening. Up to 15 employees may arrive during the morning. They will then leave in company vehicles. Company vehicles consist of service trucks, dump trucks and a semi-truck. According to the applicant, it is typical for each vehicle to make two trips per day to and from the site. Employees will then depart after the work day in their personal vehicles.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant has seven service trucks, two dump trucks and a semi that are stored outside. Additionally, there are some materials such as pipe that are stored outside.
<b>Parking</b>	The applicant has ample parking space for employees.
<b>Visitors/Employees</b>	There are 15 employees who report to the site each day, load equipment and leave for the job site.
<b>Waste</b>	Waste is properly disposed of.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is five (5) acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-2.5
<b>Buildings (Existing &amp; Proposed)</b>	There are currently two buildings on the property. One is used as a shop/storage area and the other is used as an office.
<b>Setbacks</b>	Existing building meet the required setbacks. However, it appears that there may be some vehicles/supplies stored over the property line. Without a professional survey this is difficult to determine for sure.
<b>Screening</b>	The applicant has planted several evergreen trees around the property to provide screening.

**History**

This is the fourth request for the operation of this business at this site. In 2014 the applicants requested a two-year approval as they stated they intended to move to a more appropriate location. In 2016 the applicants requested a renewal and were granted a five-year renewal. At that time, the applicants stated they would not need five years because they were planning to move. The Board allowed the applicant to make yearly installments of the TIF. There have been no payments since the first payment in 2016.

**Staff Comments**

The applicants are requesting renewal of a Special Use Permit for a contractor's yard located near the intersection of 163<sup>rd</sup> and Leavenworth Road. The business has been in operation for over a decade at this location. During each renewal, the applicant has stated they plan to move operations to a more appropriate location within a city.

The business consists of 15 full-time employees and seven service trucks, two dump trucks and a semi. There are two buildings on site. One is used for storage and the other is office space. There are materials stored at the property which are commonly found for the installation of waterlines, sewer lines and



watermains. Due to the nature of the work, all activity takes place off-site and the business location is used for storage and administration. Typical hours of operation are Monday-Friday, 8:00 until 5:00.

The business is located within an area suitable for rural and agricultural uses. The business does not fit the character of the area. Additionally, the Future Land Use Map has identified this area as Residential three-units/acre. The City of Basehor is ½ mile to the east. Staff recommends denial of the request for the following reasons:

1. The use does not fit the character of the area;
2. The use is not in conformance with the Comprehensive Plan or Future Land Use Map

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**ACTION OPTIONS:**

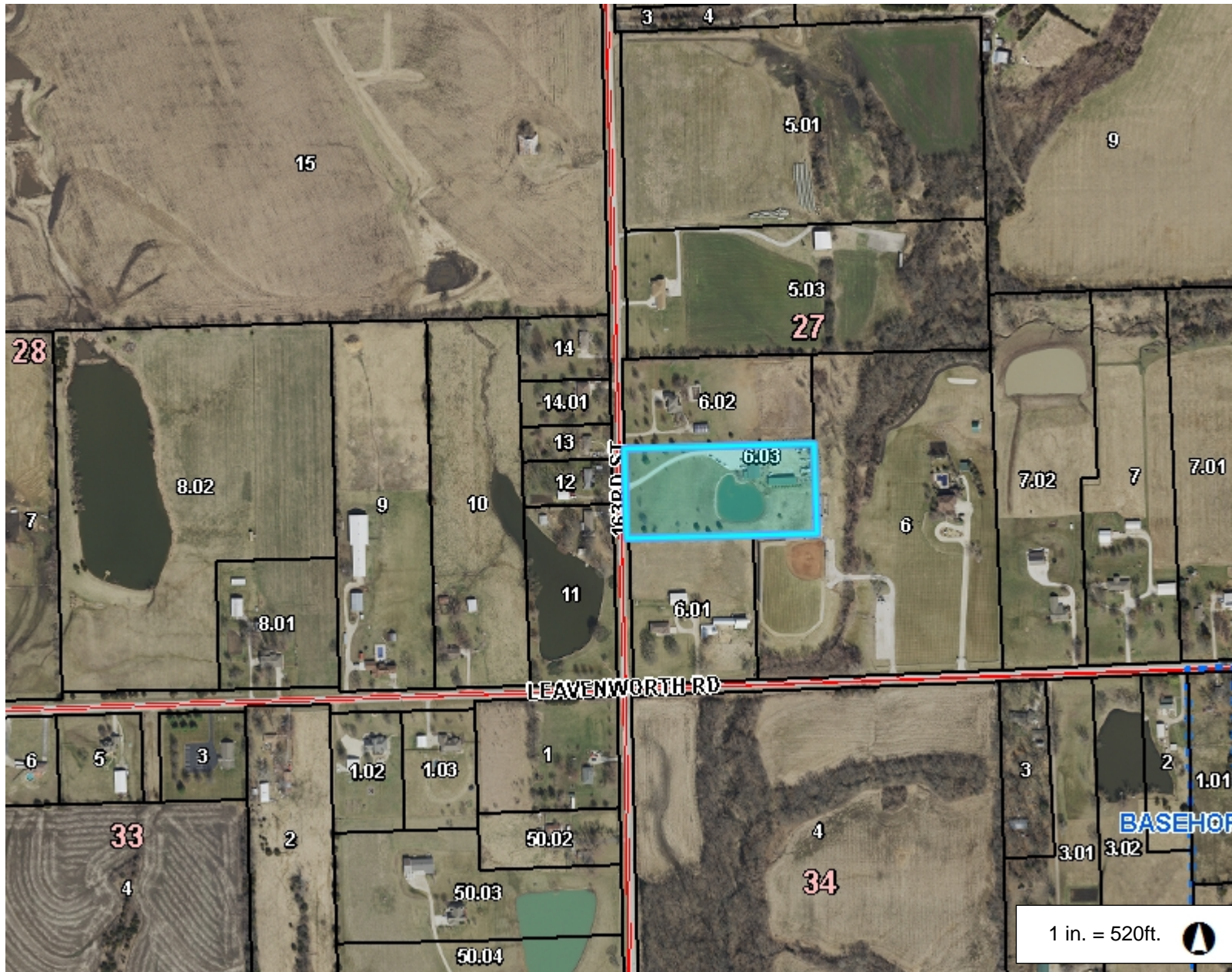
1. Approve Resolution 2021-33 (Case No. DEV-21-062) Special Use Permit for a Contractor's Yard for Westland Construction, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-33 (Case No. DEV-21-062) Special Use Permit for a Contractor's Yard for Westland Construction, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-33 (Case No. DEV-21-062) Special Use Permit for a Contractor's Yard for Westland Construction, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

# DEV-21-062 Westland Contractor's Yard



**Legend**

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 520ft.

1,039.9      0      519.97      1,039.9 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

## Sloop, Stephanie

---

**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Thursday, June 3, 2021 3:58 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-062 SUP Westland Construction

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Internal Use Only

No comment from Evergy, thank you -

**Tyler Rebel**  
Distribution Designer  
Evergy  
[tyler.rebel@evergy.com](mailto:tyler.rebel@evergy.com)  
O: 913.758.2727  
[evergy.com](http://evergy.com)

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Thursday, June 3, 2021 3:01 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; Tyler Rebel <Tyler.Rebel@evergy.com>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** RE: DEV-21-062 SUP Westland Construction

**\*\*CAUTION: This email originated from outside of the Evergy network. Do not click links or open attachments unless you recognize the sender and know the content is safe\*\***

---

Here is the correct application.

Thank you,

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**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:32 PM  
**To:** Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@leavenworthcounty.gov](mailto:jpatzwald@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>; 'Mitch Pleak' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; 'lingenfelserm@fairmountfd.org' <[lingenfelserm@fairmountfd.org](mailto:lingenfelserm@fairmountfd.org)>; 'Tyler.Rebel@evergy.com' <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>; 'mfulkerson@crwd1.com' <[mfulkerson@crwd1.com](mailto:mfulkerson@crwd1.com)>; 'djacobson@cityofbasehor.org' <[djacobson@cityofbasehor.org](mailto:djacobson@cityofbasehor.org)>  
**Cc:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>  
**Subject:** DEV-21-062 SUP Westland Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Westland Construction.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph





P.O. Box 419  
15520 Crestwood Dr.  
Basehor, KS 66007  
913-724-7000 - O  
913-724-1310 - F  
[www.crwdl.com](http://www.crwdl.com)

June 4, 2021

Stephanie Sloop  
Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048

Re: Westland Construction Special Use Permit

Dear Ms. Sloop,

Thank you for providing the opportunity for the Water District to provide the following comments on the proposed Special Use Permit Application.

1. The above-mentioned SUP renewal is within our service area.
2. The Water District does NOT maintain a water main on 163<sup>rd</sup> St. in front of this property. Therefore, we do not currently serve water to this property.
3. The closest fire hydrant to this property is located at 163<sup>rd</sup> St. and Leavenworth Rd. (580 +/- feet south).
4. Fire hydrants can be added to the area IF a water main extension is constructed, which may be the financial responsibility of the property owner.

If you have any additional questions/comments, please contact me at your convenience.

Respectfully,

Mike Fulkerson  
Operations Manager

Cc; file

## Sloop, Stephanie

---

**From:** Mike Lingenfelter <lingenfelserm@fairmountfd.org>  
**Sent:** Monday, June 7, 2021 1:52 PM  
**To:** Sloop, Stephanie  
**Subject:** Re: DEV-21-062 SUP Westland Construction

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Stephanie  
Fairmount Township Fire has no issues with the permit.  
Mike

On Wed, Jun 2, 2021 at 4:32 PM Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)> wrote:

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Westland Construction.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator

Planning and Zoning

Leavenworth County Courthouse

300 Walnut St. Ste. 212

Leavenworth. KS 66048

(913) 364-5750 ph







# The City of Basehor

---

June 8, 2021

Stephanie Sloop  
Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048

Re: DEV-21-062 SUP Westland Construction

Dear Ms. Sloop:

Thank you for reaching out to the City of Basehor for comments related to the Special Use Permit application for Westland Construction. The City has no objections or concerns related to the request.

Sincerely,

City of Basehor



## Voth, Krystal

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Thursday, June 10, 2021 2:57 PM  
**To:** Voth, Krystal; Sloop, Stephanie  
**Cc:** Anderson, Lauren; Noll, Bill; 019-2831  
**Subject:** RE: DEV-21-062 SUP Westland Construction

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Krystal and Stephanie,  
Lauren and I have reviewed the application. It is understood this is a renewal, no new traffic is being proposed, and the County has no records of traffic complaints from the current SUP. Per the TIF Policy, initially, the application will be reviewed by the County Engineer for applicability to County Standards to determine if studies and/or assessments, based on sound engineer judgement, are required. It is Olsson's opinion a TIS and Physical Road Assessment are not warranted.

Please let Lauren or I know of any questions.

Sincerely,

Mitch Pleak

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 4:32 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-062 SUP Westland Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Westland Construction.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning

## Sloop, Stephanie

---

**From:** Anderson, Kyle  
**Sent:** Thursday, June 3, 2021 1:07 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-062 SUP Westland Construction

To date Leavenworth County has not received any complaints on this parcel.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:32 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-062 SUP Westland Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Westland Construction.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph

**SPECIAL USE PERMIT APPLICATION**

Leavenworth County Planning Department  
300 Walnut, St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

Office Use Only

PID: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Township \_\_\_\_\_  
Planning Commission Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_  
Comprehensive Plan land use designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION (If different)**

NAME Westland Construction, Inc.  
ADDRESS 20510 163<sup>rd</sup> St.  
CITY/ST/ZIP Basehor, KS 66007  
PHONE (913) 724-3191  
EMAIL chuck@westlandks.com  
CONTACT PERSON Chuck Brewer

NAME Charles L Brewer  
ADDRESS 19828 Jarbalo Rd  
CITY/ST/ZIP Leavenworth, KS 66048  
PHONE (913) 915-4365  
EMAIL chuck@westlandks.com  
CONTACT PERSON Chuck Brewer

**PROPOSED USE INFORMATION**

Existing and Proposed structures Existing 72x40 office/Shop  
Reason for requesting a Special Use Permit Renewal

**PROPERTY INFORMATION**

Address of property 20510 163<sup>rd</sup> St, Basehor, KS 66007 Parcel size 4.6 acres  
Current use of the property Business  
Does the owner live on the property? No  
Does the applicant own property in states or counties other than Kansas and Leavenworth County? ~~yes~~ No

I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature  Date 4/20/21

**ATTACHMENT A**

# WESTLAND CONSTRUCTION, INC.

April 22, 2021

Leavenworth County Planning Department  
300 Walnut St., Ste 212  
Leavenworth, KS 66048

Re: Special Use Permit Application Narrative

Dear Leavenworth County Planning Department,

Below is our written narrative regarding our Special Use Permit Application for the following address:  
20510 163<sup>rd</sup> Street, Basehor, KS 66007.

Currently we have two buildings at this property, one being used as an office and another for storage. Our hours of operation are 8am to 5pm Monday through Friday and in use all year round.

Our Company installs waterlines, watermain, sewerlines, storm waterlines etc., so 100% of our jobs are off site. The property at 20510 163<sup>rd</sup> Street is primarily used for storage and administration.

Currently we have 15 full time employees, operate 7 service trucks, 2 dump trucks and a semi-truck used to haul heavy equipment to job sites. The number of trips for each vehicle to and from the Office/Shop located at 20510 163<sup>rd</sup> St is an average of 2 times per day. Number of deliveries made to the site is 2-3 per week.

We do not store any chemicals, make excessive noise, display loud advertising, emit odors or fumes. In the years that we have operated out of this address, we have not had a single complaint levied against us.

We have ample parking at the front of the property as well as the back. We also have emergency and safety procedures in place should the need arise.

We are requesting that our permit be renewed for 4 (four) years.

Thank you for your consideration.

Sincerely,



Charles L Breuer  
President/ Owner



Laura Kelly, Governor  
Mark A. Burghart, Secretary

[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

Westland Construction Inc

## ISSUE DATE

04/21/2021

## TRANSACTION ID

T46G-BDR8-KTB4

## CONFIRMATION NUMBER

C3PE-R548-MJYN

**TAX CLEARANCE VALID THROUGH 07/20/2021**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*



Westland Construction, Inc.



North ↑



Westland Construction, Inc.,



North ↑

## RESOLUTION 2021-33

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Contractor's Yard – Westland Construction, Inc. on the following described property:

A tract of land in the southwest quarter of Section 27, Township 10 South, Range 22 east of the 6<sup>th</sup> PM, in Leavenworth County, Kansas more commonly known as 20510 163<sup>rd</sup> Street.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 20<sup>th</sup> day of April, 2021, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 5<sup>th</sup> day of August, 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 1<sup>st</sup> day of September, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1<sup>st</sup> day of September, 2021, and incorporated herein by reference;

That Case No. DEV-21-062, Special Use Permit for a Contractor's Yard – Westland Construction, Inc. approved subject to the following conditions:

1. The SUP shall be limited to a period of three (3) years.
2. The business shall be limited to the hours of 8:00 AM until 5:00 PM, Monday – Friday.
3. The SUP shall be limited to 15 employees.
4. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
5. No on-street parking shall be allowed.
6. This SUP shall be limited to the Narrative dated April 22, 2021 submitted with this application.
7. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.



Located in Section 27, Township 10 South, Range 22, also known as 20510 163<sup>rd</sup> Street,  
parcel no. 158-27-0-00-00-006.03 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of September, 2021  
Board of County Commission  
Leavenworth, County, Kansas

---

Michael Smith, Chairman

ATTEST

---

Jeff Culbertson, Member

---

Janet Klasinski

---

Vicky Kaaz, Member

---

Doug Smith, Member

---

Mike Stieben, Member

**Leavenworth County  
Request for Board Action  
Resolution 2021-34  
Special Use Permit for Schuetz Construction**

**Date:** September 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Deputy Director, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Consider Resolution 2021-34, a Special Use Permit for a Contractor's Yard for Schuetz Construction located at 14833 142nd Street, Bonner Springs, KS 66012.

**Analysis:** Schuetz Construction is seeking the 3rd renewal of the company's Special Use Permit. The business has expanded the storage yard by an estimated 45 percent and the building footprint by an estimated 10 percent since 1991. The property is used as a storage facility for the company's numerous heavy construction vehicles, commercial trucks, and materials. The property is located in a rural residential area, with no commercial or industrial development within ½ a mile in Leavenworth County. The commercial/light industrial usage of the contractor's yard does not meet with the current zoning or the Future Land Use Map which indicates that the property should be developed as Residential (2.5-acre minimum). Since the usage does not fit the character of the neighborhood or the Comprehensive Plan, the Planning Staff recommends denial of Case No. DEV-21-063, while the Planning Commission voted to recommend approval.

**Recommendation:** The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-063 (Resolution 2021-34) Special Use Permit for a Contractor's Yard for Schuetz Construction.

**Alternatives:**

1. Approve Resolution 2021-34 (Case No. DEV-21-063) Special Use Permit for a Contractor's Yard for Schuetz Construction, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-34 (Case No. DEV-21-063) Special Use Permit for a Contractor's Yard for Schuetz Construction, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-34 (Case No. DEV-21-063) Special Use Permit for a Contractor's Yard for Schuetz Construction, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

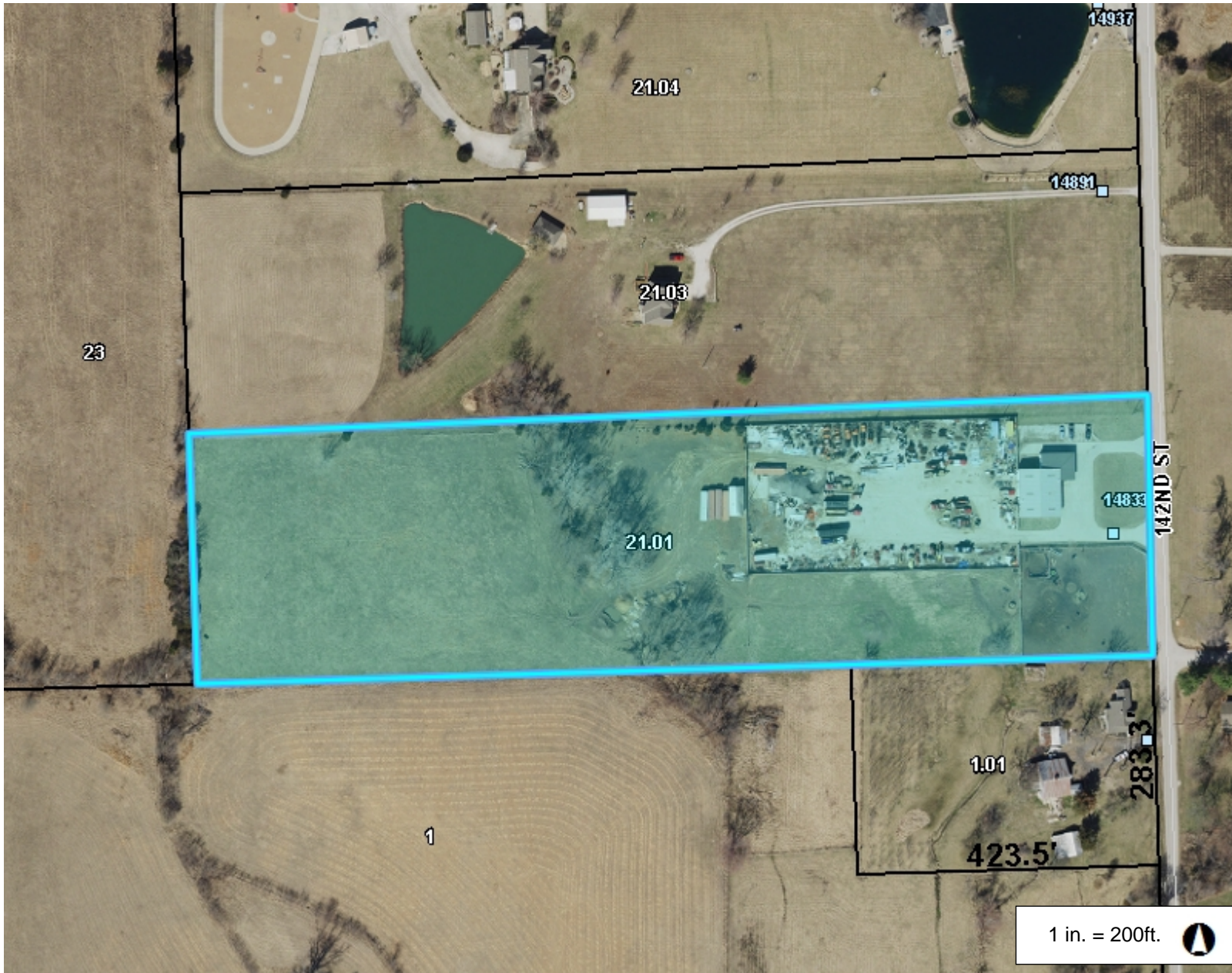
**Budgetary Impact:**

- Not Applicable  
 Budgeted item with available funds  
 Non-Budgeted item with available funds through prioritization  
 Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

# DEV-21-063 SUP Schuetz's Construction



## Legend

- Address Point
- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad

## Notes

400.0      0      200.00      400.0 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**\*\*\*Renewal without changes\*\*\***  
**Resolution 2021-34**  
**Case No. DEV-21-063**  
**Schuetz Construction**  
Special Use Permit – Contractor’s Yard

**Staff Report – Board of County Commissioners**

**September 1, 2021**

**GENERAL INFORMATION:**

**Applicant/Property Owner:** Tony Schuetz/Schuetz Construction  
14833 142<sup>nd</sup> Street  
Bonner Springs, KS 66012

**Legal Description:** A tract of land in the Southeast Quarter of Section 36, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 14833 142<sup>nd</sup> Street, Bonner Springs, KS 66012

**Parcel Size:** ± 10 acres

**Zoning/Land Use:** RR-2.5, Rural Residential 2.5-acre minimum size parcels

**Comprehensive Plan:** This parcel is within the Residential land use category.

**Parcel ID No.:** 187-36-0-00-00-021.01

**Planner:** Joshua Gentzler

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**REPORT**

**PLANNING COMMISSION RECOMMENDATION:**

Staff recommended denial of Case No. DEV-21-063. The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-063, Special Use Permit for Schuetz Construction. Should the Board of County Commissioners vote to recommend approval of Case No. DEV-21-063 to Board of County Commissioners, staff recommends the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 6 am to 6 pm, Monday through Saturday, plus emergency hours as needed.
3. The SUP shall be limited to eight (8) total employees.
4. Submit a plan for the proper disposal of oils, antifreeze, and other similar materials to the Planning and Zoning Department.
5. An emergency notification sign be placed on the building at the entrance of the business in the event an emergency should occur.
6. All equipment shall be stored inside a building or behind a fenced area.
7. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
8. No on-street parking shall be allowed.

9. This SUP shall be limited to the Narrative dated May 4, 2021 submitted with this application.
10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

### **Request**

The applicant is requesting a renewal of a Special Use Permit for a Contractor's Yard.

### **Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 3 acres to over 76 acres in size.

### **Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0345G July 16, 2015.

### **Utilities/Services**

Sewer: Private septic system

Fire: Sherman

Water: RWD 7

Electric: Evergy

### **Access/Streets**

The property is accessed by 142<sup>nd</sup> Street, a local road maintained by the City of Bonner Springs with a paved surface ± 20' wide.

### **Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, June 9, 2021

See attached comments – Email – Mitch Pleak – Public Works, June 9, 2021

See attached comments – Email – Jalayne Turner – Rural Water District 7, June 3, 2021

See attached comments – Email – Matt Roecker – Evergy, June 4, 2021

See attached comments – Email – Mark Lee – City of Bonner Springs, June 21, 2021

### **Factors to be considered**

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Special Use Permit request:

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-2.5, Rural Residential 2.5-acre minimum size parcels. The properties to the east of 142<sup>nd</sup> Street are located in Bonner Springs. These parcels are zoned Agricultural and are generally used for residential purposes. The uses in both Leavenworth County and Bonner Springs are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with approval of a Special Use Permit
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will be detrimentally affected by the removal of restrictions as the traffic to the property will not match the types of traffic generated by the residential uses that characterize the neighborhood, traffic will increase, the property will be used as a storage area for heavy construction equipment which does not fit the neighborhood uses, and heavy construction equipment will be used on the property.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will generate tax revenue for the County and will add to the economic development in the county as the business will continue to be located in Leavenworth County.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential.
8. Staff recommendation is for the denial of Special Use Permit.

<b>LOCATION</b>	
<b>Adjacent Residences</b>	Adjacent residences are rural-suburban uses. The property to the north is 10 acres in size, to the west is 20 acres, and properties to the south are 77 and 3 acres in size.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-2.5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated.
<b>Nearby City Limits</b>	The property is located immediately adjacent to Bonner Springs.
<b>Initial Growth Management Area</b>	The property is not located within an Urban Growth Management Area.

<b>IMPACT</b>	
<b>Noise Pollution</b>	This use will cause noise pollution as the vehicle travel to and from the property.
<b>Traffic</b>	The use will create additional traffic in the morning (7:00 - 7:30 AM) and afternoon (3:00 – 4:00 PM). The company owns four (4) commercial vehicles and use three (3) that may make a round trip to the property, for a maximum of 3 one-way trips. The company employs six (6) people who will travel to the property each day, for a total of 12 one-way trips. 142 <sup>nd</sup> Street is maintained by Bonner Springs.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant stores a number of trucks and equipment outside near an existing shop.
<b>Parking</b>	The applicant has ample parking space for employees.
<b>Visitors/Employees</b>	Typically, six (6) employees report to the site each day of the work week.
<b>Waste</b>	The business generates waste consistent with a contractor's yard.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is ten (10) acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-2.5
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 5,000 sq. ft. in size. The building is used as an office space and storage for the business.
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	The storage is bordered on all sides by a privacy fence. Additionally, there is landscaping providing additional screening.

**History**

The applicant is asking for the third renewal of a Special Use Permit originally approved in 1991.

**Staff Comments**

Schuetz Construction is seeking the 3<sup>rd</sup> renewal of the company's Special Use Permit. The company is petitioning for a 20-year extension of their permit. The last permit was approved for 15 years.

The company utilizes the property as their headquarters and storage yard for equipment and supplies (see Figure 1).





Figure 1 Aerial of Property

The company's footprint has evolved as the business has expanded and developed (see Figures 2-6 for aeriels 1991-2016).



Figure 2 1991 Aerial



Figure 3 1999 Aerial



Figure 4 2009 Aerial



Figure 5 2016 Aerial

The business has expanded the storage yard by an estimated 45 percent and the building footprint by an estimated 10 percent since 1991. The property is used as a storage facility for the company's numerous heavy construction vehicles, commercial trucks, and materials. The property is located in a rural residential area, with no commercial or industrial development within ½ a mile in Leavenworth County. The commercial/light industrial usage of the contractor's yard does not meet with the current zoning or the Future Land Use Map which indicates that the property should be developed as Residential (2.5-acre minimum). Since the usage does not fit the character of the neighborhood or the Comprehensive Plan, the Planning Staff recommends denial of Case No. DEV-21-063.

---

**ACTION OPTIONS:**

1. Approve Resolution 2021-34 (Case No. DEV-21-063) Special Use Permit for a Contractor's Yard for Schuetz Construction, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-34 (Case No. DEV-21-063) Special Use Permit for a Contractor's Yard for Schuetz Construction, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-34 (Case No. DEV-21-063) Special Use Permit for a Contractor's Yard for Schuetz Construction, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums  
Public Comment



**SPECIAL USE PERMIT APPLICATION**

Leavenworth County Planning Department  
300 Walnut, St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

Office Use Only

PID: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Township \_\_\_\_\_  
Planning Commission Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_  
Comprehensive Plan land use designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION (If different)**

NAME Tony and Julie Schuetz  
Schuetz Const, LLC  
ADDRESS 14833 142nd St.  
CITY/ST/ZIP Bonner Springs, KS 66012  
PHONE 913-422-7419 (office) 913-915-7085 (Tony cell)  
913-948-2313 (Julie cell)  
EMAIL tony@schuetzconst.com  
CONTACT PERSON Tony or Julie Schuetz

NAME Same  
ADDRESS \_\_\_\_\_  
CITY/ST/ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_  
EMAIL \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_

**PROPOSED USE INFORMATION**

Existing and Proposed structures Contractor's office, shop and storage yard  
Reason for requesting a Special Use Permit Renewal of existing Special Use Permit  
that has been effect for 30 years.

**PROPERTY INFORMATION**

Address of property 14833 142nd St., Bonner Springs, KS 66012 Parcel size 10.26 acres  
Current use of the property Contractor's office, shop and storage yard  
Does the owner live on the property? No  
Does the applicant own property in states or counties other than Kansas and Leavenworth County? No

I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature Tony Schuetz Julie Schuetz Date 5/4/2021

**ATTACHMENT A**

SPECIAL USE PERIT APPLICATION  
RENEWAL NARRATIVE

Applicant: Tony and Julie Schuetz, Schuetz Const, LLC, 14833 142<sup>nd</sup> St., Bonner Springs, KS 66012

We are requesting renewal of our Special Use Permit (SUP06-013) for Schuetz Const, LLC at 14833 142<sup>nd</sup> St., Bonner Springs, KS 66012 Parcel #187-36-0-00-00-021.01 which has been in effect since 1991. We have maintained the same business operation for the past 30 years. Keeping in line with past renewals, we are requesting the special use permit be renewed for a period of 20 years. The first permit was renewed after 5 years, the second for 10 years and the third for fifteen years.

We have followed all the conditions set forth in the current SUP and have no issues continuing the same conditions going forward.

Traffic Impact Policy: We have 3 employees who are not family members who drive to this location daily for work. Besides ourselves (Tony and Julie Schuetz) we have one additional family member who works for the company. We have 2-4 commercial vehicles that make a round trip on workdays. Our daily traffic flow falls below the limits that fees are assessed according to your policy. During our previous renewals, since 142<sup>nd</sup> Street is not maintained by Leavenworth County, but by the City of Bonner Springs, any TIP fees have been waived by the Board of County Commissioners.

12/18/2020  
8:19:31

LEAVENWORTH COUNTY TAX RECEIPT # 24679

User-TOWNS  
62489/598482

CLASS VALUATION  
C 50,865  
A 49,935

LEVY 2020 Real Estate 1-22533  
GENERAL TAX 5,876.24  
SPECIALS .00

Page 1 OF 2  
TOTAL TAX 5,876.24

Tax Unit 112 TWP-SHERMAN TOWNSHIP  
Prop Addr: 14833 142ND ST 66012  
Acres-6.71  
S36, T11, R22E, ACRES 10.26, S330.12' OF  
E1/2 SE1/4 LESS ROW

SCHUETZ, TONY D & JULIE L  
16096 158TH ST  
BONNER SPRINGS KS 66012-7238

18269- Stmt#

-----  
12/18/2020 DATE PAID  
24679 RECEIPT #  
5,876.24 TAX/SPEC PD  
.00 INTEREST PD  
.00 FEES PD  
5,876.24 TOTAL PD  
-----

2020 taxes paid in full.



Laura Kelly, Governor  
Mark A. Burghart, Secretary

[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

Schuetz Const LLC

## ISSUE DATE

04/28/2021

## TRANSACTION ID

TSKT-K7HM-6M34

## CONFIRMATION NUMBER

C8JD-6TH8-62B8

**TAX CLEARANCE VALID THROUGH 07/27/2021**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*



21.03

21.01

14833

142ND ST

01

1

1.01

283.3

40'

Wyandotte

Lat: 39.04307° N

acres





36

21.01

14833

142ND ST

**From:** [Mark Lee](#)  
**Sent:** Monday, June 21, 2021 9:52 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: Schuetz Construction Rezoning DEV-21-063

---

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Joshua,

Sorry for the late response.

After reaching out to the Public Works Department to see if they had any concerns and researching any information Community Development had, we have come to the conclusion that the City of Bonner Springs has no issue with either renewing the special use permit or rezoning.

I did not see any information regarding the proposed zoning though, unless I missed it. Regardless, we have no issues with either.

Respectfully,



**Mark Lee**  
City Planner  
City of Bonner Springs  
p 913-667-1708 | f 913-273-9557  
e [mlee@bonnersprings.org](mailto:mlee@bonnersprings.org) | w [bonnersprings.org](http://bonnersprings.org)  
a 200 E. 3rd Street, P.O. Box 38, Bonner Springs, KS 66012



---

**From:** Gentzler, Joshua [mailto:[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)]  
**Sent:** Monday, June 14, 2021 2:08 PM  
**To:** Mark Lee  
**Subject:** Schuetz Construction Rezoning DEV-21-063

Good afternoon Mark,

Leavenworth County Planning and Zoning received an application for the renewal of a Special Use Permit for Scheutz Construction, a Contractor's Yard, located at 14833 143rd Street. We are actually taking this through as a Rezoning. Scheutz has been operating at this location for over 20 years. It is my understanding that Bonner Springs maintains this section of 142<sup>nd</sup> Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, June 21<sup>th</sup>, 2021. If you have any questions or need additional information, please contact me at (913) 684-0464 or at [jgentzler@LeavenworthCounty.gov](mailto:jgentzler@LeavenworthCounty.gov).

Thanks,

## Gentzler, Joshua

---

**From:** tony schuetzconst.com <tony@schuetzconst.com>  
**Sent:** Wednesday, May 12, 2021 9:07 AM  
**To:** Gentzler, Joshua  
**Subject:** Re: Traffic Details on SUP Application DEV-21-063

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Joshua,

Please find the answers below to your questions regarding traffic for our SUP application.

How many one-way trips does your business generate on a daily basis (taking into consideration both customer and employee trips)?

Passenger Vehicles: 12 one way trips (6 trips) (3 family members, 3 non family member employees Monday thru Friday)

Commercial Vehicles: 6 one way trips (3 trips - leaving and returning daily (Monday thru Friday)

How many one-way trips do you generate on a weekly basis?

Passenger - 60 average one-way trips per week

Commerical - 30 average one-way trips per week

When are your customers (if any) and employees travelling to your business each day?

Our business is not one where customers come to our location. Our employees arrive to work at 7AM and get off at 3:30. Our commercial vehicles leave around 7:30AM and return around 3:30.

What type of vehicles travel to the business or are used as a part of your business? (passenger vs commercial)

Passenger vehicles for employees coming and going to/from work. Commercial vehicles when they leave to go to job sites.

- If the business causes commercial vehicles to travel to your location, how much do those weigh on average? Average weight per vehicle is 40,000

What route do customers/employees typically use to reach your business?

No customers. Our employees live in the Greater Kansas City area so they travel I-70 to K-32 to and from work. Our business is located on 142nd Street which is maintained by the City of Bonner Springs. The vast majority of our work is in Johnson County, Ks and for the City of Bonner Springs so we are rarely traveling on Leavenworth County maintained roads.

Is your business a seasonal business or do you work consistently throughout the year?

- If seasonal, which months are your peak months?

We work consistently throughout the year.

Let us know if you need anything else.

Thanks.



**Tony Schuetz**  
**Schuetz Const, LLC**  
**14833 142nd Street**  
**Bonner Springs, KS 66012**  
**913-422-7419 - office**  
**913-422-1267 - fax**  
**913-915-7085 - cell**  
[tony@schuetzconst.com](mailto:tony@schuetzconst.com)

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Friday, May 7, 2021 2:53 PM  
**To:** tony schuetzconst.com <tony@schuetzconst.com>  
**Subject:** Traffic Details on SUP Application DEV-21-063

Tony,

As we begin our first review of your SUP application, we do need some additional information about the traffic generated by your business.

- How many one-way trips does your business generate on a daily basis (taking into consideration both customer and employee trips)?
- How many one-way trips do you generate on a weekly basis?
- When are your customers (if any) and employees travelling to your business each day?
- What type of vehicles travel to the business or are used as a part of your business? (passenger vs commercial)
  - If the business causes commercial vehicles to travel to your location, how much do those weigh on average?
- What route do customers/employees typically use to reach your business?
- Is your business a seasonal business or do you work consistently throughout the year?
  - If seasonal, which months are your peak months?

Thanks for your time, let me know if you have any questions on anything I've asked for here. Please respond with your answers by **Friday, May 14<sup>th</sup>** so we can pass this information on to our Public Works department.

Thank you,

**Joshua Gentzler**  
Planner II  
[Planning & Zoning](#)  
Leavenworth County  
913.684.0464

## Sloop, Stephanie

---

**From:** Anderson, Lauren  
**Sent:** Wednesday, May 26, 2021 11:27 AM  
**To:** Sloop, Stephanie  
**Cc:** Voth, Krystal; Gentzler, Joshua  
**Subject:** RE: DEV-21-063 Special Use Permit Request - Schuetz Construction

Yes, as far as we are concerned that is a local road but it is maintained by the City (142<sup>nd</sup> South of K-32 is all city maintained).

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, May 26, 2021 11:19 AM  
**To:** Anderson, Lauren <LAnderson@leavenworthcounty.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>; Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Subject:** DEV-21-063 Special Use Permit Request - Schuetz Construction

Lauren,

Before we send over the official request for review, can you tell me the road classification? The road classification map lists this is gravel. The applicants have stated that this section of road is maintained by Bonner Springs.

14833 142<sup>nd</sup> Street, Bonner Springs, KS 66012

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph



**From:** [Matt Roecker](#)  
**Sent:** Friday, June 4, 2021 8:22 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Permits

---

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Internal Use Only

Joshua,

Regarding addresses 14833 142<sup>nd</sup> Bonner Springs, and 18429 166<sup>th</sup> Basehor, per Evergy, we have not conflicts.

Thanks

**Matt Roecker**

Evergy

TD Designer III

[matt.roecker@evergy.com](mailto:matt.roecker@evergy.com)

913-667-5116

**From:** [Anderson, Kyle](#)  
**Sent:** Thursday, June 3, 2021 1:08 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: DEV-21-063 Special Use Permit Application - Schuetz Construction

---

To date Leavenworth County has not received any complaints on this parcel.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Gentzler, Joshua  
**Sent:** Wednesday, June 2, 2021 3:53 PM  
**To:** 'jalayne@leavenworthrd7.com' <jalayne@leavenworthrd7.com>; 'stfrchief@yahoo.com' <stfrchief@yahoo.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-063 Special Use Permit Application - Schuetz Construction

Good afternoon,

The Department of Planning and Zoning has received an application for the renewal of a Special Use Permit for Scheutz Construction, a Contractor's Yard, located at 14833 143rd Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, June 9<sup>th</sup>, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [jgentzler@LeavenworthCounty.gov](mailto:jgentzler@LeavenworthCounty.gov).

Thank you,

**Joshua Gentzler**  
Planner II  
[Planning & Zoning](#)  
Leavenworth County  
913.684.0464

**From:** [Mitch Pleak](#)  
**Sent:** Wednesday, June 9, 2021 1:15 PM  
**To:** [Gentzler, Joshua](#)  
**Cc:** [Anderson, Lauren](#); [Noll, Bill](#); [019-2831](#); [Voth, Krystal](#)  
**Subject:** RE: DEV-21-063 Special Use Permit Application - Schuetz Construction

---

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Joshua,

Lauren and I have reviewed said application. The application is located off 142<sup>nd</sup> Street which is maintained by the City of Bonner Springs. Due to the SUP having direct access to a City maintained roadway, the PW has no comments. It is recommend this application be forwarded to the City for their input.

Thanks,  
Mitch Pleak

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 3:53 PM  
**To:** 'jalayne@leavenworthrd7.com' <jalayne@leavenworthrd7.com>; 'stfrchief@yahoo.com' <stfrchief@yahoo.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** DEV-21-063 Special Use Permit Application - Schuetz Construction

Good afternoon,

The Department of Planning and Zoning has received an application for the renewal of a Special Use Permit for Scheutz Construction, a Contractor's Yard, located at 14833 143rd Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, June 9<sup>th</sup>, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [Jgentzler@LeavenworthCounty.gov](mailto:Jgentzler@LeavenworthCounty.gov).

Thank you,

Joshua Gentzler  
Planner II  
[Planning & Zoning](#)  
Leavenworth County  
913.684.0464

**From:** [jalayne leavenworthrwd7.com](mailto:jalayne.leavenworthrwd7.com)  
**Sent:** Thursday, June 3, 2021 10:39 AM  
**To:** [Gentzler, Joshua](mailto:Gentzler,Joshua); [stfrchief@yahoo.com](mailto:stfrchief@yahoo.com)'; [Tyler.rebel@evergy.com](mailto:Tyler.rebel@evergy.com)'; [Anderson, Kyle](mailto:Anderson,Kyle); [Anderson, Lauren](mailto:Anderson,Lauren); [Magaha, Chuck](mailto:Magaha,Chuck); [Miller, Jamie](mailto:Miller,Jamie); [Mitch Pleak](mailto:MitchPleak); [Thorne, Eric](mailto:Thorne,Eric); [Van Parys, David](mailto:VanParys,David)  
**Subject:** RE: DEV-21-063 Special Use Permit Application - Schuetz Construction

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Leavenworth Rural Water District No. 7 is fine with the renewal of the Special use Permit.

## Jalayne Turner

Office Manager  
LVRWD#7  
2451 S. 142nd St.  
P O Box 257  
Bonner Springs, KS 66012  
913-441-1205 Office  
[jalayne@leavenworthrwd7.com](mailto:jalayne@leavenworthrwd7.com) email  
[www.lvrwd7.com](http://www.lvrwd7.com) website

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Wednesday, June 2, 2021 3:53 PM  
**To:** jalayne leavenworthrwd7.com <[jalayne@leavenworthrwd7.com](mailto:jalayne@leavenworthrwd7.com)>; [stfrchief@yahoo.com](mailto:stfrchief@yahoo.com) <[stfrchief@yahoo.com](mailto:stfrchief@yahoo.com)>; [Tyler.rebel@evergy.com](mailto:Tyler.rebel@evergy.com) <[Tyler.rebel@evergy.com](mailto:Tyler.rebel@evergy.com)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Mitch Pleak <[MPleak@olsson.com](mailto:MPleak@olsson.com)>; Thorne, Eric <[ethorne@leavenworthcounty.gov](mailto:ethorne@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>  
**Subject:** DEV-21-063 Special Use Permit Application - Schuetz Construction

Good afternoon,

The Department of Planning and Zoning has received an application for the renewal of a Special Use Permit for Scheutz Construction, a Contractor's Yard, located at 14833 143rd Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, June 9<sup>th</sup>, 2021.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [Jgentzler@LeavenworthCounty.gov](mailto:Jgentzler@LeavenworthCounty.gov).

Thank you,

Joshua Gentzler  
Planner II  
[Planning & Zoning](#)  
Leavenworth County

**Voth, Krystal**

---

**From:** The Meyers <keymidwest@hotmail.com>  
**Sent:** Thursday, June 24, 2021 7:19 PM  
**To:** PZ  
**Subject:** Special Use permit (Dev-21-063)

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

## Leavenworth County Planning Department

Special use permit (Dev-21-063)

14833 142nd St.

we are homeowners at 14891 142nd St Bonner Springs Kansas  
Robert&Carolyn Meyer.

We are the residential property directly to the north of Schuetz  
Construction.

We purchased 10 acres 24 years ago to build our retirement home.

At that time the commercial property was fairly well maintained and a  
much smaller scaled business.

Since then- many more cargo boxes- for storage have been added to the  
property, along with many more pieces of large equipment and vehicles;  
some broken down. The lot stores large reels of cable throughout the  
property.

The area just directly south of our home has become a dumping sight for  
dirt, rocks, old concrete and other debris, along with water and sludge from  
their boring machines- dumped there multiple times a week. The sludge  
and mud is tracked out on the street on 142nd st. The city of Bonner  
Springs codes has warned them about it but as the codes guy said, you  
know Tony Schuetz....very arrogant. So he continues to track mud and  
sludge onto 142nd .

The diesel trucks are started up early each morning which is a disturbance  
to all neighbors around.

Their entire lot is overgrown and unsightly. Other neighbors have planted trees trying to hide the site. There has also been several cases of theft and vandalism after hours at this location.

We feel the presence and condition of this lot is decreasing the value of our property.

We are strongly opposed to the approval of this special use permit for this property.

Thank you for your time and consideration. Pictures attached

Robert and Carolyn Meyer

14891 142nd St

Bonner Springs, Kansas 66012

913-441-4526-H

913-617-2655-C

















August 4, 2021

From:

Michael McDonald  
14439 Woodend Road  
Bonner Springs, Kansas 66012  
(in Leavenworth County)

To:

Leavenworth County Planning Commission  
**Public Hearing Case No. DEV-21-063**  
Schuetz Construction, Special Use Permit – Contractor's Yard

Please find my comments regarding this SUP Application

1. The current SUP, contractor activity and operational footprint of the applicant at 14833 142nd Street has not caused any issues with our use and enjoyment of our property at 14439 Woodend Road.
2. We have the following concerns regarding the extension of the SUP
  - a. Twenty Years is too long. Should this be approved, we request the permit period be not more than ten years.
  - b. Any approval of an SUP at this site should have a requirement that the applicant obtain and maintain necessary county and state permits, particularly those associated with air, water, noise and other environmental related issues for the current operational area.
  - c. Any increase in operational foot print must be required by the county to obtain the necessary county and state permits. This would almost certainly include a "Notice of Intent" (NOI) permit from KDHE related to disturbing in excess of one acre of existing vegetation. It is also assumed that a "Storm Water Pollution Prevention Plan" (SWPPP) would be required by the State of Kansas, quite possibly for the entire operational area.
  - d. It is not clear if the current and any future SUP is attached to the property or is attached to the applicant. This is important if the business/property is sold or closed as to what can come onto the site and impact adjoining owners for years to come. The surrounding area is zoned residential, and is currently in agriculture and residential uses. A continuation of the current and proposed use as an equipment yard is not in the character of the neighborhood or consistent with the zoning. If the SUP is approved - we request substantial restrictions be placed on how the site can be used, and limit the SUP to either the applicant or the business.

Sincerely

  
Michael G. McDonald

14439 Woodend Rd  
Bonner Springs, KS 66012  
mgmlvks@aol.com

## RESOLUTION 2021-34

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Contractor's Yard for Schuetz Construction on the following described property:

A tract of land in the Southeast Quarter of Section 36, Township 11 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas more commonly known as 14833 142<sup>nd</sup> Street.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 4<sup>th</sup> day of May, 2021, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 5<sup>th</sup> day of August, 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 1<sup>st</sup> day of September, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1<sup>st</sup> day of September, 2021, and incorporated herein by reference;

That Case No. DEV-21-063, Special Use Permit for a Contractor's Yard for Schuetz Construction approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 6 am to 6 pm, Monday through Saturday, plus emergency hours as needed.
3. The SUP shall be limited to eight (8) total employees.
4. Submit a plan for the proper disposal of oils, antifreeze, and other similar materials to the Planning and Zoning Department.
5. An emergency notification sign be placed on the building at the entrance of the business in the event an emergency should occur.
6. All equipment shall be stored inside a building or behind a fenced area.
7. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.

8. No on-street parking shall be allowed.
9. This SUP shall be limited to the Narrative dated May 4, 2021 submitted with this application.
10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Located in Section 36, Township 11 South, Range 22 East, also known as 14833 142<sup>nd</sup> Street, parcel no. 187-36-0-00-00-021.01 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of September, 2021  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Michael Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Stieben, Member

**Leavenworth County  
Request for Board Action  
Resolution 2021-35**

**Special Use Permit for a Contractor's Yard – Dave's Plus Construction, LLC**

**Date:** September 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Consider Resolution 2021-35 a Special Use Permit for a Contractor's Yard for Dave's Plus Construction, LLC located at 18429 166<sup>th</sup> Street.

**Analysis:** The applicants are proposing to renew a Special Use Permit for a contractor's laydown yard which has been in operation at this address since 1976. The site is used for storage of commercial equipment as well as material storage (rock and dirt). Since the business is an asphalt-paving business, the main operation times are from spring to fall, with limited business during the winter. The neighborhood is comprised of residential and agricultural uses which is not compatible with a contractor's yard (light industrial). The request does not match the Comprehensive Plan or the future land use map, therefore staff recommends denial of the application.

**Recommendation:** The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-071 (Resolution 2021-35) Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC.

**Alternatives:**

1. Approve Resolution 2021-35 (Case No Dev-21-071) Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-35 (Case No Dev-21-071) Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-35 (Case No Dev-21-071) Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes



**\*\*\*Renewal without changes\*\*\***  
**Resolution 2021-35**  
**Dave's Construction**  
Special Use Permit – Contractor's Yard

**Staff Report – Board of County Commissioners**

**September 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Curtis Witt & Shannon Witt  
18429 166<sup>th</sup> Street  
Basehor, KS 66007

**Legal Description:** A tract of land in the East Half of Section 9, Township 11 South, Range 22  
East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Location:** 18429 166<sup>th</sup> Street, Located approximately ¼ mile south of State Avenue directly  
adjacent to the City of Basehor.

**Parcel Size:** ± 56 acres

**Zoning/Land Use:** RR-2.5, Rural Residential 2.5-acre minimum size parcels

**Comprehensive Plan:** This parcel is within the Mixed-Residential land use category.

**Parcel ID No.:** 182-09-0-00-00-00-018.01

**Planner:** Krystal A. Voth

---

**REPORT:**

**Planning Commission Recommendation**

Staff recommended denial of Case No. DEV-21-071. The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-071, Special Use Permit for Dave's Plus Construction, LLC. Should the Board of County Commissioners vote to recommend approval of Case No. Dev-21-071, the following conditions are recommended:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 6 am to 7 pm, Monday through Friday and 7:00AM until 1:00PM on Saturday.
3. The SUP shall be limited to five employees, not including family members.
4. The applicant shall adhere to the emergency plan on file.
5. In the event that any explosives are stored on the property they must alert the Fire District and Emergency Management to update the emergency plan.
6. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
7. No on-street parking shall be allowed.
8. This SUP shall be limited to the Narrative dated April 22, 2021 submitted with this application.
9. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

### **Request**

The applicant is requesting renewal of a Special Use Permit for Dave's Construction, a Contractor's Yard for an asphalt having company that has been established since 1976.

### **Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 140 acres in size. The City of Basehor is directly to the north and east of the property.

### **Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0327G July 16, 2015.

### **Utilities/Services**

Sewer: Private septic system

Fire: Fairmount Township

Water: Suburban

Electric: Evergy

### **Access/Streets**

The property is accessed by 166<sup>th</sup> a County Collector with a paved surface ± 26' wide.

### **Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, June 3, 2021

See attached comments – Email – Lauren Anderson – Public Works, June 15, 2021

See attached comments – Email – Mike Lingenfelter –Township Fire Department, June 7, 2021

See attached comments – Email – City of Basehor, June 8, 2021

### **Factors to be considered**

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Special Use Permit request:

1. Character of the neighborhood: The surrounding area is primarily rural in nature with large parcels and agricultural uses. The City of Basehor is directly north and east of the property. Less than ¼ mile to the north is a city subdivision that is fully developed.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-2.5, Rural Residential 2.5-acre minimum size parcels. The uses are rural residences and agricultural. The City of Basehor is zoned primarily as R-1, Single-Family Residential with a maximum density of 3.5 units/acre.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with approval of a Special Use Permit. The business is not currently a nuisance as the area has not been fully-developed. As development occurs the use will become out of character with the neighborhood.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. The business has been in operation at this location since 1976 and has had no complaints.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use provides approximately five full-time jobs to the area.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Mixed-Residential. The area directly to the west is indicated as mixed-use.
8. Staff recommendation is for the denial of Special Use Permit due to the business not conforming to the Future Land Use Plan.

<b>LOCATION</b>	
<b>Adjacent Residences</b>	Adjacent residences in the County are primarily on large parcels, many of which are more than 20-acres in size. To the north is a subdivision located in the City of Basehor consisting of 10,000sf lots.
<b>Adjacent Zoning/Uses</b>	County zoning is RR-2.5 with most lots being significantly larger. The subdivision in Basehor is zoned as R-1.
<b>Density</b>	The immediate area is not densely populated.
<b>Nearby City Limits</b>	The city of Basehor directly abuts the property.
<b>Initial Growth Management Area</b>	The property is located within the City of Basehor's Initial Growth Management Area.

<b>IMPACT</b>	
<b>Noise Pollution</b>	The use does not create significant noise pollution. There is noise generated in the morning when crews are loading equipment and, in the evening, when unloading. This noise is not prolonged nor is it excessive.
<b>Traffic</b>	The use creates minimum additional traffic. The additional traffic generated is likely not noticed as the business has been in operation for more than 40 years and the business is located on a county collector roadway.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant stores a number of trucks, trailers, and equipment stored on the property.
<b>Parking</b>	The applicant has ample parking space for employees.
<b>Visitors/Employees</b>	UP to three employees report to the site on a daily basis. There is no public business.
<b>Waste</b>	The business generates yard and lawn waste. This waste is properly disposed of according to KDHE standards.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is 56 acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-2.5
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 75x100. Tools and equipment for the business are stored in the shop
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	There is natural screening along the property and the business is set back 660' from the road.

### **History**

The business has been in operation since 1976 and has had several SUP renewals in that time.

### **Staff Comments**

Dave's Construction is an asphalt-paving business that has been in operation since 1976 at this location. The business currently consists of three employees who are not family. The site is used to store commercial equipment for asphalt paving. Additionally, there is rock and dirt stored on the property. The hours of operation are primarily 7:00AM until 6:00PM Monday-Friday with occasional Saturdays. The business does not typically operate in the winter as it is too cold to lay asphalt. In the past there has been issues with the storage of junk and junk materials. This issue seems to have been remedied and Staff has not received complaints in the last several years.

The business does not match the comprehensive plan or the future land use map. Therefore, the Staff recommendation is for denial of the application.

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### **STAFF RECOMMENDATION:**

Staff recommends denial of Case No. DEV-21-071, Special Use Permit for Dave's Construction, but offers the following conditions in the event the Planning Commission recommends approval:

1. The SUP shall be limited to a period of five (5) years.

2. The business shall be limited to the hours of 6 am to 7 pm, Monday through Friday and 7:00AM until 1:00PM on Saturday.
3. The SUP shall be limited to five employees, not including family members.
4. The applicant shall adhere to the emergency plan on file.
5. In the event that any explosives are stored on the property they must alert the Fire District and Emergency Management to update the emergency plan.
6. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
7. No on-street parking shall be allowed.
8. This SUP shall be limited to the Narrative dated April 22, 2021 submitted with this application.
9. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

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**ACTION OPTIONS:**

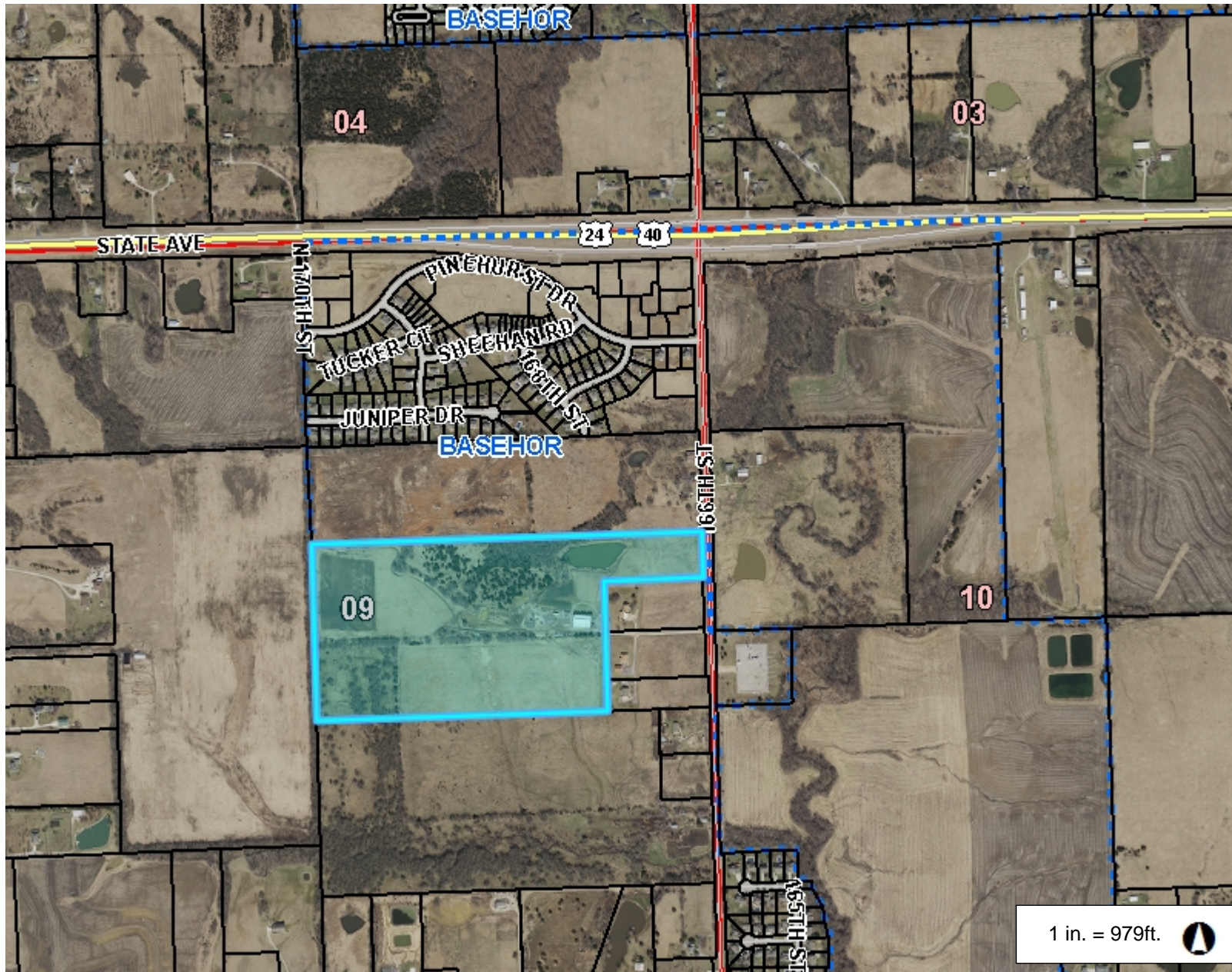
1. Approve Resolution 2021-35 (Case No Dev-21-071) Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-35 (Case No Dev-21-071) Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-35 (Case No Dev-21-071) Special Use Permit for a Contractor's Laydown Yard for Dave's Plus Construction, LLC, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

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**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

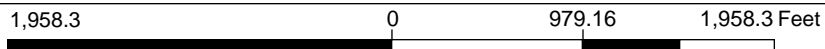
# DEV-21-071 Dave's Construction



## Legend

- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
- Railroad
- Section
  - Section Boundaries
  - County Boundary

1 in. = 979ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# The City of Basehor

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June 8, 2021

Stephanie Sloop  
Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048

Re: DEV-21-071 Special Use Permit Request Dave's Construction

Dear Ms. Sloop:

Thank you for reaching out to the City of Basehor for comments related to the Special Use Permit application for Dave's Construction. The City has no objections or concerns related to the request.

Sincerely,

City of Basehor



## Sloop, Stephanie

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Tuesday, June 15, 2021 2:38 PM  
**To:** Sloop, Stephanie; Voth, Krystal  
**Cc:** Noll, Bill; Anderson, Lauren; 019-2831  
**Subject:** RE: DEV-21-071 Special Use Permit Request Dave's Construction

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Krystal and Stephanie,  
Lauren and I have reviewed the application. It is understood this is a renewal, no new traffic is being proposed, and routes will remain the same as-is. The trips are below the TIF Policy's requirements for further study. No comments.

Please let Lauren or I know of any questions.

Sincerely,

Mitch Pleak

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 4:38 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-071 Special Use Permit Request Dave's Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Dave's Construction.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212



## Sloop, Stephanie

---

**From:** Van Parys, David  
**Sent:** Thursday, June 3, 2021 8:43 AM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-071 Special Use Permit Request Dave's Construction

Stephanie, The proper storage and disposal of various materials at this site will be of concern, but should be able to be addressed through compliance with EPA, KDHE and local FD regulations.

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:38 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-071 Special Use Permit Request Dave's Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Dave's Construction.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph



## Sloop, Stephanie

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**From:** Anderson, Kyle  
**Sent:** Thursday, June 3, 2021 1:06 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-071 Special Use Permit Request Dave's Construction

To date Leavenworth County has not received any complaints on this parcel.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:38 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'lingenfelsem@fairmountfd.org' <lingenfelsem@fairmountfd.org>; 'Tyler.Rebel@evergy.com' <Tyler.Rebel@evergy.com>; 'djacobson@cityofbasehor.org' <djacobson@cityofbasehor.org>; 'travis@suburbanwaterinc.com' <travis@suburbanwaterinc.com>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-071 Special Use Permit Request Dave's Construction

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Dave's Construction.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph

## Sloop, Stephanie

---

**From:** Mike Lingenfelter <lingenfelterm@fairmountfd.org>  
**Sent:** Monday, June 7, 2021 1:50 PM  
**To:** Sloop, Stephanie  
**Subject:** Re: DEV-21-071 Special Use Permit Request Dave's Construction

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Stephanie  
Fairmount Township Fire has no issues with the permit.  
Mike

On Wed, Jun 2, 2021 at 4:38 PM Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)> wrote:

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a the renewal of a Special Use Permit for Dave's Construction.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator

Planning and Zoning

Leavenworth County Courthouse

**SPECIAL USE PERMIT APPLICATION**

Leavenworth County Planning Department  
300 Walnut, St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

Office Use Only

PID: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Township \_\_\_\_\_  
Planning Commission Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_  
Comprehensive Plan land use designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION (If different)**

NAME Dave's Construction  
ADDRESS 18429 166<sup>th</sup> street  
CITY/ST/ZIP Basehor Ks. 66007  
PHONE 913-634-7681 cell 913-724-1515  
EMAIL cwittdavesco@yahoo.com  
CONTACT PERSON Curtis Witt

NAME Curtis Witt / Shannon Witt  
ADDRESS 18421 166<sup>st</sup> 18355 166<sup>st</sup>  
CITY/ST/ZIP Basehor Ks 66007  
PHONE 913-634-7681  
EMAIL cwittdavesco@yahoo.com  
CONTACT PERSON Curtis Witt

**PROPOSED USE INFORMATION**

Existing and Proposed structures 80 x 108 Barn built in 94  
Reason for requesting a Special Use Permit running of family buisness

**PROPERTY INFORMATION**

Address of property 18429 166<sup>st</sup> Basehor Ks. 66007 Parcel size 56 acres  
Current use of the property 90% agricultural 10% commercial (not open to public)  
Does the owner live on the property? Yes  
Does the applicant own property in states or counties other than Kansas and Leavenworth County? no

I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature Curtis D. Witt Date 4-22-2021

**ATTACHMENT A**

Dave's Construction

18429 166<sup>th</sup> street

Basehor Kansas 66007

On a portion of the land we about 4 acres we have a 80' by 108' building in which we run Dave's Construction. This is a small asphalt paving company that my family started in 1976. We are a seasonal business in the spring, summer, and fall. We do not have a sign out front because we are not open to the public. Our hours of operation are 7:00AM to 6:00PM Monday though Friday and an occasional Saturday. Traffic is limited to 2 or 3 employees coming in in the morning and leaving in the evening. As far as the company goes there are 3 to 4 trucks going out in the morning and returning late in the day. There would be an occasional truck coming back to dump during the day but not on a daily basis. Most equipment and trailers are parked to the rear and south of the building or in the building. Surplus rock and dirt is stored to the rear south of the lot. There is storage of used parts along the berm in the rear north of the shop. Loader attachments are stored along the wall just south of the shop. Employee parking is in front of the shop.

All emergency contact numbers are posted in the front window by main entrance. Also posted are the location of all explosive and flammable materials in the building. Fuel tanks for Diesel and Gasoline are to the south east front corner of the shop along with waste oil containment.

\_\_\_\_\_ Emergency Contacts Information \_\_\_\_\_

Dave's Plus Construction LLC

18429 166<sup>th</sup> street Basehor Ks 66007

Business # 913-724-1515

Curtis Witt # 913-634-7681

Shannon Witt # 913-634-7679

The following flammables and combustibles Diesel, oil, oxygen, paint, gasoline, acetylene, argon, and propane. They are located as follows.

Paint and thinners are in north east corner of shop in storage room next to office.

Gasoline and diesel storage containers and oil drums are along south east wall just inside south garage door.

Oxygen, acetylene, argon, propane are secured under storage cover in the south east room along north wall.

Bulk storage tanks for gasoline and diesel fuel are located south of building front outside.

Bulk used oil tank are located south of building front outside



Laura Kelly, Governor  
Mark A. Burghart, Secretary  
[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

Dave's Plus Construction LLC.  
DBA as Dave's Construction

**ISSUE DATE**  
05/13/2021

**TRANSACTION ID**  
TNFK-Y22P-53JY

**CONFIRMATION NUMBER**  
C52K-5E3P-EC65

**TAX CLEARANCE VALID THROUGH 08/11/2021**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*





Entered in the transfer record in my office this  
27 day of Nov, 2018  
Janel Klavinski  
by S. Jones County Clerk

Doc #: 2018R09536  
STACY R. DRISCOLL  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
11/27/2018 11:44:45 AM  
RECORDING FEE: 38.00  
PAGES: 2

### QUIT CLAIM DEED

**Curtis David Witt, successor trustee, under the Barbara K. Witt Living Trust dated September 8, 2006**

Hereby Quit Claims To:

**Curtis D. Witt, a married name and Shannon D. Witt, a single Person, as tenants in common**

all the following described REAL ESTATE in the County of Leavenworth and the State of Kansas, to-wit:

**Tract of land in the East Half of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the East Quarter Corner of said Section 9; thence North 01 degrees 47'23" West for a distance of 359.00 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 87 degrees 36'27" West for a distance of 700.00 feet; thence South 01 degrees 47'23" East for a distance of 359.09 feet; thence South 01 degrees 42'58" East for a distance of 494.59 feet; thence South 87 degrees 36'27" West for a distance of 1940.91 feet to the West line of the Southwest Quarter of said Section 9; thence North 01 degrees 50'44" West for a distance of 494.29 feet along the West line of said Section 9 to the Center of said Section 9; thence North 01 degrees 34'50" East for a distance of 661.12 feet along the West line of the Northeast Quarter of said Section 9; thence North 87 degrees 35'54" East for a distance of 2639.62 feet to the East line of said Northeast Quarter; thence South.01 degrees 47'23" East for a distance of 302.14 feet along said East line to the point of beginning.**

Exemption # 3

for the sum of one dollar and other good and valuable considerations.

Dated this 21<sup>st</sup> day of November, 2018.

Curtis David Witt, successor trustee  
Curtis David Witt, successor trustee

*Curtis Witt / Shannon Witt  
Taxes - 18429 166<sup>th</sup> St.  
Baselor Ks 66007  
✓ \$ 38.00*

5/13/2021  
13:50:50

LEAVENWORTH COUNTY TAX RECEIPT # 502

User-JSCHERMBC  
62067/588139

CLASS VALUATION  
A 6,317  
C 1,434  
4,883

TOTAL

LEVY 121.480

GENERAL TAX 767.40

SPECIALS .00

Page 1 of 1  
TOTAL TAX 767.40

Tax Unit 070 Twp-Fairmount Township  
Prop Addr: 18429 166TH ST 66007  
Acres-55.00  
S09, T11, R22E, ACRES 56.4, TRACT 3 : COM  
E1/4 COR S9; THENCE SW700', SE359',

WITT, CURTIS D & WITT, SHANNON D  
18429 166TH ST  
BASEHOR KS 66007-7284

22974- Stmt#

11/12/2020 DATE PAID

502 RECEIPT #

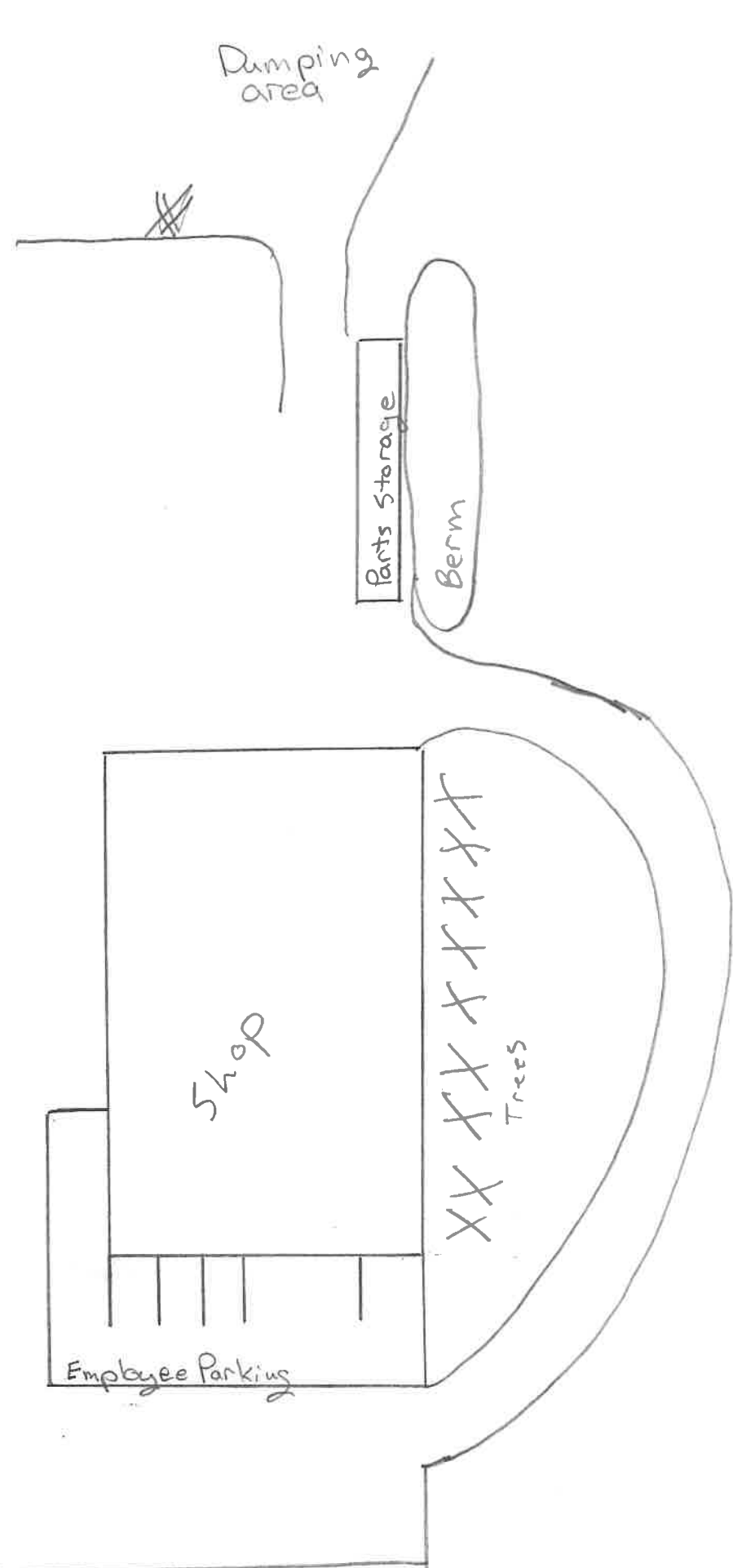
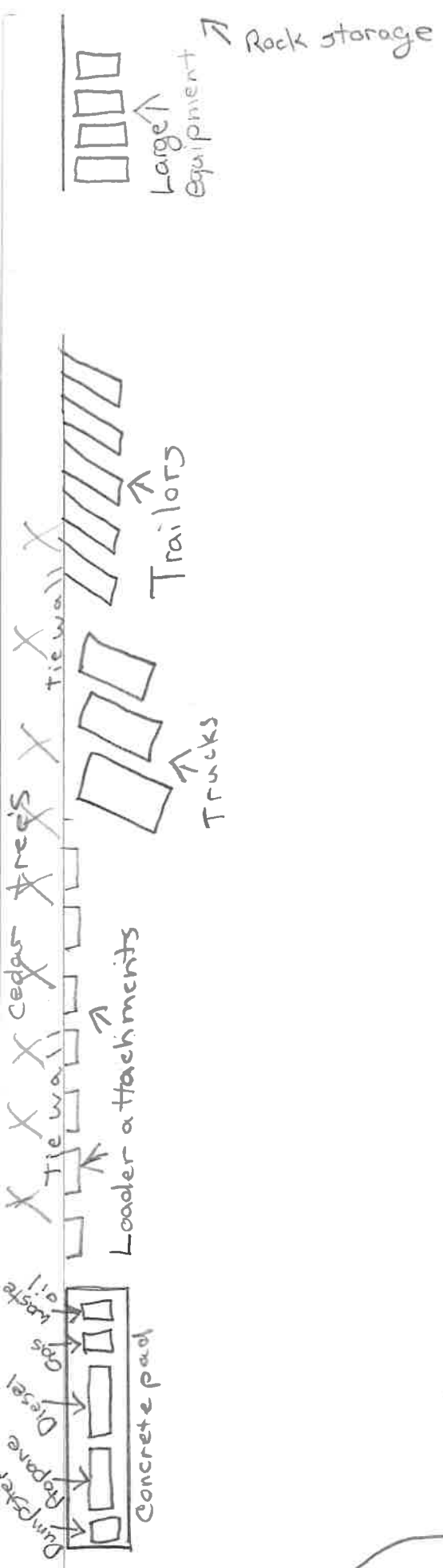
767.40 TAX/SPEC PD

.00 INTEREST PD

.00 FEES PD

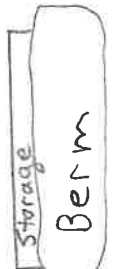
767.40 TOTAL PD

2020 taxes paid in full.

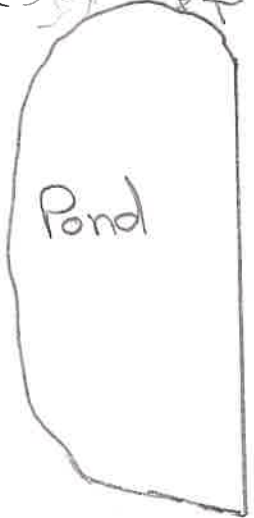
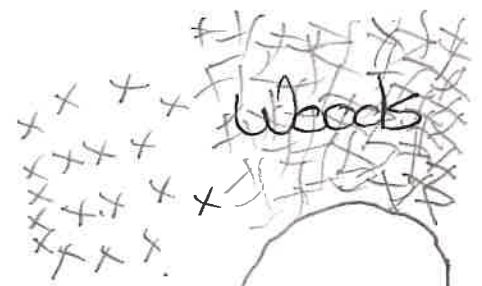


Brome

Pump

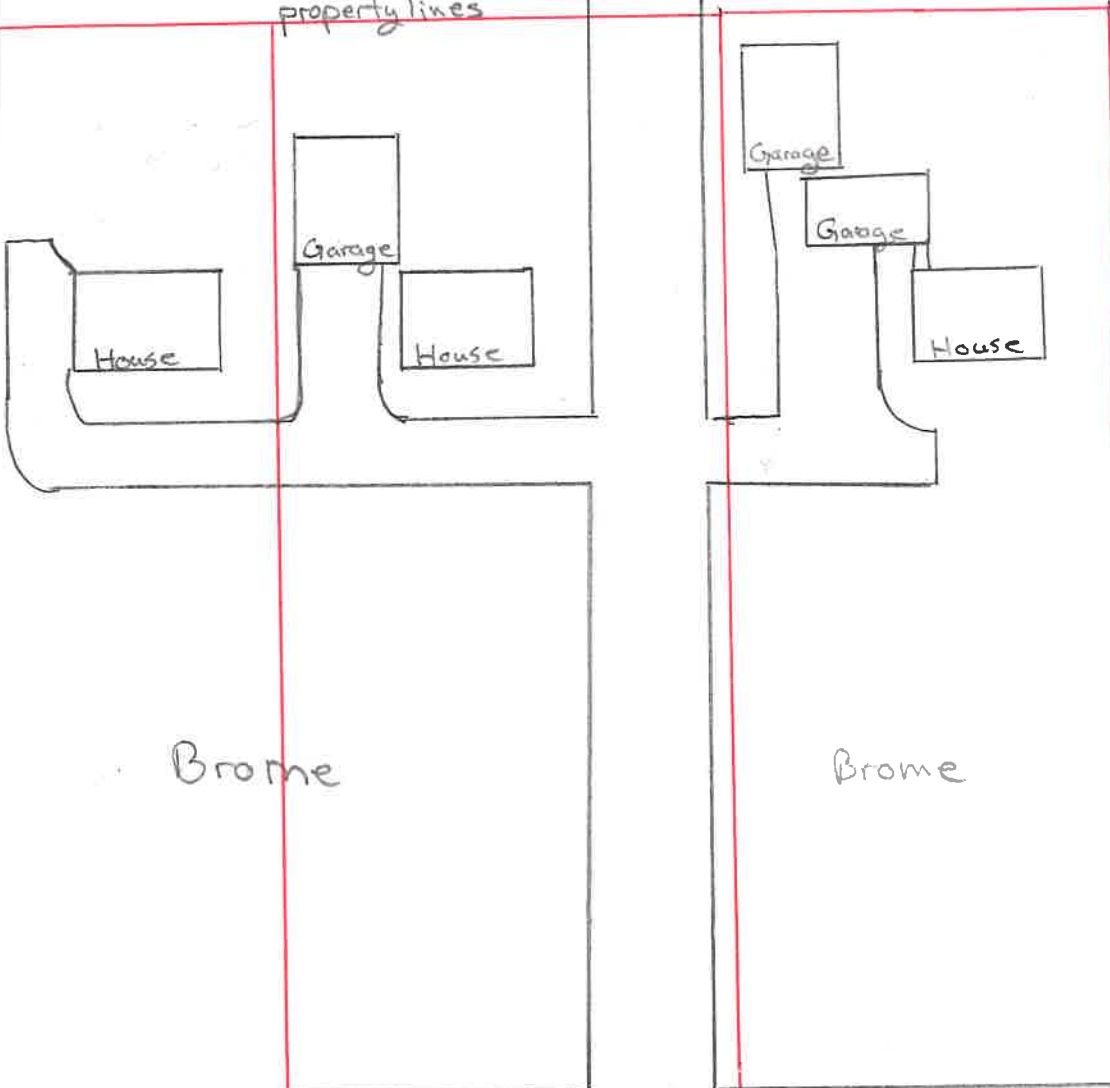


Brome



Brome

property lines



Brome

Brome

Brome

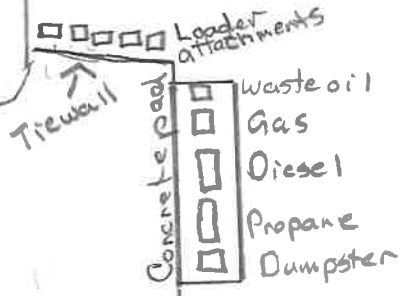
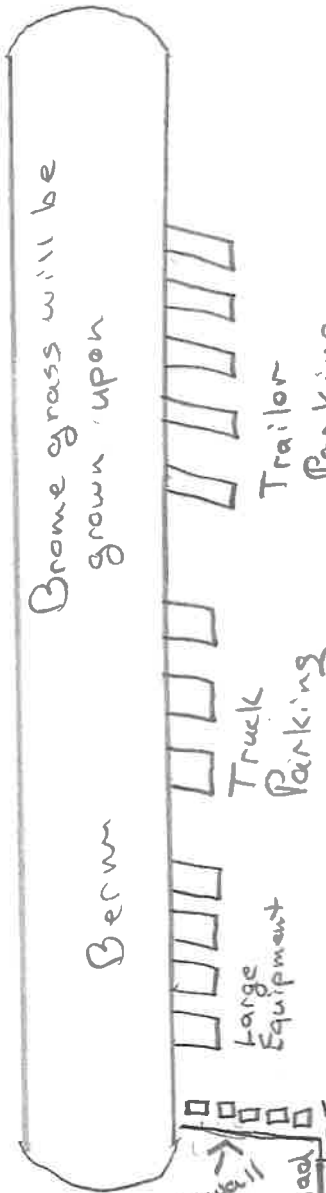
Existing Property boundaries and Company lot configuration

166th Street

Proposed Lot Changes

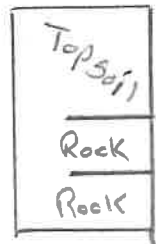
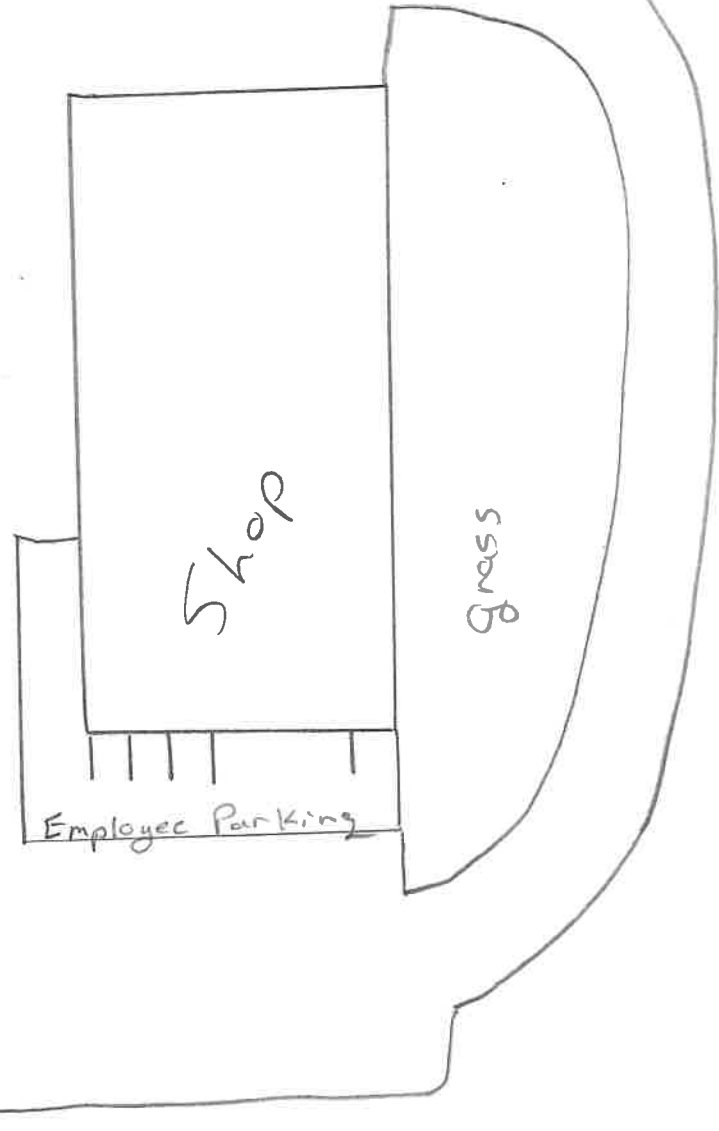
Brome

Brome



Topsoil Prep area

Dumping area



Parts Storage

Brome grass is growing on

Brome

## RESOLUTION 2021-35

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Contractor's Yard – Dave's Plus Construction, LLC on the following described property:

A tract of land in the east half of Section 9, Township 11 South, Range 22 east of the 6<sup>th</sup> PM, in Leavenworth County, Kansas more commonly known as 18429 166<sup>th</sup> Street.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 22<sup>nd</sup> day of April, 2021, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 5<sup>th</sup> day of August, 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 1<sup>st</sup> day of September, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1<sup>st</sup> day of September, 2021, and incorporated herein by reference;

That Case No. DEV-21-071, Special Use Permit for a Contractor's Yard – Dave's Plus Construction, LLC approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 6 am to 7 pm, Monday through Friday and 7:00AM until 1:00PM on Saturday.
3. The SUP shall be limited to five employees, not including family members.
4. The applicant shall adhere to the emergency plan on file.
5. In the event that any explosives are stored on the property they must alert the Fire District and Emergency Management to update the emergency plan.
6. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
7. No on-street parking shall be allowed.

8. This SUP shall be limited to the Narrative dated April 22, 2021 submitted with this application.
9. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Located in Section 9, Township 11 South, Range 22, also known as 18429 166<sup>th</sup> Street, parcel no. 182-09-0-00-00-018.01 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of September, 2021  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Michael Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Stieben, Member



**Leavenworth County  
Request for Board Action  
Resolution 2021-36  
Special Use Permit for Boat & RV Storage – Ledford Boat & RV Storage**

**Date:** September 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Approve Resolution 2021-36 a Special Use Permit for a Boat & RV Storage facility for Ledford Boat & RV Storage at 28910 207<sup>th</sup> Street.

**Analysis:** The applicant is proposing to establish a boat and RV storage facility on the property located at 28910 207<sup>th</sup> Street. The property is currently a vacant parcel of land that is zoned both B-3 and RR-5. The applicant had submitted an application to expand the B-3 zoning but that request was not approved. The applicant plans to provide enough parking for 78 boats and RVs. Due to the proximity of B-3 zoning on this parcel and at the adjoining intersection, staff is recommending approval of this request.

**Recommendation:** The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-086 (Resolution 2021-36) Special Use Permit for Boat & RV Storage for Ledford Boat & RV Storage at 28910 207<sup>th</sup> Street.

**Protest Petition:** A protest petition was filed with the County Clerk’s office on August 24, 2021. The petition is valid. According to KSA-12-757(f), the resolution shall not be passed except by at least a ¾ vote of all of the members of the governing body. Therefore, in order to approve the resolution a minimum of four (4) affirmative votes is required.

**Alternatives:**

1. Approve Resolution 2021-36 (Case No. DEV-21-086) Special Use Permit for Boat & RV Storage for Ledford Boat & RV Storage, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-36 (Case No. DEV-21-086) Special Use Permit for Boat & RV Storage for Ledford Boat & RV Storage, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-36 (Case No. DEV-21-086) Special Use Permit for Boat & RV Storage for Ledford Boat & RV Storage, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes, Valid Protest Petition

**Resolution 2021-36**  
**Ledford Boat & RV Storage**  
Special Use Permit – Boat & RV Storage

**Staff Report – Board of County Commissioners**

**September 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Greg Ledford  
12139 Leavenworth Road  
Kansas City, KS 66109

**Legal Description:** A tract of land in the northeast quarter of Section 3, Township 9 South, Range 21 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 28910 207<sup>th</sup> Street, Located at the northeast intersection of 20<sup>th</sup> & Springdale Road

**Parcel Size:** ± 13 acres

**Zoning/Land Use:** B-3 and RR-5

**Comprehensive Plan:** This parcel is within the Rural Residential 2.5 land use category.

**Parcel ID No.:** 112-03-0-00-00-007.01

**Planner:** Krystal A. Voth

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**REPORT:**

**Planning Commission Recommendation:**

The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-086, Special Use Permit for Boat & RV Storage for Ledford Boat and RV Storage. Should the Board of County Commissioners vote to recommend approval of Case No. Dev-21-062, staff recommends the following conditions:

1. The SUP shall be limited to a period of 10 years.
2. No additional exterior lighting other than security lighting.
3. Any additional buildings shall require a site plan prepared in accordance with the Zoning and Subdivision Regulations.
4. The SUP shall be limited to one employee other than the applicant.
5. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. No on-street parking shall be allowed.
7. This SUP shall be limited to the Narrative dated May 27, 2021 submitted with this application.
8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

### **Request**

The applicant is requesting a Special Use Permit for Boat and RV Storage. Originally, the applicant requested rezoning of the property which would allow for the use without a Special Use Permit. The request was denied and the Board of County Commissioners waived the one-year waiting period to apply for a Special Use Permit.

### **Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 140 acres in size. All four corners of the intersection are zoned as B-3.

### **Flood Plain**

There are no Special Flood Hazard Areas, Zone X on this parcel per FEMA Firm Map 20103C125G July 16, 2015.

### **Utilities/Services**

Sewer: Private septic system

Fire: Fire District 1

Water: RWD 5

Electric: FreeState

### **Access/Streets**

The property is accessed by 207<sup>th</sup> Street, a County Arterial Road with a hard surface The property also fronts along Springdale Road a state-maintained highway.

### **Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, June 3, 2021

See attached comments – Email – Lauren Anderson – Public Works, June 9, 2021

See attached comments – Email – Chuck Magaha – Emergency Management, Month day, 2021

See attached comments – Email – David Van Parys – County Counselor, June 3, 2021

See attached comments – Email – Michael Stackhouse –Township Fire Department, July 1, 2021

See attached comments – Email – Steve Taylor – KDOT, June 3, 2021

### **Factors to be considered**

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Special Use Permit request:

1. Character of the neighborhood: The character of the neighborhood is rural; agricultural uses and rural residences.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The four corners of the intersection are zoned as B-3, General Business The uses are rural residences and agricultural use.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area which is suitable for residential uses. The property is located on a state-maintained highway, making it suitable for commercial business. Additionally, a portion of the property is currently zoned as B-3.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. A portion of the property has been zoned as B-3 for several years. Due to the location on a State highway the additional traffic that will be created is minimal in comparison to daily traffic counts. The proposed use will not generate significant noise, pollution or traffic.
5. Length of time the property has been vacant as zoned: The property has not been developed since at least 1962.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will allow the applicant to run a boat and RV storage business on the parcel.

7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as RR-2.5. However, there is existing B-3 zoning existing on the property which directly abuts the RR-2.5 zoning.
8. Staff recommendation is for the approval of the Special Use Permit due to the proximity to existing B-3 Zoning.

<b>LOCATION</b>	
<b>Adjacent Residences</b>	Adjacent parcels are primarily rural and agricultural in nature. The majority of homes are located on large parcels, most significantly over the minimum zoning district requirements.
<b>Adjacent Zoning/Uses</b>	Zoning in the area is RR-5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated.
<b>Nearby City Limits</b>	The property is not located near a city.
<b>Initial Growth Management Area</b>	The property is not located within an IGMA.

<b>IMPACT</b>	
<b>Noise Pollution</b>	The use will not cause elevated or extended noise pollution. The business will consist of the storage of RV's and boats.
<b>Traffic</b>	The use will create additional traffic, however given the location on a state-maintained highway it is unlikely the small increase will be noticeable. The applicant anticipates one or two vehicles per day.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The use will consist of outdoor storage of RV's and Boats on approximately two acres of the property for a total of 78 spaces.
<b>Parking</b>	The applicant will have ample parking for the use.
<b>Visitors/Employees</b>	There will be parking for 78 RV's boats. However, it is unlikely that all 78 spaces. Typically, there will be one or two customers to the site daily to pick up or drop off their boat or RV. These numbers may be slightly higher in the summer months.
<b>Waste</b>	There will be no waste generated by the business.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is 13 acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-5 and B-3.
<b>Buildings (Existing &amp; Proposed)</b>	The applicant is not proposing any buildings at this time. All storage will be outdoor.
<b>Setbacks</b>	No buildings.
<b>Screening</b>	The property is bordered on the south by a privacy fence. Additionally, there is landscaping providing additional screening.

**History**

The Applicant applied for a rezoning in 2020. The rezoning was denied by the Board of County Commissioners and the applicant was encouraged to submit a Special Use Permit request.

**Staff Comments**

The proposed use is outdoor boat and RV storage on a parcel located at 207<sup>th</sup> & Springdale (k-92). A portion of the property is currently zoned as B-3 and commercial storage of boats and RV's is an allowed use in that zoning district. The applicant plans to provide enough parking for a total of 78 boats and RV's combined. The hours of operation are variable, though this should not cause a nuisance since the majority of activity on the site will not cause noise, pollution, or other nuisances. There will be no employees other than the applicant. Staff recommends approval of the application.

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**ACTION OPTIONS:**

1. Approve Resolution 2021-36 (Case No. DEV-21-086) Special Use Permit for Boat & RV Storage for Ledford Boat & RV Storage, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-36 (Case No. DEV-21-086) Special Use Permit for Boat & RV Storage for Ledford Boat & RV Storage, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-36 (Case No. DEV-21-086) Special Use Permit for Boat & RV Storage for Ledford Boat & RV Storage, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

---

**ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

## Voth, Krystal

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Wednesday, June 9, 2021 1:47 PM  
**To:** Sloop, Stephanie; Voth, Krystal  
**Cc:** Anderson, Lauren; Noll, Bill; 019-2831  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Stephanie and Krystal,  
Lauren and I have reviewed the application. Application states no buildings will be construction with said permit. Estimate traffic doesn't require a traffic impact or road assessment studies per the TIF policy. Available frontage only allows 1 entrance off of 207<sup>th</sup> St. Applicant to directly coordinate with KDOT regarding any possible improvements within KDOT right of way.

Thanks,  
Mitch Pleak

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Wednesday, June 2, 2021 4:44 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'Firedistrict1@fd1lv.org' <Firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; 'steven.taylor@ks.gov' <steven.taylor@ks.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Special Use Permit for an RV & Boat Storage Facility.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph





## Sloop, Stephanie

---

**From:** Greg Ledford <greg2020llc@gmail.com>  
**Sent:** Friday, June 11, 2021 11:03 AM  
**To:** firedistrict1@fd1lv.org  
**Cc:** Sloop, Stephanie  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility  
**Attachments:** SUP permit layout drawing.pdf

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

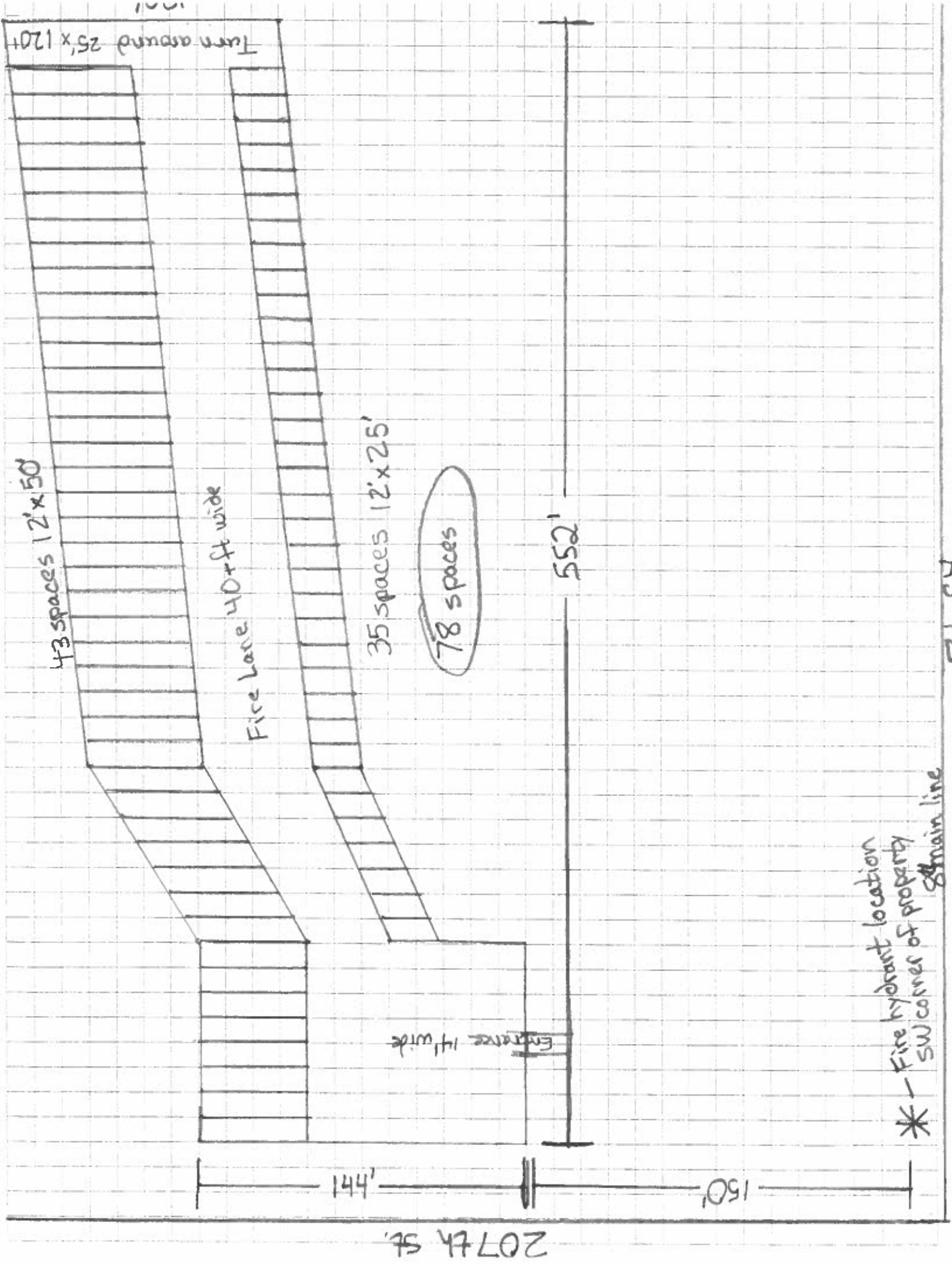
Mike,

I've reviewed the list of information requested for my SUP application and have provided answers below and an attachment for layout of facility.

- Dimensions 144' x 552'
- Base-compacted subbase with 4-6 inches of 1" rock with road fabric below
- Type of surface-rock
- # of spaces=78 shown on drawing with dimensions
- Fire hydrant location-is on SW corner of my property approx. 150' from entrance to storage area. Hydrant is on my property and is on an 8" line per Water District #5.
- Fire department access rd-approx 40' down center of storage area. Access is double the requested MIN of 20'.

Exact driveway location TBD by county, it will come in off of 207th st and will be as wide as allowed by county.

Thanks,  
Greg



43 spaces 12' x 50'

Fire Lane 40' ft wide

35 spaces 12' x 25'

78 spaces

Turn around 25' x 120'

Entrance 14' wide

552'

144'

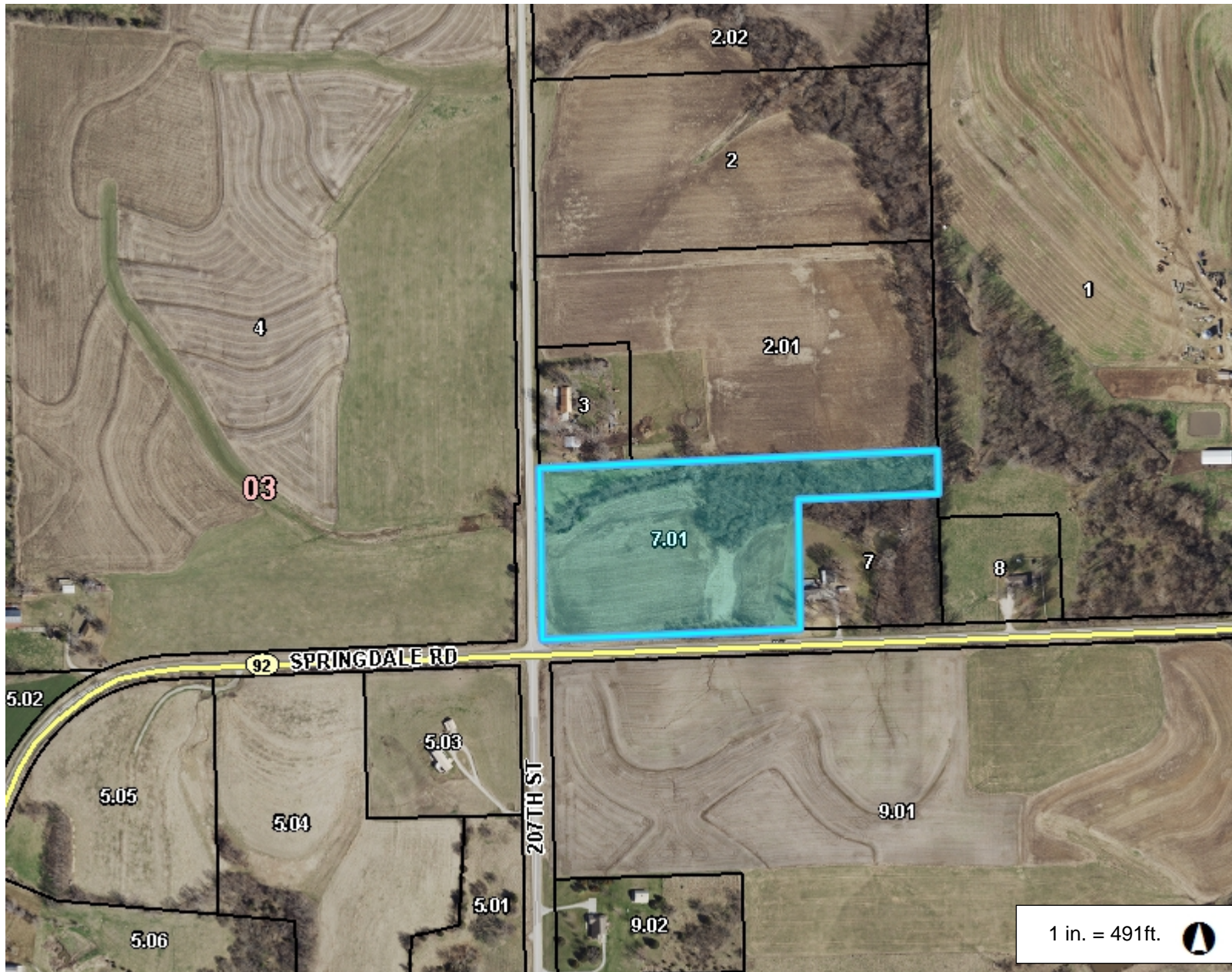
150'

207th St.

\* - Fire hydrant location  
 \* - SW corner of property  
 \* - main line

→ N

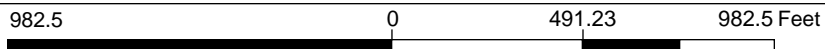
# DEV-21-086 SUP RV & Boat Storage



**Legend**

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 491ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**



## Sloop, Stephanie

---

**From:** Mike Stackhouse <firedistrict1@fd1lv.org>  
**Sent:** Thursday, July 1, 2021 7:35 AM  
**To:** Greg Ledford  
**Cc:** Sloop, Stephanie; David Asmus  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

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Sounds good. Thank you.

Michael L. Stackhouse  
Fire Chief  
Fire District #1 of Leavenworth County  
111 E. Kansas Avenue  
Lansing, KS. 66043  
Office: 913-727-5844  
Cell: 913-683-3223



---

**From:** Greg Ledford <greg2020llc@gmail.com>  
**Sent:** Thursday, July 1, 2021 7:33 AM  
**To:** Mike Stackhouse <firedistrict1@fd1lv.org>  
**Cc:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>; David Asmus <dasmus@fd1lvco.org>  
**Subject:** Re: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Mike,

I can easily put up signage And I will be assigning spaces so it will remain open. The center road all throughout the facility and to the end turn around area will maintain approx twice your 20 ft requirement. People need plenty of room to back into their spaces. I envision maintaining at least 40' down the center. Thanks for following up with me I appreciate it.

On Thu, Jul 1, 2021, 7:20 AM Mike Stackhouse <[firedistrict1@fd1lv.org](mailto:firedistrict1@fd1lv.org)> wrote:

Mr. Ledford,

I apologize for the length of time to review this. Things have been very busy lately. I think the footprint and answers given will satisfy the IFC requirements. The one main issue that will have to be addressed continually is parking. The end turnaround will have to always remain free of any kind of obstructions. It would be prudent to install signage as

such. The center dead-end access road will have to maintain the minimum 20' clearance at all times as well. If you have any further issues or questions, please let me know.

B/R,

Michael L. Stackhouse

Fire Chief

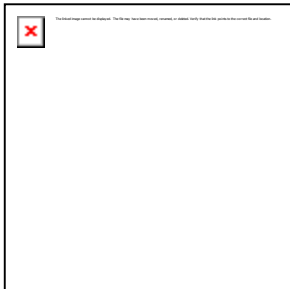
Fire District #1 of Leavenworth County

111 E. Kansas Avenue

Lansing, KS. 66043

Office: 913-727-5844

Cell: 913-683-3223



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**Cc:** [SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Mike,

I've reviewed the list of information requested for my SUP application and have provided answers below and an attachment for layout of facility.

-Dimensions 144' x 552'

-Base-compacted subbase with 4-6 inches of 1" rock with road fabric below

-Type of surface-rock

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-Fire department access rd-approx 40' down center of storage area. Access is double the requested MIN of 20'.

Exact driveway location TBD by county, it will come in off of 207th st and will be as wide as allowed by county.

Thanks,  
Greg



## Sloop, Stephanie

---

**From:** Van Parys, David  
**Sent:** Thursday, June 3, 2021 8:29 AM  
**To:** Sloop, Stephanie  
**Cc:** Patzwald, Joshua; Anderson, Kyle; Voth, Krystal  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Stephanie, The proposed SUP would be in conformity with the B-3 zoning currently in place in the SW corner of the property, with the use restricted by the terms and conditions of any SUP approved. No other legal comment at this time.

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:44 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'Firedistrict1@fd1lv.org' <Firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; 'steven.taylor@ks.gov' <steven.taylor@ks.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Special Use Permit for an RV & Boat Storage Facility.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 9, 2021.

If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth. KS 66048  
(913) 364-5750 ph



## Sloop, Stephanie

---

**From:** Anderson, Kyle  
**Sent:** Thursday, June 3, 2021 1:05 PM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

To date Leavenworth County has not received any complaints on this parcel.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

---

**From:** Sloop, Stephanie  
**Sent:** Wednesday, June 2, 2021 4:44 PM  
**To:** Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; 'Firedistrict1@fd1lv.org' <Firedistrict1@fd1lv.org>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; 'steven.taylor@ks.gov' <steven.taylor@ks.gov>  
**Cc:** Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

Good Afternoon,

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If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
(913) 364-5750 ph

## Sloop, Stephanie

---

**From:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Sent:** Thursday, June 3, 2021 8:37 AM  
**To:** Sloop, Stephanie  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

We have no comments.

Thanks,

Steve Taylor  
Kansas Department of Transportation  
Utility Coordinator  
District 1 Area 3  
650 north K-7 Highway  
Bonner Springs, Ks.  
913-942-3049

---

**From:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Sent:** Thursday, June 3, 2021 8:21 AM  
**To:** Steven Taylor [KDOT] <Steven.Taylor@ks.gov>  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Yes, that is what the applicant is proposing.

---

**From:** Steven Taylor [KDOT] <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>  
**Sent:** Thursday, June 3, 2021 8:14 AM  
**To:** Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)>  
**Subject:** RE: DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

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Access to storage and future home to be from 207<sup>th</sup>?

Steve Taylor  
Kansas Department of Transportation  
Utility Coordinator

District 1 Area 3  
650 north K-7 Highway  
Bonner Springs, Ks.  
913-942-3049

---

**From:** Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)>  
**Sent:** Wednesday, June 2, 2021 4:44 PM  
**To:** Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@leavenworthcounty.gov](mailto:jpatzwald@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>; 'Mitch Pleak' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; 'Firedistrict1@fd1lv.org' <[Firedistrict1@fd1lv.org](mailto:Firedistrict1@fd1lv.org)>; 'tmgoetz@stjoewireless.com' <[tmgoetz@stjoewireless.com](mailto:tmgoetz@stjoewireless.com)>; Steven Taylor [KDOT] <[Steven.Taylor@ks.gov](mailto:Steven.Taylor@ks.gov)>  
**Cc:** Voth, Krystal <[KVoth@leavenworthcounty.gov](mailto:KVoth@leavenworthcounty.gov)>  
**Subject:** DEV-21-086 Special Use Permit Request RV & Boat Storage Facility

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Good Afternoon,

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If you have any questions or need additional information, please contact our office.

Thank you,

Stephanie Sloop

Public Relations and Planning Coordinator  
Planning and Zoning  
Leavenworth County Courthouse  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
(913) 364-5750 ph



**SPECIAL USE PERMIT APPLICATION**

Leavenworth County Planning Department  
300 Walnut, St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

Office Use Only	
PID: _____	Date Received: _____
Township _____	
Planning Commission Date: _____	
Case No. _____	Date Paid _____
Zoning District _____	
Comprehensive Plan land use designation _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Greg Ledford</u>	NAME _____
ADDRESS <u>12139 Leavenworth Rd</u>	ADDRESS _____
CITY/ST/ZIP <u>Kansas City KS 66109</u>	CITY/ST/ZIP _____
PHONE <u>913-620-8969</u>	PHONE _____
EMAIL <u>greg2020LLC@gmail.com</u>	EMAIL _____
CONTACT PERSON <u>Myself</u>	CONTACT PERSON _____

PROPOSED USE INFORMATION
Existing and Proposed structures <u>No existing structures</u>
Reason for requesting a Special Use Permit <u>RV/Boat Storage unit</u>

PROPERTY INFORMATION
Address of property <u>KS-92 and 207th St intersection - NE corner</u> Parcel size <u>13 Acres</u>
Current use of the property <u>Ag/Res/B-3</u>
Does the owner live on the property? <u>No</u>
Does the applicant own property in states or counties other than Kansas and Leavenworth County? <u>Yes Wyandotte county</u>

I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature Greg Ledford Date 5-27-21

**ATTACHMENT A**



Click or tap to immediately and permanently delete a drawing. This cannot be undone. X

I want to...



70'

85'

207TH ST

Exposure to be  
by county

Proposed Site Area

500'

2020



WKC04326 Lat/Long

Lat: 39.29655° N  
Long: 95.05851° W

100ft

1mi

RINGDALE RD

87

434'

465.28

460'



## Special Use Permit Application Narrative

I am requesting a special use permit for the purpose of establishing an RV/Boat storage unit on my property located at the NE corner of 207<sup>th</sup> and KS-92. I have 13 acres and am proposing to use a small portion for storage. We are in the process of building a home on the property and will be planning to occupy the property in 2022. Below are details of the request.

- Current use-Ag/residential
- Proposed use-Rv/boat storage on small portion of property
- Hours-24/7 access
- Employees-myself only
- Signs-48x80-possibly electric, western portion of proposed area by driveway near 207<sup>th</sup>
- Chemicals-none
- Lubricants-none
- Sewage-no sewage created, there will be NO bathroom located in storage areas
- Water-no water needed
- Noise-no noise created other than vehicles bringing in or leaving with campers, boats.
- Odors/fumes-none created
- Accessory building-possible future buildings for housing campers or boats, none currently planned
- Outdoor display/advertising-none
- Equipment-None
- Alcohol service-not applicable
- Dust control-minimal traffic will not create issues with dust
- Emergency/safety-facility number for me is posted on sign, no other considerations needed due to being outside storage, no enclosed buildings to be a part of plan
- Outdoor storage-fenced and screened. Existing natural screening on 3 sides-natural tree buffer to north and east, hillside to the south. East side open and will be lined with trees as well.
- Security lighting-yes
- Parking-only parking needed is for units being stored
- No existing home on property but one is in planning stages to be built on south side of property
- Traffic-minimal, no daily employees, no product delivery, average of 1-2 or less vehicles per day at most to drop off or pick up camper/boats



July 10, 2021

Leavenworth County Kansas Planning Commission  
Steve Rosenthal, Chairman  
Jeff Spink  
Tom Dials  
A. W. Himpel  
Wolf Schmidt  
John Matthews  
Terry Bartkoski  
Mark Denney  
Alex DeMoro

Pavlich Farms is the owner of property Quick Ref ID R17657, Parcel Number 052-112-03-0-00-004.00-0. The property is located on the northwest corner of KS-92 and 207<sup>th</sup> St. across the street from the property Greg Ledford's application for a Special Use Permit for a RV and Boat Storage Unit.

Attached are copies of the comments we submitted to the Planning Commission and Leavenworth County Commissioners at previous hearings on this matter. The area and property in question are agricultural and rural, and the proposed RV and Boat Storage facility is commercial. This is the reason we oppose a Special Use Permit.

Again, we wish Mr. Ledford success in starting his business, but it should be in the city not the country. Therefore, we again request that the Leavenworth County Planning Commission deny Mr. Ledford's Special Use Permit request.



Pavlich Farms (Joseph M. Pavlich, Phyllis Fierst, Donald A. Pavlich, Joan M. Pavlich  
Richard Pavlich and Jim Pavlich)

Attachments

May 23, 2021

Leavenworth County Planning Commission  
Leavenworth County Commissioners

The front page of the Leavenworth County Comprehensive Plan states, "Sustainably managing growth and maintaining rural lifestyles." The property and area in question are agricultural and rural and Greg Ledford's proposed RV and boat storage facility are not. Pavlich Farms is adjacent to Ledford's property and we oppose his rezoning request and urge the Leavenworth County Planning Commission and the Leavenworth County Commissioners to deny it.

Pavlich Farms

(Joseph M Pavlich, Jim Pavlich, Joan M Pavlich, Phyllis Fierst,  
Richard Pavlich and Donald A Pavlich)

801 North 5<sup>th</sup> St

Kansas City KS 66101



# Leavenworth County

## Comprehensive Plan

*Sustainably managing growth and maintaining rural lifestyles*



ADOPTED OCTOBER 2020

PROTEST PETITION

We, the undersigned, in accordance with KSA 12-757, being the owners of record of the property enumerated below, protest the proposed SPECIAL USE PERMIT FOR on the property described as PARCEL ID # 112-03-000-000-007.01 RV AND BOAT STORAGE UNIT

In Leavenworth County, commonly known as \_\_\_\_\_

For the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE

ADDRESS

DATE

Joseph M. Pavlich, 5718 42<sup>ND</sup> COURT, SHAWNEE, KS 66216 5/19/21

Jim Paul 14508 Bower O.P. KS 66201 5/19/21  
Joseph M. Pavlich, 801 N. 5<sup>TH</sup> ST., Kansas City, KS, 66101 5/19/21

Stephen Ferret 5619 Revere, Manhattan, KS 66202 5/19/21

Joseph Pavlich 14920 W 58<sup>TH</sup> ST Shawnee KS 66216 5/21/21

Lionel M. Pavlich 3030 S. 48<sup>TH</sup> DR K.C. KS. 66106 5/23/2021

STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

JOSEPH M. PAVLICH, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures.

Joseph M. Pavlich

Subscribed and sworn before me the 19<sup>TH</sup> day of May, 2021

Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025.



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Jim Parlich, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures

Subscribed and sworn before me the 19th day of May, 2021

Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Jean M. Parlich, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures.

Subscribed and sworn before me the 19th day of May, 2021

Jean M. Parlich  
Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Phyllis Feast, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures

Subscribed and sworn before me the 19th day of May, 2021

Phyllis Feast  
Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025



STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Richard Pavlich, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures.

Subscribed and sworn before me the 21st day of May, 2021

Richard Pavlich  
Katherine A. Stimac  
Notary Public

My Commission Expires May 2, 2025







PROTEST PETITION

We, the undersigned, in accordance with KSA 12-757, being the owners of record of the property enumerated below, protest the proposed re-zoning from B-3+RR-5 on the property described as Tr. in NE 1/4 3-9-21 to B-3

Parcel ID #: 112-03-D-00-00-007.01  
In Leavenworth County, commonly known as 0000 Springdale Road

For the following reasons:

PLEASE SEE AND READ THE ATTACHED.

SIGNATURE	ADDRESS	DATE
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>
<u>[Signature]</u>	<u>801 N 5TH ST KANSAS CITY KS 66101</u>	<u>1-21-2021</u>

STATE OF KANSAS )

COUNTY OF LEAVENWORTH )

Joan Pavlich, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures.

Subscribed and sworn before me the 21<sup>st</sup> day of January, 2021

Joan Pavlich  
Notary Public

My Commission Expires March 6, 2023



January 21, 2021

Board of Leavenworth County Kansas Commissioners:

Attached is a copy of the Letter Pavlich Farms received from the Leavenworth County Planning Department. It concerns Mr. Greg Ledford's rezoning request from B-3 & RR-5 zoning districts to B-3 zoning district on the following described property:

A tract of land in Northeast Quarter of Section 3, Township 9, Range 21 East of the 6<sup>th</sup> P.M. in Leavenworth County, Kansas. Also known as 00000 Springdale Road.

In a letter Pavlich Farms received from Mr. Ledford, who has lived in Piper, Kansas for many years, he states that he grew up on a farm and is looking forward to getting back to the country, that a nice country feel was also very important to him, his wife and daughter. Getting the property rezoned to build an RV/Boat storage unit is not country. It's bringing the city to the country. A house can be built on the property without any rezoning for him and his family to get back to the country, but his proposed RV/Boat storage business should be in the city. On January 13, 2021, the Leavenworth County Planning Commission voted to deny Mr. Ledford's request to rezone the property. The Commission made the right decision, and we request the Board of Leavenworth County Kansas Commissioners to also deny rezoning of the property. We wish Mr. Ledford success in starting his business, but it should be in the city not the country.

Pavlich Farms (Joseph Pavlich, Phyllis Fierst, Donald Pavlich Joan Pavlich and Jim Pavlich)  
801 N. 5<sup>th</sup> St.  
Kansas City, KS 66101

Joe Pavlich

---

From: Joe Pavlich  
Sent: Tuesday, January 12, 2021 10:19 AM  
To: pz@leavenworthcounty.gov  
Subject: FW: Rezoning Request  
Attachments: 5.pdf

January 12, 2021

Leavenworth County Planning Commission:

Attached is a copy of the letter Pavlich Farms received from the Leavenworth County Planning Department. It concerns Mr. Greg Ledford's rezoning request from B-3 & RR-5 zoning districts to B-3 zoning district on the following described property:

A tract of land in Northeast Quarter of Section 3, Township 9, Range 21 East of the 6<sup>th</sup> P.M. in Leavenworth County, Kansas. Also know as 00000 Springdale Road.

In a letter received from Mr. Ledford, who has lived in Piper, Kansas for many years, he states that he grew up on a farm and is looking forward to getting back to the country, that a nice country feel was also very important to him, his wife and daughter. Getting the property rezoned to build an RV/Boat storage unit is not country. It's bringing the city to the country. A house can be built on the property without any rezoning for him and his family to get back to the country, but his proposed RV/Boat storage business should be in the city. Therefore, we request that the Leavenworth County Planning Commission deny Mr. Ledford's rezoning request at the hearing on January 13, 2021. We wish Mr. Ledford success in starting his business, but it should be in the city not the country.

Pavlich Farms (Joe Pavlich, Phyllis Fierst, Don Pavlich, Joni Pavlich, Richard Pavlich and Jim Pavlich)  
801 N 5<sup>th</sup> St  
Kansas City KS 66101

Happy Holidays and Merry Christmas from the Ledford Family

I would like to take a moment to Wish everyone Happy Holidays and introduce our family. My name is Greg Ledford. I along with my wife Alison and daughter Shelby are excited to say we are under contract to purchase the 13-acre property at KS-92 and 207<sup>th</sup> street. I would like to take this opportunity to share with you a little about us and our plans. We look forward to meeting you in person.

I grew up on a farm in northern Missouri, which my folks are still farming. I appreciated that way of life growing up and am looking forward to getting back to the country after many years of living in Piper Kansas. My 8-year-old Shelby is very excited to get to a large sized property where she can run and play. She has a 4-wheeler and wants a horse (if I agree to that), and my wife Alison is ready for some peace and quiet that comes with living out where you can see the stars. I have been looking for property that fit our needs. I believe this one does just that. A good school was important for Shelby and the Easton school fits that well. A nice country feel was also very important to us. A large enough piece of land that we could put a house, shop, and have a couple cattle to raise to feed our family. We also hope to start a business. As you may or may not know, the 4 properties at the intersection of KS-92 and 207 all share a G-3 business zoning area in common. We are looking to increase the size of that G-3 business zone on our property to open an RV/Boat storage unit to serve the needs of the Easton area. I will have a shop on the property to serve both that business and my own needs, followed by building a house so that we can move into the area in the future. If all goes well with our plans, you would see me working to establish our business and start moving into the new property early next spring. I would appreciate hearing from you if you have any questions. I look forward to meeting each of you if you are comfortable with that and would like to talk to me in person. Getting to know our neighbors is important to us and we hope to have that privilege soon.

Again, Happy Holidays and Merry Christmas to you! We would appreciate your support as we move forward with our zoning plans and establishing our home here in the area. Please don't hesitate to give me a call if you would care to discuss anything, 913-620-8969.

Sincerely,

Greg, Alison, and Shelby Ledford

2020 Real Estate Tax Statement # 37580  
 Tax ID 2020 1-28932

BANK 89

Leavenworth County Treasurer  
 Janice L. Van Parys  
 300 Walnut St Ste 105  
 Leavenworth, Ks. 66048-2725

ASSESSMENT CLASS	LAND IMPROVEMENT	LEVY 111.324	TAX
A	306		34.08
Total Val		Tax	34.08

M  
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L  
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O

WATKINS, FRANK H & RITA M  
 28910 207TH ST  
 EASTON KS 66020-7203

**PAYMENT INSTRUCTIONS**  
 TREASURER'S PHONE: 913-684-0434  
 Make checks payable to Leavenworth County Treasurer. Interest will be charged after due date, if personal tax becomes delinquent the full tax becomes due. TREASURER IS NOT RESPONSIBLE FOR OMISSIONS, PLEASE MAKE SURE THAT ALL YOUR PROPERTY IS LISTED.

**PROPERTY INFORMATION**  
 TAX UNIT 050 Twp-HIGH PRAIRIE TOWNSHIP  
 USD 449 CAMA # 112-03-0-00-00-007.01-0  
 Prop Addr: SPRINGDALE RD 66020  
 Sec-03 Twp-09 Rng-21E Acres-12.82  
 S03, T09, R21E, ACRES 12.83, PT  
 SW1/4NE1/4; BEG SW COR, N600', E1300'(S)  
 , S126', W460' S474', W TO POB LESS ROW

DISTRIBUTION OF TAX	TAX AMT
USD 449 - GENERAL	6.12
USD 449 - OTHER	7.29
USD 449 - BOND/INT NO.1	2.92
STATE	.46
LEAVENWORTH COUNTY	11.32
HIGH PRAIRIE TWP.	.25
N.E. KANSAS LIBRARY	.41
FIRE DISTRICT #1	2.73
LOCAL SERVICE/COUNTY	2.58
Pay at <a href="http://www.kansastreasurers.org">www.kansastreasurers.org</a>	
<b>TOTAL TAX DUE</b>	<b>34.08</b>
Paid as of 12/16/2020	34.08
Paid in Full	

Please remit appropriate payment stub with payment

LEAVENWORTH COUNTY  
 FULL PAYMENT  
 DUE 12/21/2020

STATEMENT # 37580

Full Amt .00

Tax ID # 2020 1-28932

WATKINS, FRANK H & RITA M



20200003758012

NO STATEMENT FOR SECOND HALF WILL BE MAILED.

3414 Hughes Rd  
Leavenworth, Kansas  
July 13, 2021

Leavenworth Planning and Zoning  
300 Walnut Street  
Leavenworth, Kansas 66048

We do not want a boat and  
RV storage business built in our  
neighborhood at Springdale Road  
207th Street. (28910 207th Street)  
We have a beautiful, quiet farm  
area and we want it to stay that  
way. Tom Oak Enterprises needs to  
and build on Leavenworth Road  
Windsorette County where we live.  
Don't ruin our neighborhood.

Sincerely,  
Edward Ba

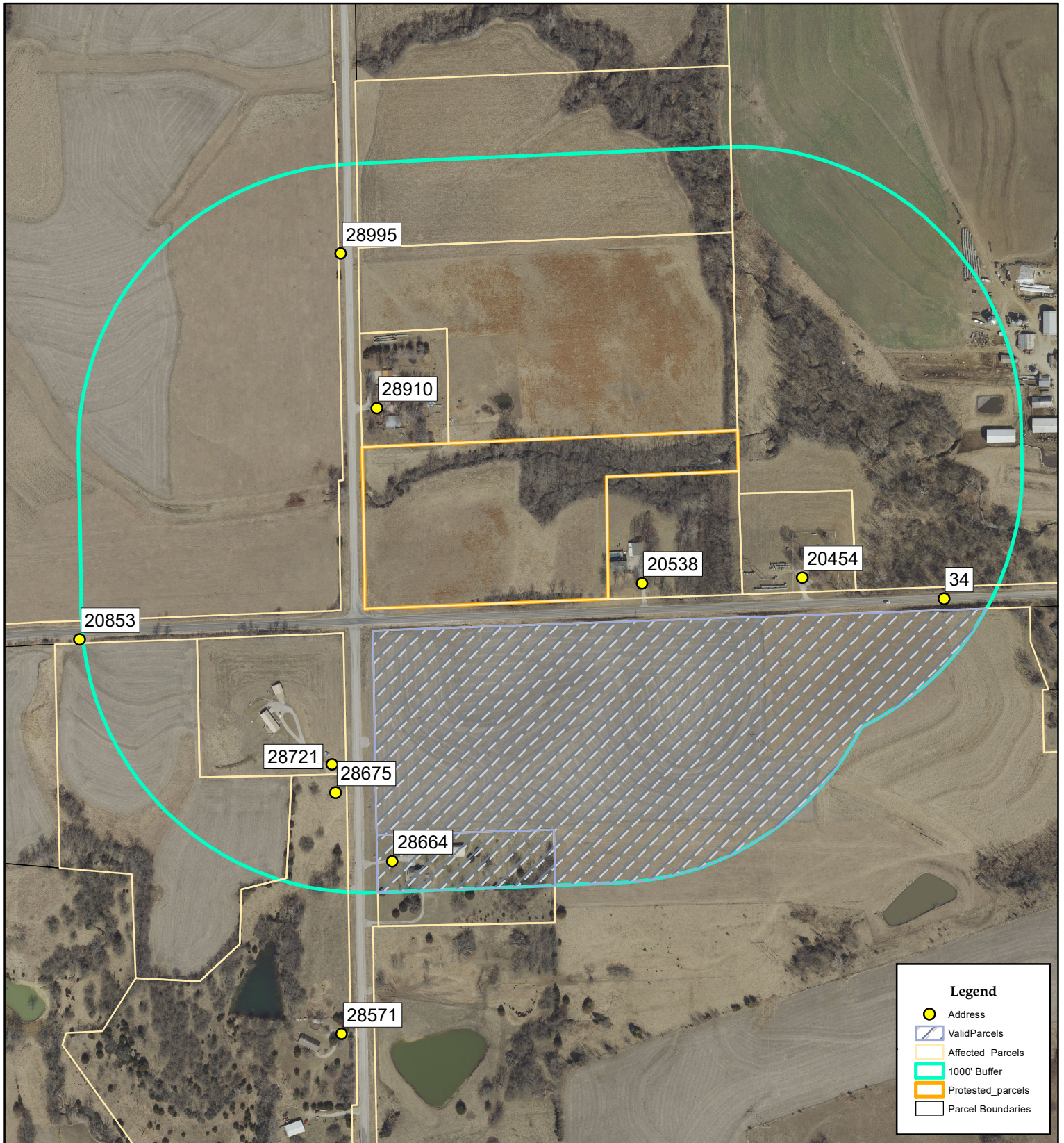
My property is located at  
20203 Springdale Road and  
on 203rd Street.



# Protest Petition Property Radius Search



Total Acres Within Boundary: 157.47  
20% of Total Acres: 31.50  
Total Affected Acres: 35.79





PROTEST PETITION

We, the undersigned, in accordance with KSA 12-757, being the owners of record of the property enumerated below, protest the proposed Special Use Permit on the property described as Tr in NE 1/4 3-9-21 Dev-21-086

In Leavenworth County, commonly known as 00000 Springdale Rd. (112-03-(07.01)

For the following reasons:

The Boat/RV Storage does not belong in this area. It does not maintain the rural lifestyle of this area. We understand the 4 corners are zoned B-3 but why didn't the Planning + Zoning office question this when it was discovered? We have concerns about the environmental impact of this as well. See attached photos of the stuff

SIGNATURE	ADDRESS	DATE
<u>Marilyn M. Thompson</u>	<u>28664 207<sup>th</sup> St, Easton, KS</u>	<u>8/20/21</u>
<u>Michelle J. White, member MDR Farm LLC</u>	<u>00000 Springdale Rd.</u>	<u>8/20/21</u>
<u>[Signature]</u>	<u>Member MDR Farm LLC,</u>	<u>8/20/21</u>
	<u>00000 Springdale Rd.</u>	

STATE OF KANSAS )  
COUNTY OF LEAVENWORTH )

Marilyn M. Thompson, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures.

Marilyn M. Thompson

Subscribed and sworn before me the 20<sup>th</sup> day of August, 2021

[Signature]  
Notary Public

My Commission Expires 6-29-22  
**FILED**

**AUG 24 2021**  
**LEAVENWORTH COUNTY KANSAS**  
**COUNTY CLERK**



STATE OF KANSAS )

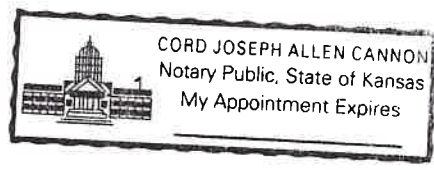
COUNTY OF LEAVENWORTH )

Michelle M White, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures

Subscribed and sworn before me the 20<sup>th</sup> day of August, 2021

Michelle M White  
\_\_\_\_\_  
Notary Public

My Commission Expires 6-29-22



STATE OF KANSAS )

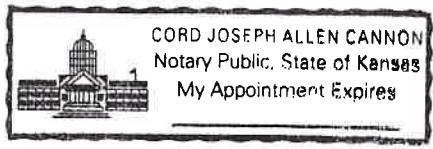
COUNTY OF LEAVENWORTH )

Kevin K. Thompson, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures

Subscribed and sworn before me the 20<sup>th</sup> day of August, 2021

Kevin K. Thompson  
\_\_\_\_\_  
Notary Public

My Commission Expires 6-29-22







**OPERATING AGREEMENT OF**

**MDR FARM, LLC**

THE SECURITIES EVIDENCED BY THIS OPERATING AGREEMENT HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933 OR ANY STATE SECURITY ACT. NO TRANSFER OF ANY SECURITIES MENTIONED HEREIN SHALL BE PERMITTED UNTIL THE TRANSFEROR SHALL HAVE COMPLIED WITH ALL RESTRICTIONS ON TRANSFER SET FORTH HEREIN AND SUCH SECURITIES HAVE BEEN REGISTERED UNDER SUCH ACTS OR UNTIL THE BOARD OF THE COMPANY SHALL HAVE RECEIVED A FAVORABLE OPINION FROM THE COMPANY'S LEGAL COUNSEL TO THE EFFECT THAT SUCH TRANSFER IS EXEMPT FROM REGISTRATION UNDER SUCH ACTS.

for the Offered Interest if the Offering Member has received a Third-Party Offer, first to the Company and second to the non-transferring Members in accordance with this Agreement; and (iv) accompanied by a copy of the written offer from the prospective purchaser if the Offering Member has received a Third-Party Offer.

1.37 “*Rules*” means the then current Commercial Rules of the American Arbitration Association.

1.38 “*State*” means the State of Kansas.

1.39 “*Substitute Member*” means any Person who is admitted to the Company as a Member under the provisions of Section 8.6 hereof.

1.40 “*Third-Party Offer*” means an offer from an unaffiliated third party to purchase all or a portion of the Interest of a Member.

1.41 “*Transfer*” is defined in Section 8.1 hereof.

1.42 “*Treasury Regulations*” means the Income Tax Regulations promulgated under the Code, as such Treasury Regulations may be amended or supplemented from time to time.

1.43 “*Two Class Voting Consent*” is the affirmative vote of Class A Members holding more than eighty percent (80%) of the Class A Percentage Interest entitled to Vote and the affirmative vote of Class B Members holding more than fifty percent (50%) of the Class B Percentage Interest entitled to act or vote with respect to the matter.

1.44 “*Unanimous Consent*” is the affirmative vote of all Class A Members and all Class B Members.

## ARTICLE II. GENERAL

2.1 *Formation.* The Members agree to associate themselves as Members in the Company as formed under and pursuant to the provisions of the Act, for the limited purposes and scope set forth in this Agreement. The Articles of Organization which conform to the requirements of the Act were signed by the organizers and filed with the Secretary of State of the State of Kansas in order to constitute the Company as a valid limited liability company under the Act. The costs and expenses associated with such filing shall be borne by the Company.

2.2 *Name.* The business and affairs of the Company shall be conducted solely under the name of “**MDR Farm, LLC**”, and such name shall be used at all times in connection with the business and affairs of the Company; provided, however, that the Company may operate under any other name necessary or convenient to qualify it to do business in any state or jurisdiction.

2.3 *Purposes of the Company.*

(a) The Company may conduct any lawful business or purposes within the State of Kansas or any other jurisdiction. The Company shall possess and may exercise all of the



powers and privileges necessary or convenient to the conduct, promotion, or attainment of the business or purposes of the Company.

(b) The business of the Company shall be to operate, manage and acquire agricultural land and assets and to lease, manage, sell, exchange or otherwise dispose of the assets as appropriate.

(c) The Members acknowledge that the real estate comprising the primary asset of the Company is leased to farming operations. The primary objective is to preserve the assets for this purpose. The Members further acknowledge that the nature of the business is such that there will be limited cash distributions as compared to other investment options.

2.4 *Principal Office.* The principal office of the Company shall be 6520 142<sup>nd</sup> St., Basehor, KS 66007, or such other location as may be hereafter determined by the Company.

2.5 *Term.* The Company was formed as of the Effective Date and shall continue in full force and effect until the dissolution and termination of the Company pursuant to Article IX hereof.

2.6 *Articles of Organization and Other Instruments.* Except as provided in Section 9.1 hereof, the Members shall execute such documents and instruments and take all such actions as may be deemed by the Company to be necessary or appropriate to effectuate and permit the continuation of the Company under the laws of the State or the laws of any other state in which the Company deems necessary or appropriate. The Company shall, from time to time, take appropriate action, including the preparation and filing of such amendments to the Articles of Organization and other certificates as may be required under the laws of the State or any other state, to enable the Company to do business in the State or any other state.

2.7 *Registered Office and Registered Agent.* The name of the Company's registered agent for service of process in the State is **C T Corporation System** and its registered office in the State shall be at 112 SW 7<sup>th</sup> Street, Suite 3C, Topeka, Kansas 66603. The name of the registered agent and the address of the registered office may be changed from time to time by the Company or by the registered agent, as provided by law.

### ARTICLE III. COMPANY CAPITAL AND FISCAL MATTERS

3.1 *Initial Capital Contributions; Interests; Class of Interests.* As of the Effective Date, the Members, and their respective capital contributions to the Company, Interests and class of Interests are as set forth on Exhibit A attached hereto and incorporated herein by reference.

3.2 *Capital Accounts; Capital Withdrawals; Additional Capital Contributions.*

(a) The Company shall maintain a Capital Account for each Member. No Member shall receive any interest with respect to his Capital Contributions or his Capital Account.



that such letters or memoranda are non-binding on the Company (except with respect to confidentiality terms, return of due diligence information, and the requirement that each party bear its own expenses);

(vi) Purchase liability or other insurance with respect to the company's assets and activities; and

(vii) Take any action specifically authorized by the Company, or delegated to such Manager in any operating plan or budget adopted by the Company.

(b) Managers shall not have any contractual right to such position and shall serve until the earliest of (i) death of the Manager, (ii) withdrawal of the Manager, or (iii) removal of the Manager pursuant to Section 4.3. The initial Managers shall be **KEVIN K. THOMPSON** and **MICHELLE M. WHITE**.

(c) The Members hereby agree that only the Manager and the agents of the Company authorized by the Manager shall have the authority to bind the Company after proper approval under this Agreement. No Member shall take any action as a Member to bind the Company unless such action is taken by all Members collectively. Any Member taking any action to bind the Company shall indemnify and hold harmless the Manager, the other Members, and the Company against any claim, loss, expense or liability (including, without limitation, attorneys' fees and expenses, whether or not litigation is commenced) incurred by the Manager, the Company, or the other Members as a result of the unauthorized action of such Member.

(d) Each Manager's duty of care in the discharge of the duties of the Manager to the Company and the Members is limited to discharging his duties pursuant to this Agreement in good faith, with the care a corporate officer of like position would exercise under similar circumstances, in the manner he reasonably believes to be in the best interests of the Company. In discharging his duties, the Manager shall not be liable to the Company or to any Member for any mistake or error in judgment or for any act or omission believed in good faith to be within the scope of authority conferred by this Agreement or by separate written instrument executed by Members holding a majority of the Interests owned.

(e) A Manager may be removed and replaced in accordance with the provisions of Section 4.3.

*4.6 Restrictions on Class B Members' Rights to Participate in Management.* Except as otherwise expressly provided herein, the Class B Members shall have no voice nor take any part in nor interfere with the conduct, control or management of the business of the Company nor shall the Class B Members have any authority or power to act for or on behalf of the Company or to bind the Company in any respect whatsoever.

*4.7 Removal of a Class A Member.*

(a) Upon the death of any individual owning (in his or her individual capacity) a Class A Member, such Class A Member Interest shall be converted to a Class B

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above written.

THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

**MEMBERS:**

Kevin K Thompson Digitally signed by Kevin K Thompson  
Date: 2021.04.07 14:14:58 -05'00'

---

KEVIN K. THOMPSON

Michelle White Digitally signed by Michelle White  
DN: cn=Michelle White, o=Ceva Animal Health, ou, email=michelle.white@ceva.com, c=US  
Date: 2021.04.07 15:39:42 -05'00'

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MICHELLE M. WHITE

The undersigned, being the Managers of the Company as of the Effective Date, hereby agree to be bound by the terms and conditions of the above Operating Agreement of MDR Farm, LLC, in their capacity as a Manager of the Company.

Kevin K Thompson Digitally signed by Kevin K Thompson  
Date: 2021.04.07 14:15:18 -05'00'

---

KEVIN K. THOMPSON

Michelle White Digitally signed by Michelle White  
DN: cn=Michelle White, o=Ceva Animal Health, ou, email=michelle.white@ceva.com, c=US  
Date: 2021.04.07 15:40:11 -05'00'

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MICHELLE M. WHITE

## RESOLUTION 2021-36

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for Boat & RV Storage – Ledford Boat & RV Storage on the following described property:

A tract of land in the northeast quarter of Section 3, Township 9 South, Range 21 east of the 6<sup>th</sup> PM, in Leavenworth County, Kansas more commonly known as 28910 207<sup>th</sup> Street.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 27<sup>th</sup> day of May, 2021, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 5<sup>th</sup> day of August, 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 1<sup>st</sup> day of September, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1<sup>st</sup> day of September, 2021, and incorporated herein by reference;

That Case No. DEV-21-086, Special Use Permit for Boat & RV Storage – Ledford Boat & RV Storage approved subject to the following conditions:

1. The SUP shall be limited to a period of 10 years.
2. No additional exterior lighting other than security lighting.
3. Any additional buildings shall require a site plan prepared in accordance with the Zoning and Subdivision Regulations.
4. The SUP shall be limited to one employee other than the applicant.
5. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. No on-street parking shall be allowed.
7. This SUP shall be limited to the Narrative dated May 27, 2021 submitted with this application.
8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.

After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Located in Section 3, Township 9 South, Range 21, also known as 28910 207<sup>th</sup> Street, parcel no. 112-03-0-00-00-007.01 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of September, 2021  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Michael Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Stieben, Member

**Leavenworth County  
Request for Board Action  
Resolution 2021-37  
Special Use Permit for Dusselier Boat Storage**

**Date:** September 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Krystal Voth, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Consider Resolution 2021-37, a Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage, located at 15829 174<sup>th</sup> Street, Bonner Springs, KS 66012.

**Analysis:** The applicant is requesting a special use permit for a Boat Storage and Repair Facility. This business would store 60-70 boats, typically pontoon boats, on site and then transport the boats to Lake Quivera in Johnson County. The applicant transports the boats twice a year, taking the boats to the lake to open the season and returning the boats to the property when the boating season has been completed. Generally, the applicant transports the boats to the lake in March and transports the boats from the lake to his property in October or November, depending on the year. The applicant stated that no customer visits the site and he has one part-time employee to transport and repair the boats during the off-season.

As the use of this property does not match neither the Future Land Use Map in the Comprehensive Plan nor the surrounding uses, Staff recommends denial of this Special Use Permit.

**Recommendation:** The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend denial of Case No. DEV-21-093 (Resolution 2021-37) Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage.

**Alternatives:**

1. Approve Resolution 2021-37 (Case No. DEV-21-093) Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-37 (Case No. DEV-21-093) Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-37 (Case No. DEV-21-093) Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

# DEV-21-093 SUP Dusselier Boat Storage



## Legend

- Address Point
- Parcel Number
- Parcel
- Road

1 in. = 200ft.



400.0 0 200.00 400.0 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

**Resolution 2021-037**  
**Case No. DEV-21-093**  
**Dusselier Boat Storage**  
Special Use Permit – Jeffs Marine Boat Storage & Repair

**Staff Report – Board of County Commissioners**

**September 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Jeff Dusselier  
15829 174<sup>th</sup> Street  
Bonner Springs, KS 66012

**Legal Description:** A tract of land in the southeast quarter of Section 29, Township 11 South,  
Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 15829 174<sup>th</sup> Street, Bonner Springs, KS 66012

**Parcel Size:** ± 20 acres

**Zoning/Land Use:** RR-5, Rural Residential 5-acre minimum size parcels

**Comprehensive Plan:** This parcel is within the Residential land use category.

**Parcel ID No.:** 189-29-0-00-00-010.01

**Planner:** Joshua Gentzler

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**REPORT:**

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend denial of Case No. DEV-21-093, Special Use Permit for Dusselier Boat Storage.

Should the Board of County Commissioners wish to recommend approval, staff offers the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 6 am to 7 pm, Monday through Saturday.
3. The SUP shall be limited to 2 employees.
4. Any boats stored on the property shall be screened with a 6-foot wooden privacy fence.
5. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. No on-street parking shall be allowed.
7. This SUP shall be limited to the Narrative submitted with this application, dated June 4, 2021.
8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.



**Request**

The applicant is requesting a Special Use Permit for a Boat Storage business.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 2 acres to 144 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0350G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Stranger Fire  
Water: RWD 7  
Electric: Evergy

**Access/Streets**

The property is accessed by 174<sup>th</sup> Street, a County local road with a gravel surface ± 24' wide.

**Agency Comments**

See attached comments – Email – Kyle Anderson – Planning and Zoning, June 29, 2021  
See attached comments – Email – Lauren Anderson – Public Works, July 6, 2021  
See attached comments – Email – Jalayne Turner– Rural Water District 7, June 29, 2021  
See attached comments – Email – Travis Shockey – Electric utility, June 29, 2021

**Factors to be considered**

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Special Use Permit request:

1. Character of the neighborhood: The character of the neighborhood is rural; primarily rural residences, and agricultural uses.
2. Zoning and uses of nearby property: The surrounding properties are zoned RR-5, Rural Residential 5-acre minimum size parcels. The uses are rural residences and agricultural.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area suited for rural residences and agricultural use. The use is allowed with approval of a Special Use Permit but does not match the surrounding property uses.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area can be detrimentally affected by the additional traffic induced by the transportation of the boats.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will not affect public health, safety, and welfare. The proposed business will create an increase to economic development.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential (2.5-acre minimum). This use does not align with the Comprehensive Plan.
8. Staff recommendation is for the denial of the Special Use Permit.

<b><u>LOCATION</u></b>	
<b>Adjacent Residences</b>	Adjacent residences are rural uses. The adjacent properties range in size from 10 acres to 79 acres.
<b>Adjacent Zoning/Uses</b>	Zoning adjacent to the property is RR-5 and are used primarily as rural residences and agricultural uses.
<b>Density</b>	The area is not densely populated. There are approximately 9 dwelling units in the surrounding 1,000 feet.
<b>Nearby City Limits</b>	The city of Basehor is approximately 2.9 miles to the northeast of the property.
<b>Initial Growth Management Area</b>	The property is not located within an Urban Growth Management Area.

<b><u>IMPACT</u></b>	
<b>Noise Pollution</b>	This use will not cause prolonged noise pollution.
<b>Traffic</b>	The use will create additional traffic on days when the applicant is transporting vehicles to and from his property. The applicant will transport up to 100 boats

	twice per year to open and close the boating season. During two months of the year, the applicant will be transporting multiple boats a day.
<b>Lighting</b>	The applicant does not have lighting other than security lighting and is not requesting lighting.
<b>Outdoor Storage</b>	The applicant will store 50-100 boats during the off-season outside near an existing building.
<b>Parking</b>	The applicant has ample parking space.
<b>Visitors/Employees</b>	The applicant does not anticipate visitors or employees on the property.
<b>Waste</b>	The business generates vehicular waste. This waste is properly disposed of according to KDHE standards.

<b>SITE COMPATABILITY</b>	
<b>Size of Parcel</b>	The parcel is twenty (20) acres in size.
<b>Zoning of Parcel</b>	The parcel is zoned Rural Residential-5
<b>Buildings (Existing &amp; Proposed)</b>	The applicant has a shop on the property that is approximately 40x50. Tools and equipment for the business are stored in the shop
<b>Setbacks</b>	Existing building meet the required setbacks.
<b>Screening</b>	There is currently some screening of the area used for storage. The applicant has stated he intends to add to the existing cedar copse to block the view from 174 <sup>th</sup> Street.

### **History**

The applicant was found to be operating the boat storage business in late 2020 without a permit. The applicant started communication with the Planning and Zoning department about the need for a Special Use Permit after Staff notified the applicant of the requirement. The applicant submitted a complete application on June 4, 2021.

### **Staff Comments**

The applicant is requesting a special use permit for a Boat Storage and Repair Facility. This business would store 60-70 boats, typically pontoon boats, on site and then transport the boats to Lake Quivera in Johnson County. The applicant transports the boats twice a year, taking the boats to the lake to open the season and returning the boats to the property when the boating season has been completed. Generally, the applicant transports the boats to the lake in March and transports the boats from the lake to his property in October or November, depending on the year. The applicant stated that no customer visits the site and he has one part-time employee on to transport and repair the boats during the off-season.

As the use of this property does not match neither the Future Land Use Map in the Comprehensive Plan nor the surrounding uses, Staff recommends denial of this Special Use Permit.

---

### **ACTION OPTIONS:**

1. Approve Resolution 2021-37 (Case No. DEV-21-093) Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-37 (Case No. DEV-21-093) Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-37 (Case No. DEV-21-093) Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

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### **ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

**SPECIAL USE PERMIT APPLICATION**

Leavenworth County Planning Department  
300 Walnut, St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

Office Use Only

PID: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Township \_\_\_\_\_  
Planning Commission Date: \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_  
Comprehensive Plan land use designation \_\_\_\_\_

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>JEFF DUSSELIER</u>	NAME _____
ADDRESS <u>15829 174<sup>TH</sup> ST.</u>	ADDRESS _____
CITY/ST/ZIP <u>BONNER SPRINGS KS</u> <u>66012</u>	CITY/ST/ZIP _____
PHONE <u>913-238-6472</u>	PHONE _____
EMAIL <u>JMDUSSELIER@AOL.COM</u>	EMAIL _____
CONTACT PERSON <u>JEFF DUSSELIER</u>	CONTACT PERSON _____

**PROPOSED USE INFORMATION**

Existing and Proposed structures \_\_\_\_\_

Reason for requesting a Special Use Permit TEMPORARY OUTDOOR STORAGE ON  
1.5 ACRES OR LESS

**PROPERTY INFORMATION**

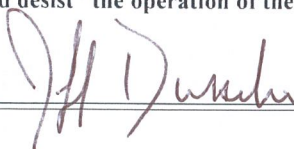
Address of property 15829 174<sup>TH</sup> ST. BONNER SPRINGS KS Parcel size 20 ACRES +/-

Current use of the property AGRICULTURE

Does the owner live on the property? YES

Does the applicant own property in states or counties other than Kansas and Leavenworth County? YES

I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature  Date DEC/25/20

**ATTACHMENT A**

Special use permit request at 15829 174<sup>th</sup> st for seasonal outdoor storage of boats and floating boat dock supplies on aprox 1.5 +/- acres of gravel parking and for seasonal boat repair using existing building.

Current use is and will remain agriculture with exception of area used for boat storage.

Hours of operation are from 7am to 7pm 7 days a week.

Approximately 60 – 70 boats to be stored.

All of the transporting and repair of the boats is done by myself and maybe 1 other person so additional traffic will be minimum and short term. Most of the boats have no trailers and I haul the boats on my trailer to be off loaded and stored for winter then return to lake in spring.

Traffic average will be 2 - 3 trips a day for 30 days in fall and 2 - 3 trips a day for 30 days in spring. Once again the additional traffic will be myself.

Visual impact will be kept to a minimum with extended distance from roadway and adjoining property. Additional measures to add trees and natural buffering to be put in place and to move boats further out from line of sight.

Access to storage will be through existing driveways.

No additional pollution will be created.

No displays or signage will be necessary at this time.

No additional chemicals will be used outside whatever is necessary for agriculture maintenance.

Any lubricants or oils that are generated will be recycled.

No additional sewage will be created.

Additional water use will be minimal.

Noise levels will not change.

No noticeable fumes or odors will be generated.

No additional lighting will be needed.

Equipment to be used will be a loader / tractor and - or forklift.

Route to be taken is south on 174<sup>th</sup> street out of driveway to K 32 Highway.

Personal property tax for the year to be paid to Leavenworth County by boat owners due to being stored there on January 1<sup>st</sup>.

Notes for Drawing – White indicates area to be used for storage, Black is access to storage area, Green is additional trees for buffer.











Laura Kelly, Governor  
Mark A. Burghart, Secretary  
[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

JEFFS MARINE LLC  
DBA as JEFFS MARINE LLC

**ISSUE DATE**  
05/20/2021

**TRANSACTION ID**  
TEFY-SNY6-3RJE

**CONFIRMATION NUMBER**  
CSJK-2A6X-787S

**TAX CLEARANCE VALID THROUGH 08/18/2021**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*





Leavenworth County  
Planning & Zoning Department  
300 Walnut, Suite 212  
Leavenworth, Kansas 66048

---

**To:** Krystal Voth  
Director

**From:** Kyle Anderson  
Environmental Tech/Code Enforcement

**Date:** June 29, 2021

**RE:** Jeff Dusselier  
**Case DEV-21-093, Special Use Permit**  
15829 174<sup>th</sup> St  
Bonner Springs, KS 66012  
PID# 189-29-0-00-00-010.01

Our department received a Special Use Permit application for a RV and boat storage facility located at the above listed location. In early December 2020 we received a complaint from a neighbor about the business operating. After a site visit to confirm, a letter was mailed out 12/7/2020 informing the owners that they needed a SUP. Several phone calls were made and emails were sent to get an application submitted. A complete application with payment was not received until 6/1/2021.

Thank you,

Kyle Anderson  
[kanderson@leavenworthcounty.gov](mailto:kanderson@leavenworthcounty.gov)

**From:** [Travis Shockey](#)  
**Sent:** Tuesday, June 29, 2021 10:54 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: Special Use Permit Review - Dusselier Boat Storage - DEV-21-093

---

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Josh,  
Evergy is fine with this.

Thanks

**Travis Shockey**  
Evergy  
TD Designer IV  
[Travis.Shockey@evergy.com](mailto:Travis.Shockey@evergy.com)  
O (913) 667-5122

---

**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Tuesday, June 29, 2021 10:23 AM  
**To:** Design Group Shawnee <DesignGroupShawnee@evergy.com>  
**Subject:** FW: Special Use Permit Review - Dusselier Boat Storage - DEV-21-093

Internal Use Only

Please see attached e-mail from Leavenworth County – thank you,

**Tyler Rebel**  
**Distribution Designer**  
Evergy  
[tyler.rebel@evergy.com](mailto:tyler.rebel@evergy.com)  
O: 913.758.2727  
[evergy.com](http://evergy.com)

---

**From:** Gentzler, Joshua <>  
**Sent:** Tuesday, June 29, 2021 9:43 AM  
**To:** Mark Bilquist ([stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)) <[stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)>; 'jalayne@leavenworthrwd7.com' <[jalayne@leavenworthrwd7.com](mailto:jalayne@leavenworthrwd7.com)>; Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Mitch Pleak <[MPleak@olsson.com](mailto:MPleak@olsson.com)>; Thorne, Eric <[ethorne@leavenworthcounty.gov](mailto:ethorne@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>  
**Subject:** Special Use Permit Review - Dusselier Boat Storage - DEV-21-093

**\*\*CAUTION: This email originated from outside of the Evergy network. Do not click links or open attachments unless you recognize the sender and know the content is safe\*\***

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Good morning,

The Department of Planning and Zoning has received an application for a Special Use Permit for a boat storage facility located at 15829 174<sup>th</sup> Street, Bonner Springs.

The Planning Staff would appreciate your written input in consideration of the above request. The application for review has been included with this email. Please review the attached information and forward any comments to us by Wednesday, July 7<sup>th</sup>.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [Jgentzler@LeavenworthCounty.gov](mailto:Jgentzler@LeavenworthCounty.gov).

Thank you,

Joshua Gentzler  
Planner II  
[Planning & Zoning](#)  
Leavenworth County  
913.684.0464

**From:** [jalayne leavenworthrwd7.com](mailto:jalayne.leavenworthrwd7.com)  
**Sent:** Tuesday, June 29, 2021 11:39 AM  
**To:** [Gentzler, Joshua](mailto:Gentzler,Joshua)  
**Subject:** Re: Special Use Permit Review - Dusselier Boat Storage - DEV-21-093

---

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Leavenworth Rural Water District No. has no issue with this special use permit.

Jalayne Turner  
Office Manager  
Leavenworth RWD7  
[jalayne@leavenworthrwd7.com](mailto:jalayne@leavenworthrwd7.com)  
913-441-1205

---

**From:** Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)>  
**Sent:** Tuesday, June 29, 2021 9:43 AM  
**To:** Mark Bilquist ([stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)) <[stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)>; jalayne leavenworthrwd7.com <[jalayne@leavenworthrwd7.com](mailto:jalayne@leavenworthrwd7.com)>; 'Tyler.rebel@evergy.com' <[Tyler.rebel@evergy.com](mailto:Tyler.rebel@evergy.com)>; Anderson, Kyle <[KAnderson@leavenworthcounty.gov](mailto:KAnderson@leavenworthcounty.gov)>; Anderson, Lauren <[LAnderson@leavenworthcounty.gov](mailto:LAnderson@leavenworthcounty.gov)>; Magaha, Chuck <[CMagaha@leavenworthcounty.gov](mailto:CMagaha@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Mitch Pleak <[MPleak@olsson.com](mailto:MPleak@olsson.com)>; Thorne, Eric <[ethorne@leavenworthcounty.gov](mailto:ethorne@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>

**Subject:** Special Use Permit Review - Dusselier Boat Storage - DEV-21-093

Good morning,

The Department of Planning and Zoning has received an application for a Special Use Permit for a boat storage facility located at 15829 174<sup>th</sup> Street, Bonner Springs.

The Planning Staff would appreciate your written input in consideration of the above request. The application for review has been included with this email. Please review the attached information and forward any comments to us by Wednesday, July 7<sup>th</sup>.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [Jgentzler@LeavenworthCounty.gov](mailto:Jgentzler@LeavenworthCounty.gov).

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464

**From:** [Anderson, Lauren](#)  
**Sent:** Tuesday, July 6, 2021 4:36 PM  
**To:** [Gentzler, Joshua](#); [Mitch Pleak](#)  
**Subject:** RE: Special Use Permit Review - Dusselier Boat Storage - DEV-21-093

---

Joshua,

There is a culvert with a weight limit of 15tons on 174<sup>th</sup> Street, north towards 24/40. Please confirm with the applicant that the boats/trailers do not exceed these weight limits. If they do, we will need to limit their available hauling routes.

Lauren

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Tuesday, June 29, 2021 9:43 AM  
**To:** Mark Bilquist (stfdchief1760@gmail.com) <stfdchief1760@gmail.com>; 'jalayne@leavenworthrd7.com' <jalayne@leavenworthrd7.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** Special Use Permit Review - Dusselier Boat Storage - DEV-21-093

Good morning,

The Department of Planning and Zoning has received an application for a Special Use Permit for a boat storage facility located at 15829 174<sup>th</sup> Street, Bonner Springs.

The Planning Staff would appreciate your written input in consideration of the above request. The application for review has been included with this email. Please review the attached information and forward any comments to us by Wednesday, July 7<sup>th</sup>.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [jgentzler@LeavenworthCounty.gov](mailto:jgentzler@LeavenworthCounty.gov).

Thank you,

**Joshua Gentzler**  
Planner II  
[Planning & Zoning](#)  
Leavenworth County  
913.684.0464

## **RESOLUTION 2021-037**

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Boat Storage Facility for Dusselier Boat Storage on the following described property:

A tract of land in the southeast quarter of Section 29, Township 11 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas more commonly known as 15829 174<sup>th</sup> Street.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 4<sup>th</sup> day of June, 2021, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 11<sup>th</sup> day of August, 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 1<sup>st</sup> day of September, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1<sup>st</sup> day of September, 2021, and incorporated herein by reference;

That Case No. DEV-21-093, Special Use Permit for Dusselier Boat Storage approved subject to the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 6 am to 7 pm, Monday through Saturday.
3. The SUP shall be limited to 2 employees.
4. Any boats stored on the property shall be screened with a 6-foot wooden privacy fence.
5. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. No on-street parking shall be allowed.
7. This SUP shall be limited to the Narrative submitted with this application, dated June 4, 2021.
8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered

to and copies shall be provided to the Planning and Zoning Department within 30 days.

Located in Section 29, Township 11 South, Range 22 East, also known as 15829 174<sup>th</sup> Street, parcel no. 189-29-0-00-00-010.01 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of September, 2021  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Michael Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Stieben, Member



**Leavenworth County  
Request for Board Action  
Resolution 2021-38  
Rezoning RR-5 to RR-2.5**

**Date:** September 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Krystal Voth, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Approve Resolution 2021-38, a request to rezone a tract of land located in the Southwest Quarter of Section 15, Township 12 South, Range 20 East from RR-5 to RR-2.5.

**Analysis:** The proposed rezoning is located to the northeast of the intersection of K32 and Interstate 70. The property is currently zoned as RR-5. The applicant is requesting approval of a rezoning from RR-5 to RR-2.5. The applicant is seeking to split the property in order to divide the subject and create a subdivision, similar to the High Prairie Pointe and Primrose Hill Estates subdivisions to the north of the subject. Should this parcel be further divided, all additional lots will be created with access via Ryan Drive to the north. There shall be no additional lots accessing the easement the property has with the Kansas Turnpike Authority.

The parcel is within an area marked as Residential on the Future Land Use map. The applicant's request matches the Future Land Use map. Staff is generally supportive of the request.

**Recommendation:** The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-106, Rezoning from RR-5 to RR-2.5 subject to conditions.

**Alternatives:**

1. Approve Resolution 2021-38 (Case No. DEV-21-106), Rezoning from RR-5 to RR-2.5, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-38 (Case No. DEV-21-106), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-38 (Case No. DEV-21-106), Rezoning from RR-5 to RR-2.5, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

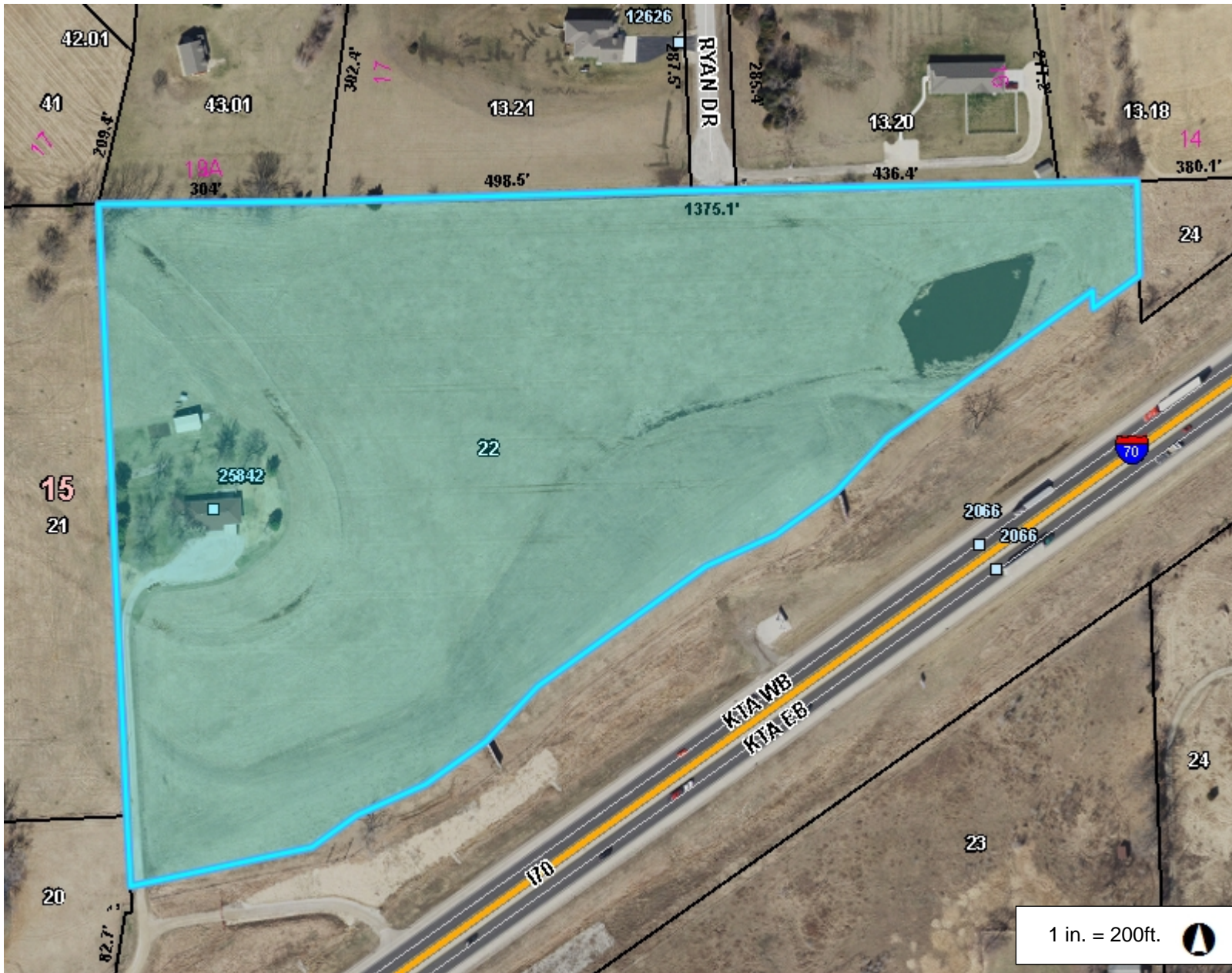
**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

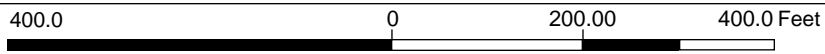
# DEV-21-106 RZ Northrop



### Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⋮ City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 200ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

**Resolution 2021-38  
Case No. DEV-21-106  
Rezoning RR-5 to RR-2.5**

**Staff Report – Board of County Commissioners**

**September 1, 2021**

**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Larry Northrop  
25800 Linwood Road  
Lawrence, KS 66044

**Agent:** Herring Surveying Company  
315 N. 5<sup>th</sup> Street  
Leavenworth, KS 66048

**Legal Description:** A tract of land in the Southeast Quarter of Section 15, Township 12 South, Range 20 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Location:** 25800 Linwood Road

**Parcel Size:** ± 18 acres

**Zoning/Land Use:** RR-5, Rural Residential 5-acre minimum size parcels

**Comprehensive Plan:** This parcel is within the Residential land use category.

**Parcel ID No.:** 215-15-0-00-00-022.00

**Planner:** Joshua Gentzler

---

**REPORT:**

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend denial of Case No. DEV-21-106, Rezoning from RR-5 to RR-2.5.

**Request**

The applicant is requesting to rezone a parcel of land from RR-5 to RR-2.5.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 2.8 acres to 33.5 acres in size.

**Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0300G July 16, 2015.

**Utilities/Services**

Sewer: Private septic system  
Fire: Reno  
Water: RWD 10  
Electric: Evergy

**Access/Streets**

The property is accessed by Linwood Road/Kansas Highway 32. This road is a State Highway with a paved surface ± 32' wide. Should this parcel be further divided, all additional lots will be added with access only through Ryan Drive to the north. There shall be no additional lots accessing the easement the property has with the Kansas Turnpike Authority.

### **Agency Comments**

See attached comments – Memo – Kyle Anderson – Planning and Zoning, June 29, 2021

See attached comments – Memo – Lauren Anderson – Public Works, July 5, 2021

See attached comments – Memo – Gary Bennet – Rural Water District 10, June 29, 2021

### **Factors to be considered**

The following factors are to be considered by the Planning Commission and the Board of County Commission when approving or disapproving this Rezoning request:

1. Character of the neighborhood: The character of the neighborhood is rural residential. There is a 22-lot subdivision immediately north of the property.
2. Zoning and uses of nearby property: The properties to the East, South, and West of the subject are zoned RR-5, Rural Residential 5-acre minimum size parcels. The properties to the North of the subject are zoned RR-2.5, Rural Residential 2.5-acre minimum. The uses are rural residences and agricultural use.
3. Suitability of the property for the uses to which it has been restricted: The property is within an area which is appropriate for rural residence and agricultural uses.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: The area will not likely be detrimentally affected. The area is suited for rural residential uses which includes single family homes on 2.5 acres of land.
5. Length of time the property has been vacant as zoned: The property is not vacant.
6. Relative gain to economic development, public health, safety and welfare: The proposed use will allow the property owner to divide their property and add to the economic development of the County through the creation of additional parcels.
7. Conformance to the Comprehensive Plan: The Future Land Use Map indicates this area as Residential.
8. Staff recommendation is for the approval of the rezoning request.

### **Staff Comments**

The proposed rezoning is located to the northeast of the intersection of K32 and Interstate 70. The property is currently zoned as RR-5. The applicant is requesting approval of a rezoning from RR-5 to RR-2.5. The applicant is seeking to split the property in order to divide the subject and create a subdivision, similar to the High Prairie Pointe and Primrose Hill Estates subdivisions to the north of the subject. Should this parcel be further divided, all additional lots will be created with access via Ryan Drive to the north. There shall be no additional lots accessing the easement the property has with the Kansas Turnpike Authority.

The parcel is within an area marked as Residential on the Future Land Use map. The applicant's request matches the Future Land Use map. Staff is generally supportive of the request.

---

### **ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-21-106, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact, or
2. Recommend denial of Case No. DEV-21-106, Rezoning from RR-5 to RR-2.5, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

---

### **ATTACHMENTS:**

Narrative  
Location/Aerial Maps  
Memorandums

**REZONING APPLICATION**

Leavenworth County Planning Department  
300 Walnut, St., Suite 212  
County Courthouse  
Leavenworth, Kansas 66048  
913-684-0465

Office Use Only

Township: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Planning Commission Date \_\_\_\_\_  
Case No. \_\_\_\_\_ Date Paid \_\_\_\_\_  
Zoning District \_\_\_\_\_ Comprehensive Plan Land Use Designation \_\_\_\_\_

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Larry Northrop</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>25800 Linwood Road</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Lawrence, KS 66044</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

**PROPOSED USE INFORMATION**

Proposed Land Use Rural Residential

Current Zoning RR-5 Requested Zoning RR-2.5

Reason for Requesting Rezoning Match existing zoning North of and adjacent to property.

**PROPERTY INFORMATION**

Address of Property 25800 Linwood Road

Parcel Size 18.3 Acres

Current use of the property AG and Rural Residential

Present Improvements or structures House and Barn

PID 215-15-0-00-00-022

I, the undersigned am the (*owner*), (*duly authorized agent*), (*Circle One*) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature \_\_\_\_\_ Date 6/23/21

**ATTACHMENT A**

**From:** [Anderson, Kyle](#)  
**Sent:** Tuesday, June 29, 2021 10:31 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: Rezoning Review - 25842 Linwood Road - DEV-21-106

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We have not received any complaints on this property.

Kyle Anderson  
Environmental Technician/Code Enforcement  
Leavenworth County Planning & Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
913-684-1084

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**From:** Gentzler, Joshua  
**Sent:** Tuesday, June 29, 2021 10:17 AM  
**To:** 'LTomeden@RTSD21.com' <LTomeden@RTSD21.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; 'Bennett9@embarqmail.com' <Bennett9@embarqmail.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** Rezoning Review - 25842 Linwood Road - DEV-21-106

Good morning,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 25842 Linwood Road, Lawrence.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, July 7<sup>th</sup>.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [JGentzler@LeavenworthCounty.Gov](mailto:JGentzler@LeavenworthCounty.Gov)

Thank you,

**Joshua Gentzler**  
Planner II  
[Planning & Zoning](#)  
Leavenworth County  
913.684.0464



**From:** [Gary Bennett](#)  
**Sent:** Tuesday, June 29, 2021 1:32 PM  
**To:** [Gentzler, Joshua](#); '[LTmeden@RTSD21.com](#)'; '[Tyler.rebel@evergy.com](#)'; [Anderson, Kyle](#); [Anderson, Lauren](#); [Magaha, Chuck](#); [Miller, Jamie](#); [Mitch Pleak](#); [Thorne, Eric](#); [Van Parys, David](#)  
**Subject:** Re: Rezoning Review - 25842 Linwood Road - DEV-21-106

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**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Leavenworth Rural Water District 10 does not have any objections to this rezoning request.

Gary Bennett

Business Manager

On 6/29/2021 10:16 AM, Gentzler, Joshua wrote:

Good morning,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 25842 Linwood Road, Lawrence.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, July 7<sup>th</sup>.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [JGentzler@LeavenworthCounty.Gov](mailto:JGentzler@LeavenworthCounty.Gov)

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0464



**From:** [Anderson, Lauren](#)  
**Sent:** Monday, July 5, 2021 8:25 PM  
**To:** [Gentzler, Joshua](#); [Mitch Pleak](#)  
**Cc:** [Noll, Bill](#)  
**Subject:** RE: Rezoning Review - 25842 Linwood Road - DEV-21-106

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Joshua,

This request meets the future land use plan within the Leavenworth County Comprehensive Plan and Public Works does not have any comment on the request.

Lauren

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**From:** Gentzler, Joshua  
**Sent:** Tuesday, June 29, 2021 10:17 AM  
**To:** 'LTmeden@RTSD21.com' <LTmeden@RTSD21.com>; 'Tyler.rebel@evergy.com' <Tyler.rebel@evergy.com>; 'Bennett9@embarqmail.com' <Bennett9@embarqmail.com>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Anderson, Lauren <LAnderson@leavenworthcounty.gov>; Magaha, Chuck <CMagaha@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Mitch Pleak <MPleak@olsson.com>; Thorne, Eric <ethorne@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Subject:** Rezoning Review - 25842 Linwood Road - DEV-21-106

Good morning,

The Department of Planning and Zoning has received an application for a Rezoning regarding a property at 25842 Linwood Road, Lawrence.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, July 7<sup>th</sup>.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [JGentzler@LeavenworthCounty.Gov](mailto:JGentzler@LeavenworthCounty.Gov)

Thank you,

**Joshua Gentzler**  
Planner II  
[Planning & Zoning](#)  
Leavenworth County  
913.684.0464

**RESOLUTION 2021-38**

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from RR-5 to RR-2.5 on the following described property:

A tract of land Southeast Quarter of Section 15, Township 12 South, Range 20 East of the 6th P.M, in Leavenworth County, Kansas more commonly known as 25800 Linwood Road.

WHEREAS, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 23<sup>rd</sup> day of June, 2021, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Rezoning on the 11<sup>th</sup> day of August, 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Rezoning be approved; and

WHEREAS, the Board of County Commissioners considered, in session on the 1<sup>th</sup> day of September, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

- 1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
- 2. Based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 1<sup>th</sup> day of September, 2021, and incorporated herein by reference;

That request for rezoning as described above, also known as 25800 Linwood Road, Parcel Identification Number 215-15-0-00-00-022.00, is hereby granted.

Adopted this 1<sup>th</sup> day of September, 2021  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Mike Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Stieben, Member

**Leavenworth County  
Request for Board Action  
Resolution 2021-39  
Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision  
Regulations – Article 19**

**Date:** September 1, 2021  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:**         Amy Allison, Reviewed        

**Additional Reviews as needed:**

**Budget Review  Administrator Review  Legal Review**

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**Action Requested:** Approve Resolution 2021-39, Proposed Amendments to the Leavenworth County Zoning and Subdivision Regulations – Article 19.

**Analysis:** This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. The proposed amendment is for the following: Article 19 – Table of Uses. The proposal allows for contractor’s yards in the B-3 and I-1 zoning districts, while remaining a Special Use Permit for Rural Residential zoning, clarifies that a Special Use Permit is needed for Distillation of Alcohol if conducting sales and services on site, and would allow Event Centers in the B-2 District and continue to require a Special Use Permit in the Rural Residential District.

**Recommendation:** The Planning Commission voted 6-0 (1 absence, 2 vacancies) to recommend approval of Case No. DEV-21-100 (Resolution 2021-39) Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 19.

**Alternatives:**

1. Approve Resolution 2021-39 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 19, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-39 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 19, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-39 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 19, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- X Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**  
\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

# Resolution 2021-39

## Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Table of Uses

Staff Report – Board of County Commissioners

September 1, 2021

**GENERAL INFORMATION:**

**Applicant:** Leavenworth County Planning and Zoning Department

**Planner:** Amy Allison

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 6-0 (1 absent, 2 vacancies) to recommend approval of Resolution 2021-39 (Case DEV-21-100), Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

**REQUEST:**

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the following Articles:

**Article – 19 Table of Uses**

Current Table of Uses includes:

S = Special Use Permit	R-2.5/5	R-1/ R-2/ R-3/ R-4 (One Fam/ Two Fam/ Apt)	B-1 Neighborhood Business	B-2 Limited Business	B-3 General Business	I-1 Limited Industry	I-2 Light Industry	I-3 Heavy Industry	PR-1/PR-2/PR-3 Planned Residential District	MXD Mixed Land Use	PC Planned Commercial	PI Planned Industrial
<b>A = Allowed Use</b>	Rural											
Contractor's yard (as defined in Article 3)	S				S	S	A	A				A
Distillation of alcohol from grain including mixing, bottling or retail sales	S		S	A	A	A	A	A		A	A	A
Event Center/Meeting Space or any enclosed building used for receptions, gatherings, meetings, or other social or business functions	S	S	S	S	A	A	A	A		A	A	A

**Proposed amendment:**

S = Special Use Permit	R-2.5/5	R-1/ R-2/ R-3/ R-4 (One Fam/ Two Fam/ Apt)	B-1 Neighborhood Business	B-2 Limited Business	B-3 General Business	I-1 Limited Industry	I-2 Light Industry	I-3 Heavy Industry	PR-1/PR-2/PR-3 Planned Residential District	MXD Mixed Land Use	PC Planned Commercial	PI Planned Industrial
<b>A = Allowed Use</b>	Rural											
Contractor's yard (as defined in Article 3)	S				A	A	A	A				A
Distillation of alcohol from grain including mixing, bottling if conducting retail sales on premises	S		S	A	A	A	A	A		A	A	A
Event Center/Meeting Space or any enclosed building used for receptions, gatherings, meetings, or other social or business functions	S	S	S	A	A	A	A	A		A	A	A

The proposed changes would allow contractor's yards in B-3 and I-1 zoning, while remaining a Special Use Permit for Rural Residential zoning. The proposed change clarifies that a Special Use Permit is only needed for the distillation of alcohol if conducting sales and services on site. Finally, the proposed change would allow Event Centers in B-2 zoning, while continuing to require a Special Use Permit in the Rural Residential zoning district.

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**ACTION OPTIONS:**

1. Approve Resolution 2021-39 (Case No. DEV-21-100) Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 19, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-39 (Case No. DEV-21-100) Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 19, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-39 (Case No. DEV-21-100) Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 19, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

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**ATTACHMENTS:**

Memorandums

**RESOLUTION 2021-39**

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article 19 – Table of Uses

S = Special Use Permit	R-2.5/5	R-1/ R-2/ R-3/ R-4 (One Fam/ Two Fam/ Apt)	B-1 Neighborhood Business	B-2 Limited Business	B-3 General Business	I-1 Limited Industry	I-2 Light Industry	I-3 Heavy Industry	PR-1/PR-2/PR-3 Planned Residential District	MXD Mixed Land Use	PC Planned Commercial	PI Planned Industrial
A = Allowed Use	Rural											
Contractor's yard (as defined in Article 3)	S				A	A	A	A				A
Distillation of alcohol from grain including mixing, bottling if conducting retail sales on premises	S		S	A	A	A	A	A		A	A	A
Event Center/Meeting Space or any enclosed building used for receptions, gatherings, meetings, or other social or business functions	S	S	S	A	A	A	A	A		A	A	A

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 5<sup>th</sup> day of August, 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 1<sup>st</sup> day of September, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1<sup>st</sup> day of September, 2021 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 1<sup>st</sup> day of September, 2021  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Mike Smith, Chairman

ATTEST

\_\_\_\_\_  
Jeff Culbertson, Member

\_\_\_\_\_  
Janet Klasinski

\_\_\_\_\_  
Vicky Kaaz, Member

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Doug Smith, Member

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Mike Stieben, Member



**Leavenworth County  
Request for Board Action  
Resolution 2021-40  
Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision  
Regulations – Article 3, 19 & 57**

**Date: September 1, 2021**  
**To: Board of County Commissioners**  
**From: Planning & Zoning Staff**

**Department Head Review:         Amy Allison, Reviewed**

**Additional Reviews as needed:**

**Budget Review  Administrator Review  Legal Review**



**Action Requested:** Approve Resolution 2021-40, Proposed Amendments to the Leavenworth County Zoning and Subdivision Regulations – Article 3, 19 & 57.

**Analysis:** This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. The proposed amendments are for the following:

Article 3 – Definitions – to add the following definitions – Renewable Energy Conversion System & Solar Energy Conversion System.

Article 19 – Table of Uses – Requires a Special Use Permit in Rural zoning districts and industrial zoning districts. Not allowed in multifamily, business planned residential, mixed use or planned commercial districts.

Article 57 – Renewable Energy Conversion Systems – Provides the framework and policy for allowance of solar farms with a Special Use Permit.

**Recommendation:** The Planning Commission voted 6-0 (1 absent, 2 vacancies) to recommend approval of Case No. DEV-21-116 (Resolution 2021-40) Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 19 & 57.

**Alternatives:**

1. Approve Resolution 2021-40 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 19 & 57, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-40 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 19 & 57, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-40 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 19 & 57, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- X Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**

\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

**Resolution 2021-40**  
**Proposed Amendment to the 2006 Leavenworth County Zoning and**  
**Subdivision Regulations – Solar Farms**

**Staff Report – Board of County Commissioners**

**September 1, 2021**

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**GENERAL INFORMATION:**

**Applicant:** Leavenworth County Planning and Zoning Department

**Planner:** Joshua Gentzler

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**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 6-0 (1 absent, 2 vacancies) to recommend approval of Resolution 2021-40 (Case DEV-21-116), Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

**REQUEST:**

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the following Articles:

Article 3 – Definitions – to add the following definitions – Renewable Energy Conversion System & Solar Energy Conversion System.

Article 19 – Table of Uses – Requires a Special Use Permit in Rural zoning districts and industrial zoning districts. Not allowed in multifamily, business planned residential, mixed use or planned commercial districts.

Article 57 – Renewable Energy Conversion Systems – Provides the framework and policy for allowance of solar farms with a Special Use Permit.

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-21-116, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Articles 3, 19 & 57.

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**ACTION OPTIONS:**

1. Approve Resolution 2021-40 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 19 & 57, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2021-40 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 19 & 57, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2021-40 Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations – Article 3, 19 & 57, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

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**ATTACHMENTS:**

Proposed Amendments

## Article 3 – Definitions

**Renewable Energy Conversion System:** A Solar Energy Conversion System or any other commercial system determined by the Director of Planning and Zoning to convert existing natural processes, systems, or power into electricity for commercial or wholesale sales. Also referred to as Renewable Energy Facility.

**Solar Energy Conversion System (SECS):** A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity via connection to a larger electrical network exclusive of individual use and includes all associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, as specified in the application.

## Article 19 – Table of Uses

S = Special Use Permit	R-2.5/5	R-1/ R-2/ R-3/ R-4	B-1	B-2	B-3	I-1	I-2	I-3	PR-1/PR-2/PR-3	MXD	PC	PI
A = Allowed Use	Rural	(One Fam/ Two Fam/ Apt)	Neighborhood Business	Limited Business	General Business	Limited Industry	Light Industry	Heavy Industry	Planned Residential District	Mixed Land Use	Planned Commercial	Planned Industrial
Renewable Energy Conversion System	S					S	S	S				S
Solar Energy Conversion System	S											

## Article 57 – Renewable Energy Conversion Systems

### Section 1. PURPOSE

The placement, permitting, and use of Renewable Energy Conversion Systems are subject to the requirements of this Article.

### Section 2. GENERAL REQUIREMENTS

The following requirements shall be applicable to all Renewable Energy Conversion Systems, unless superseded by the following Sections:

#### 1. General Regulations

- a. **Underground Lines.** On-site communication lines and power collection lines are to be installed underground. Above ground utility or power lines may be used only in public rights-of-way, easements or other legally dedicated land permitting such uses, or when conditions on-site are found to make installation of such lines or facilities impractical or infeasible, such as existing underground pipelines, utilities or high groundwater.
- b. **Fencing.** The facility shall be enclosed by perimeter fencing at least 8 feet tall to restrict unauthorized access. No outdoor storage of any materials or equipment is permitted.
- c. **Signage.** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other adjacent structure associated with a Renewable Energy Facility visible from any public street or adjacent property shall be prohibited.
- d. **Lighting.** No lighting over 15 feet in height shall be installed on a renewable energy facility unless approved as part of the Special Use Permit review process and is required by local, state or federal requirements. No light source greater than one foot-candle shall be directed off-site. Security or safety lighting and accessory structures shall be limited to the minimum necessary and full cutoff lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts. Lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.

- e. *Outside Agency Approval.* The applicant shall provide a list of all Local, State and Federal agencies requiring approval and a copy of such approval, including all required studies, reports and certifications. In the event that a State or Federal Agency has not yet approved a required study, report or certification, then the approval of the special use permit shall be subject to receipt of a copy of such approval, unless good cause is shown to the satisfaction of the Director of Planning and Zoning.
- f. *Socioeconomic & Environmental Impact.* The applicant shall provide an evaluation of potential impacts together with any plans and proposals for alleviating social and economic impacts upon local governments or special districts and alleviating environmental impacts which may result from the proposed facility.
- g. *Interference.* The renewable energy facility operation shall not interfere with radio, television, computer, or other electronic operations on abutting or nearby properties.
- h. *Compliance with Code.* Renewable energy facility installation shall conform to the National Electric Code, as updated from time to time.

## 2. *Permitting*

### a. *Special Use Permit.*

- 1. A pre-application meeting shall be required for all renewable energy facility applications.
- 2. A Special Use Permit shall be required for before the start of any construction of any renewable energy conversion system.
- 3. Upon final approval of the special use permit, construction shall begin within two years from the date of final approval; otherwise, the special use approval shall be deemed to be null and void unless an extension to begin construction is administratively approved by the County. The Director of Planning and Zoning is authorized to administratively grant a one-time, up to one-year extension for construction to begin. Extensions for more than one year require a public hearing and approval by the Leavenworth County Planning Commission.

### b. *Building Permit*

- 1. A building permit is required prior to construction of renewable energy facility.

## 3. *Site Plans.* For all renewable energy facilities, a site plan shall be submitted in compliance with the requirements provided by:

- a. Article 27 – Site Plan Approval;
- b. Any plans that are identified relative to a specific request for a Renewable Energy Conversion System may be included within the information required for consideration of the Special Use Permit; and
- c. Any additional information required by Article XX.

## 4. *Environmental plans.*

- a. The applicant shall provide information that addresses: stormwater drainage, soil erosion, sediment control, and will detail how same will be addressed, prevented or enhanced by grading, re-vegetation or other standard construction practices in accordance with the reclamation recommendations of the Leavenworth County Conservation District. Damage to existing vegetation shall be minimized. Land disturbance shall be minimized. Disturbed areas shall be reseeded in accordance with the reclamation recommendations of the Leavenworth County Conservation District. Weed control shall be maintained as directed by the Leavenworth County Noxious Weed Department.

- b. The applicant shall submit an Environmental Assessment to EPA standards that addresses the project's impact, if any, on: wildlife habitat; bird migration; the projects potential to cause bird and bat strikes or death; officially listed flora and fauna; and flood zones.

5. *Transfer of Ownership.*

- a. Whenever the renewable energy facility and/or property upon which the renewable energy facility is sited are transferred to new ownership, all requirements and responsibilities pertaining to the renewable energy facility are transferred to the new ownership.
- b. If the Special Use Permit is to be transferred from the renewable energy facility owner/operator to a different renewable energy facility owner/operator, said transfer must first be approved by the Board of County Commissioners. The first party shall inform the second party of all requirements of the Special Use Permit. The second party, or new holder, of the Special Use Permit shall meet all requirements of the Special Use Permit. The County Commissioners may direct the Planning Director, the Public Works Director, and/or a designated to field inspect the renewable energy facility to determine current compliance with required conditions. A transfer fee of \$1,000.00 shall be paid to the County to compensate for work related to the transfer.

6. *Insurance.*

- a. Applicant shall indemnify and hold County harmless from and against any and all claims, demands, suits, and losses to the extent arising out of, relating to or resulting from or in connection with the negligent action or omission of applicant or its contractors or assigns during the development, construction or operation of applicant's wind energy project located within Leavenworth County, Kansas. Notwithstanding the foregoing, in no event shall the applicant, its contractors or assigns (or any of their respective affiliates, members, shareholders, officers, directors, agents or employees) be liable for consequential, incidental, indirect, special, exemplary or punitive damages.
- b. During the construction phase of the project, applicant or its main contractor shall, at their own expense, maintain the following insurance policies:
  - 1. Commercial General Liability Insurance
  - 2. Commercial Automobile Liability Insurance
  - 3. Umbrella Excess Liability Insurance
  - 4. Workers' Compensation and Employer's Liability Insurance
- c. Additional insurance during the renewable energy facility operational period beyond property owners' or homeowners' coverage shall not be required.

7. *Development Agreement.*

- a. A Development Agreement between the developer and/or applicant and the County shall be written and accepted by the Board of County Commissioners before the Special Use Permit can be granted.

8. *Abandonment, Decommissioning, and Reclamation Plan.*

The applicant shall enter into a Decommissioning Agreement with the Board of County Commissioners upon the approval of the special use permit and before any construction begins for a renewable energy facility. Compliance with the plan shall, at all times, be a condition of the special use permit whether or not explicitly listed in any document reflecting the agreement. Decommissioning of the renewable energy facility must occur

in the event the facility does not generate electricity for nine (9) consecutive months, unless the Board approves a request to maintain the facility.

1. Abandonment.

1. A renewable energy facility shall be considered to be abandoned in the event the facility does not generate electricity for nine (9) consecutive months.
2. The Director of Planning and Zoning shall issue a Notice of Abandonment to the owner/operator of the facility. The owner/operator shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. The Director of Planning and Zoning may withdraw the Notice of Abandonment and notify the owner/operator that the notice has been withdrawn if the owner/operator provides sufficient information to demonstrate that the facility has not been abandoned which may include documentation or certification by the owner/operator of the local electric utility.

2. Decommissioning & Reclamation Plan

1. The plan shall describe the manner and cost in which the all facility improvements will be dismantled and removed from the site within 12 months of the abandonment or the end of the useful life of the renewable energy facility or of such improvement that shall require the removal of all above-ground components of the renewable energy facility.
2. The plan must ensure the site will be restored to a useful, nonhazardous condition without delay including:
  - i. Grading and seeding of the land after the removal of equipment; and
  - ii. Revegetation of restored soil areas with crops or native seed mixes, excluding any invasive species.
3. Concrete and other materials used in the construction of the site must be removed.
4. Following a continuous nine (9) month period in which no electricity is generated, or if substantial action on the project is discontinued for a period of nine (9) months, the permit will have one year to complete decommissioning of the facility. Decommissioning shall be completed in accordance with the approved decommissioning plan. The land owner or tenant must notify the county when the project is discontinued.
5. The plan shall include estimated decommissioning costs in current dollars and the method for ensuring that will be available for decommissioning and restoration. The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.

9. *Bond.*

The applicant shall obtain and deliver to the County either a bond or a similar financial instrument or establish an escrow account to ensure proper decommission and restoration of the site.

- a. Any bond or escrow account shall be calculated to be equal to the cost specified in the Decommissioning Agreement or at a rate of \$40,000 per acre of disturbed soil, whichever is greater.

## Section 2. SOLAR ENERGY CONVERSION SYSTEM REGULATIONS

1. *Standards*

The following standards apply to all Solar Energy Conversion Systems (SECS):

- a. *Height.* The SECS shall not exceed thirty-five feet (35') in height; provided, however, said height restriction shall not apply to substation facilities or transmission lines.



- b. *Setback.* All SECS structures shall be setback from the project boundary lines and public rights-of-way at least forty (40) feet. Additional setbacks may be required to mitigate site specific issues or to provide for access, road or commercial corridors.
- c. *Screening.* The SECS should be located to make maximum use of existing terrain, vegetation and structures to screen the Project from offsite views. To the greatest extent possible, SECS should be sited such that non-shading vegetation and/or existing structures are located between the facility and public and private viewpoints. Landscaping and/or screening may be required to help screen the SECS, at the discretion of the Director of Planning and Zoning.
- d. *Fire Risk.* The applicant shall identify the potential fire risk associated with the project, including both prescribed burning and nonprescribed burning.
- e. *Glare.* No SECS shall be placed such that concentrated solar glare casts onto adjacent properties or roadways.

## 2. *Application and Required Documents*

The applicant shall provide the following supplemental information with their Special Use Permit Application:

- a. Information shall be provided relative to the solar technology to be used (i.e. polycrystalline PV, monocrystalline PV, Cadmium Telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.); approximate number of solar modules/ panels; system mounting (i.e. fixed-tilt on flat roof, fixed-tilt groundmount, 1-axis tracking groundmount, etc.); the maximum height of the array from the ground or roof surface; the maximum height of any new utility poles; and power capacity of the system, in both DC and AC Watts where applicable; total acreage of array and acreage of total project; manner in which the project will connect (i.e. net meter to existing distribution line, to new distribution line, to transmission line); and, whether a new substation will be constructed. (If so, provide location and size).
- b. If a SECS is proposed to be placed within one (1) mile of any airport or airstrip as shown on the Airport and Airstrip Map incorporated herein by reference, the applicant shall provide acknowledgement of location approval from the Federal Aviation Administration prior to construction.
- c. The applicant shall provide a Solar Glare Hazard Analysis utilizing the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), or its equivalent, to evaluate the solar flare aviation hazard and potential impact on neighbors.
  - 1) If solar glare is predicted, the applicant shall provide mitigation measures to address the impacts of solar glare. Mitigation measures may include and are not limited to textured glass, anti-reflective coatings, screening, distance, and angling of solar PV modules in a manner that reduces glare to surrounding land uses of non-participating property owners.
- d. The applicant or developer shall meet with the appropriate department of public works, and/or Kansas Department of Transportation to determine what roads may be used as transportation routes for construction and maintenance, and shall provide a map of the route(s) to be used in Leavenworth County. No building or construction permit shall be issued until the applicant submits proof that appropriate permits and any required guarantees dealing with road damage or maintenance can be provided.

## 3. *Vesting of rights.*

- a. Construction for a SECS will be considered to have begun once the first array of solar panels has begun to be installed.

**RESOLUTION 2021-40**

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Articles 3, 19, 57 – Definitions, Table of Uses, & Renewable Energy Conversion Systems

1. Article 3 – Section 2, Item “Renewable Energy Conversion System”
2. Article 3 – Section 2, Item “Solar Energy Conversion System (SECS)”
3. Article 19, Item “Renewal Energy Conversion System”
4. Article 19, Item “Solar Energy Conversion System”
5. Article 57 – Renewable Energy Conversion Systems (New Article)

**Article 3 – Definitions**

Renewable Energy Conversion System: A Solar Energy Conversion System or any other commercial system determined by the Director of Planning and Zoning to convert existing natural processes, systems, or power into electricity for commercial or wholesale sales. Also referred to as Renewable Energy Facility.

Solar Energy Conversion System (SECS): A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity via connection to a larger electrical network exclusive of individual use and includes all associated support facilities including, but not limited to, roads, substations, operation and maintenance buildings, as specified in the application.

**Article 19 – Table of Uses**

S = Special Use Permit	R-2.5/5	R-1/ R-2/ R-3/ R-4 (One Fam/ Two Fam/ Apt)	B-1 Neighborhood Business	B-2 Limited Business	B-3 General Business	I-1 Limited Industry	I-2 Light Industry	I-3 Heavy Industry	PR-1/PR-2/PR-3 Planned Residential District	MXD Mixed Land Use	PC Planned Commercial	PI Planned Industrial
A = Allowed Use	Rural											
Renewable Energy Conversion System	S					S	S	S				S
Solar Energy Conversion System	S											

**Article 57 – Renewable Energy Conversion Systems**

Section 1. PURPOSE

The placement, permitting, and use of Renewable Energy Conversion Systems are subject to the requirements of this Article.

Section 2. GENERAL REQUIREMENTS

The following requirements shall be applicable to all Renewable Energy Conversion Systems, unless superseded by the following Sections:

1. *General Regulations*
  - a. *Underground Lines*. On-site communication lines and power collection lines are to be installed underground. Above ground utility or power lines may be used only in public rights-of-way, easements or other legally dedicated land permitting such uses, or when

conditions on-site are found to make installation of such lines or facilities impractical or infeasible, such as existing underground pipelines, utilities or high groundwater.

- b. *Fencing.* The facility shall be enclosed by perimeter fencing at least 8 feet tall to restrict unauthorized access. No outdoor storage of any materials or equipment is permitted.
- c. *Signage.* All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other adjacent structure associated with a Renewable Energy Facility visible from any public street or adjacent property shall be prohibited.
- d. *Lighting.* No lighting over 15 feet in height shall be installed on a renewable energy facility unless approved as part of the Special Use Permit review process and is required by local, state or federal requirements. No light source greater than one foot-candle shall be directed off-site. Security or safety lighting and accessory structures shall be limited to the minimum necessary and full cutoff lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts. Lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
- e. *Outside Agency Approval.* The applicant shall provide a list of all Local, State and Federal agencies requiring approval and a copy of such approval, including all required studies, reports and certifications. In the event that a State or Federal Agency has not yet approved a required study, report or certification, then the approval of the special use permit shall be subject to receipt of a copy of such approval, unless good cause is shown to the satisfaction of the Director of Planning and Zoning.
- f. *Socioeconomic & Environmental Impact.* The applicant shall provide an evaluation of potential impacts together with any plans and proposals for alleviating social and economic impacts upon local governments or special districts and alleviating environmental impacts which may result from the proposed facility.
- g. *Interference.* The renewable energy facility operation shall not interfere with radio, television, computer, or other electronic operations on abutting or nearby properties.
- h. *Compliance with Code.* Renewable energy facility installation shall conform to the National Electric Code, as updated from time to time.

## 2. *Permitting*

### a. *Special Use Permit.*

1. A pre-application meeting shall be required for all renewable energy facility applications.
2. A Special Use Permit shall be required for before the start of any construction of any renewable energy conversion system.
3. Upon final approval of the special use permit, construction shall begin within two years from the date of final approval; otherwise, the special use approval shall be deemed to be null and void unless an extension to begin construction is administratively approved by the County. The Director of Planning and Zoning is authorized to administratively grant a one-time, up to one-year extension for

construction to begin. Extensions for more than one year require a public hearing and approval by the Leavenworth County Planning Commission.

b. *Building Permit*

1. A building permit is required prior to construction of renewable energy facility.

3. *Site Plans.* For all renewable energy facilities, a site plan shall be submitted in compliance with the requirements provided by:

a. Article 27 – Site Plan Approval;

b. Any plans that are identified relative to a specific request for a Renewable Energy Conversion System may be included within the information required for consideration of the Special Use Permit; and

c. Any additional information required by Article 57.

4. *Environmental plans.*

a. The applicant shall provide information that addresses: stormwater drainage, soil erosion, sediment control, and will detail how same will be addressed, prevented or enhanced by grading, re-vegetation or other standard construction practices in accordance with the reclamation recommendations of the Leavenworth County Conservation District. Damage to existing vegetation shall be minimized. Land disturbance shall be minimized. Disturbed areas shall be reseeded in accordance with the reclamation recommendations of the Leavenworth County Conservation District. Weed control shall be maintained as directed by the Leavenworth County Noxious Weed Department.

b. The applicant shall submit an Environmental Assessment to EPA standards that addresses the project's impact, if any, on: wildlife habitat; bird migration; the projects potential to cause bird and bat strikes or death; officially listed flora and fauna; and flood zones.

5. *Transfer of Ownership.*

a. Whenever the renewable energy facility and/or property upon which the renewable energy facility is sited are transferred to new ownership, all requirements and responsibilities pertaining to the renewable energy facility are transferred to the new ownership.

b. If the Special Use Permit is to be transferred from the renewable energy facility owner/operator to a different renewable energy facility owner/operator, said transfer must first be approved by the Board of County Commissioners. The first party shall inform the second party of all requirements of the Special Use Permit. The second party, or new holder, of the Special Use Permit shall meet all requirements of the Special Use Permit. The County Commissioners may direct the Planning Director, the Public Works Director, and/or a designated to field inspect the renewable energy facility to determine current compliance with required conditions. A transfer fee of \$1,000.00 shall be paid to the County to compensate for work related to the transfer.

6. *Insurance.*

a. Applicant shall indemnify and hold County harmless from and against any and all claims, demands, suits, and losses to the extent arising out of, relating to or resulting from or in connection with the negligent action or omission of applicant or its contractors or assigns during the development, construction or operation of applicant's wind energy project located

within Leavenworth County, Kansas. Notwithstanding the foregoing, in no event shall the applicant, its contractors or assigns (or any of their respective affiliates, members, shareholders, officers, directors, agents or employees) be liable for consequential, incidental, indirect, special, exemplary or punitive damages.

- b. During the construction phase of the project, applicant or its main contractor shall, at their own expense, maintain the following insurance policies:
  1. Commercial General Liability Insurance
  2. Commercial Automobile Liability Insurance
  3. Umbrella Excess Liability Insurance
  4. Workers' Compensation and Employer's Liability Insurance
- c. Additional insurance during the renewable energy facility operational period beyond property owners' or homeowners' coverage shall not be required.

#### 7. *Development Agreement.*

- a. A Development Agreement between the developer and/or applicant and the County shall be written and accepted by the Board of County Commissioners before the Special Use Permit can be granted.

#### 8. *Abandonment, Decommissioning, and Reclamation Plan.*

The applicant shall enter into a Decommissioning Agreement with the Board of County Commissioners upon the approval of the special use permit and before any construction begins for a renewable energy facility. Compliance with the plan shall, at all times, be a condition of the special use permit whether or not explicitly listed in any document reflecting the agreement. Decommissioning of the renewable energy facility must occur in the event the facility does not generate electricity for nine (9) consecutive months, unless the Board approves a request to maintain the facility.

1. **Abandonment.**
  1. A renewable energy facility shall be considered to be abandoned in the event the facility does not generate electricity for nine (9) consecutive months.
  2. The Director of Planning and Zoning shall issue a Notice of Abandonment to the owner/operator of the facility. The owner/operator shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. The Director of Planning and Zoning may withdraw the Notice of Abandonment and notify the owner/operator that the notice has been withdrawn if the owner/operator provides sufficient information to demonstrate that the facility has not been abandoned which may include documentation or certification by the owner/operator of the local electric utility.
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  2. The plan must ensure the site will be restored to a useful, nonhazardous condition without delay including:

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3. *Vesting of rights.*

- a. Construction for a SECS will be considered to have begun once the first array of solar panels has begun to be installed.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 11<sup>th</sup> day of August, 2021; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 1<sup>st</sup> day of September, 2021, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1<sup>st</sup> day of September, 2021 and incorporated herein by reference;

That the amendments listed herein be approved:



Adopted this 1<sup>st</sup> day of September, 2021  
Board of County Commission  
Leavenworth, County, Kansas

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Mike Smith, Chairman

ATTEST

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Jeff Culbertson, Member

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Janet Klasinski

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Vicky Kaaz, Member

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Doug Smith, Member

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Mike Stieben, Member