

\*\*\*\*\*January 5, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Monday, January 5, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Bixby requested the agenda be amended reflecting the scheduled dates and times the Citizens for Progress will be holding meetings throughout the community promoting the One Cent Countywide Sales Tax Extension.

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the December 29, 2014 Session I meeting minutes as amended.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the December 29, 2014 Session II meeting minutes as amended.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to adjourn the BOCC session and convene as the Board of Health.*

*Motion passed, 3-0.*

Board of Health session began at 9:09 a.m.

Planning and Zoning indicated that Ms. Earlene Gillespie, owner of 16762 Springdale Road, Leavenworth, Kansas, 66048, has surface discharge of wastewater. Planning and Zoning serviced Ms. Gillespie with a notice to cease and desist demanding the discharge of wastewater shall be brought into compliance within the Leavenworth County Sanitary Code within five days.

Planning and Zoning went to inspect the property after five days to find that no progress or repairs have been made to the plumbing system on the property nor had the pipe excreting the wastewater been capped.

*A motion was made by Commissioner Bixby and seconded Commissioner Holland by that as the Board of Health declare the property located at 16762 Springdale Road, as a health hazard and that the owner caps the pipe and disconnect all plumbing fixtures contributing to the discharge of waste water on the subject property. The property owner shall bring the property into compliance with the Leavenworth County Sanitary Code immediately and that the county court authorities are contacted to rectify the problem.*

*Motion passed, 3-0.*

The BOCC adjourned as the Board of Health and reconvened as the County Commission.

Mr. Hurley and the County Counselor discussed the activities of the Citizens for Progress. Mr. Van Parys indicated a public notice of the Commissioners letter will be published in the local newspapers, on the county website, social media sites, and the County Clerk will be mailing the letter to all registered voters in the Leavenworth County.

Mr. Hurley reminded the BOCC of the legislative breakfast being held at June's Northland on January 6, indicating there would be at least four of Leavenworth County's Legislators in attendance.

Mr. Hurley indicated each city has by resolution or ordinance identified the areas or projects which they will spend the proceeds from the renewed sales tax. Some are generic and others are more specific by particular projects. Every city has taken action to identify their intended usage.

The BOCC has likewise adopted a resolution stating the specific purpose which is divided up as to those usages. Economic Development can include additional road projects that are crucial for economic development; it can also be used for infrastructure.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the OCB's and authorize the Chairman to sign and date the same.***

***Motion passed, 3-0.***

The Board adjourned at approximately 9:51 a.m.

\*\*\*\*\*January 8, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Thursday, January 8, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; Jeff Joseph, Planning and Zoning Director; John Richmeier, Leavenworth Times; Joe Herring, Resident.

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the January 5, 2015 meeting minutes as amended.***

***Motion passed, 3-0.***

Commissioner Bixby indicated KDOT is holding a public open house on Wednesday, January 14, and Thursday, January 15, to discuss the future of the Route 92 Centennial Bridge, and requested the open house events be added to the agenda for the week of January 12, 2015.

***A motion was made by Commissioner Bixby and second by Commissioner Holland to approve the agenda for the week of January 12, 2015 as amended.***

***Motion passed, 3-0.***

Planning and Zoning presented Case DEV-14-063 and Case DEV-14-064, consideration and application for the preliminary final plat for Theno Farms. The applicant, Mr. Joe Herring is requesting to divide one parcel into three separate parcels. Planning Commission and staff are recommending approval.

***A motion was made by Commissioner Holland seconded by Commissioner Graeber to approve the application for the preliminary final plat for Theno Farms.***

***Motion passed, 3-0.***

Mr. Joseph indicated Ms. Gillespie, owner of 16762 Springdale Road, Leavenworth, Kansas, 66048, has capped the pipe that had been excreting wastewater on the property. Planning and Zoning is working with Ms. Gillespie on making sure the plumbing system on the property has been fully repaired.

Mr. Van Parys indicated a public hearing regarding the demolition of the Prairie View Road home has been scheduled for January 22, 2015.

Mr. Van Parys also indicated the property at 16762 Springdale Road is an imminent health hazard regarding wastewater. He advised that the BOH can act on immediate basis and conduct a public hearing.

Commissioner Bixby recommended working with Representative Frownfelter on legal action dealing with dilapidated homes or building structures in Kansas Counties. Representative Frownfelter is preparing legislation dealing with this problem.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the OCB's and authorize the Chairman to sign and date the same.***

***Motion passed, 3-0.***

A motion was made by Commissioner Bixby to go into Executive Session for 5 minutes to discuss courthouse security.

Mr. Hurley advised that every public meeting the Citizens for Progress on the sales tax extension has been listed on the weekly agenda. He reported on final numbers for the 2014 sales tax distributions for the cities and county, showing a significant increase of about \$500,000.00 from 2013 to 2014. The county's share was about \$3 million from a total for 2014 approximately \$7.5 million.

The three Commissioners, Pat Hurley, and David Van Parys indicated they will be attending the LCDC Annual Meeting, Friday, January 16, 2015, that will be held at the Riverfront Community Center.

*At 9:55 a.m. Commissioner Graeber seconded Commissioner Bixby's original motion to go into Executive Session for 5 minutes to discuss courthouse security. Present: The three Commissioners, Pat Hurley, and David Van Parys.*

*Motion passed, 3-0.*

Commission returned from executive session at 10:00 a.m., no action was taken.

The Board adjourned at 10:01 a.m.

\*\*\*\*\*January 12, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Monday, January 12, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; Hallie Hughes, Executive Secretary; Mike Spickelmier, Director of Public Works; Mick Schwartzkopf, Assistant Director Public Works; Fran Keppler, Noxious Weed Supervisor; Trevor Huhn, Buildings and Ground Manager; Doug Smith, Road and Bridge Superintendent; Wayne Malnicof, County Surveyor; John Richmeier, Leavenworth Times; Louis Klemp, Resident.

PUBLIC COMMENT:

Mr. Klemp indicated in previous years the County Commissioners would take turns being the Chairman of the Board, and he hopes that the BOCC would consider following that practice so that each board member has an opportunity to be the Chairman.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the January 8, 2015 meeting minutes as amended.***

***Motion passed, 3-0.***

Public Works indicated Bridge E-20 (Cemetery Road South of Easton over Dawson Creek), is on schedule for construction in 2016.

Public Works reported that HP-25 (High Prairie Road 0.5 mi. east of 187th Street {CR-29}) and HP-10 & HP-17 (207th Street and Stranger Road) bridges are in the eminent domain litigation and awaiting the conclusion of that process.

Public Works indicated Bridge K-11 (Coffin Road) is near completion. Bridge K-14(CR #18 over Plum Creek) has been completed and is open for travel.

Public Works has been notified by KDOT that they have approved up to \$120,000.00 funding for Bridge SH-15 (Stillwell Road 0.25 miles east of 198<sup>th</sup> Street). KDOT wants to know if Leavenworth County is Committed to this share of the total cost, if not they will award the funding to another project in the state. Public Works will follow up with BOCC after further research on the property.

Building and Grounds presented a bid for approval by BOCC from Kaw Roofing in the amount of \$187,365.00, for a new roof at the Health Department that includes a 30 year warranty.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to award the replacement of the Health Department roof to Kaw Roofing and Sheet Metal, Inc., in the amount of \$187,365.00.***

***Motion passed, 3-0.***

Public Works requested approval to solicit bids for a salt dome foundation at the Tonganoxie Quarry. This structure would allow for the delivery of salt for a typical winter operation season in the summer. It will better enable accurate forecasting and purchasing in off season pricing and no longer be reliant upon winter delivery.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to authorize Public Works to proceed with bid solicitation for a salt dome foundation.***

***Motion passed, 3-0.***

Doug Smith indicated 377 street signs were stolen throughout the county in 2014; therefore it is difficult to file a report with the Sheriff's Department for further investigation.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to authorize the BOCC to sign the Annual Noxious Weed Eradication Progress Report 2014 to submit to the Kansas Department of Agriculture.***

***Motion passed, 3-0.***

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to authorize Public Works to solicit bids for the purchase of chemicals for resale to Leavenworth County residents.***

***Motion passed, 3-0.***

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to authorize the Chairman to resign the inmate labor contract between the County of Leavenworth and the Kansas Department of Corrections.***

***Motion passed, 3-0.***

Public Works requests approval of a salary study for mechanic and all Public Works employees.

Commissioner Bixby suggested contacting the KAC for such help with a pay survey.

Mr. Hurley indicated there are five members of the Commission Office who will be attending the LCDC Annual Meeting on Friday, January 16.

The BOCC adjourned SINE DIE at 10:07 a.m.

The BOCC Meeting reconvened at 10:38 a.m. for the Board to reorganize for 2015.

Now Present: David Van Parys, County Counselor; Jeff Joseph, Planning and Zoning Director; Todd Thompson, County Attorney; Nancy Theis, County Attorney Office Manager; Jamie Miller, EMS and Health Department Director; Diane Collins, Human Resources Director; Rhonda Berry, City and County Probation; Janet Klasinski, County Clerk; Janice Van Parys, County Treasurer; Stacy Driscoll, Register of Deeds; Sheriff Dedeker; Major Sherley; Bob Webber, County Appraiser; Chuck Magaha, Director of Emergency Management, and Jere Smith, Resident.

Judge King is now present and swore Commissioner Holland in as 1st District County Commissioner.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber that Commissioner Holland serves as temporary Chairman.***

***Motion passed, 3-0.***

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to appoint Commissioner Bixby as the Chairman for 2015.***

***Motion passed, 3-0.***

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland that the BOCC continue with the same meeting schedule in 2015 as in 2014.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to continue Leavenworth Times as the official newspaper contingent on the rates remaining the same.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to continue Commerce Bank as the official depository for 2015.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the proposed Bill Days as outlined in the Memorandum presented by the County Clerk.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland approving Commission Districts remaining as currently configured.*

*Motion passed, 3-0.*

Janet Klasinski, the County Clerk, indicated on July 17, 2014, a motion was passed approving a 1.5% salary increase for all members of Leavenworth County to include elected officials. This would take effect on the next payroll that HR implements.

Mr. Hurley indicated that he has been in contact with the Atchison County Commissioners and would like to schedule a meeting with them this month to discuss issues of common interest between the two counties.

Commissioner Bixby requested the meeting with Atchison County be scheduled for Monday, January 26, which is a regular Commission meeting day.

The Board adjourned at 10:56 a.m.

# ANNUAL NOXIOUS WEED ERADICATION PROGRESS REPORT 2014; as required by KSA 2-1316.

County: <b>Leavenworth County</b>
Noxious Weed Supervisor's Name: <b>Fran Keppler</b>

**Instructions:** Complete and sign form. Submit a copy to Kansas Department of Agriculture by **February 15, 2015**.

### NOXIOUS WEED DEPARTMENT PERSONNEL

Name	Job Title	% Time Spent on Noxious Weeds
Fran Keppler	Noxious Weed Supervisor	50%
Dennis Workman	Equipment Operator	50%
Kenneth Jeannin	Equipment Operator	50%

Monthly salary of the Noxious Weed Director beginning January 1, 2014      \$ 3,850

### FINANCIAL SUMMARY

#### BUDGET

Budget for 2014 .....	\$ 353,713.00
Mil levy for 2014 .....	0
County valuation for 2014 .....	577,855,946

#### EXPENDITURES

Personnel services .....		\$115,045.95
Contractual services .....		\$25,481.54
Commodities		
Chemical purchases .....	\$134,209.37	
Other commodities .....	\$ 37,576.22	
Total Commodities .....		\$ 171,785.59
Capital outlay/Depreciation .....		\$ 20,077.00
		<b>\$332,390.08</b>

#### REVENUE

Budgeted carryover (2012 to 2013) .....		0
County appropriation (Tax funds & others) .....		0
Current reimbursements		
Chemical .....	\$ 108,605.33	
Equipment & Labor .....	\$ 6,664.05	
Other .....	\$ 437.58	
Total reimbursements .....		\$115,706.97
Old accounts collected .....		\$ 0
<b>TOTAL REVENUE</b> .....		<b>\$ 115,706.97</b>
Carryover to next year's budget (2013 to 2014) .....		0



**CAPITAL OUTLAY FUND**

Beginning Balance ..... \$ 0

Receipts ..... \$0

Expenditures Identify Purchases:

	\$0

Ending Balance ..... **\$0**

TOTAL ESTIMATED ACREAGE OF NOXIOUS WEEDS							
	Private Lands	County Lands	Township Lands	State Lands	Federal Lands	City Gov. Lands	Total
Field Bindweed (FB)	1303.5						1303.5
Musk Thistle (MT)	1490						1,490
Johnsongrass (JG)	791.4			465.5			1,257
Bur Ragweed (BR)							
Canada Thistle (CT)							
Leafy Spurge (LS)							
Hoary Cress (HC)							
Sericea Lespedeza (SL)	140						140
Russian Knapweed (RK)							
<b>TOTAL</b>		0	0	46505	0	60	4,190.5

ESTIMATED ACREAGE OF NOXIOUS WEEDS ON PRIVATE LANDS SUB-SECTION										
	Wheat	Corn	Soybean	Grain Sorghum	CRP	Range Pasture	Other Crops	Fallow	Non-Ag.	Total
FB			465.5			838				1303.5
MT	140	233				512	605			1490
JG						698	93			791
BR										
CT										
LS										
HC										
SL						140				140
RK										
<b>TOTAL</b>										<b>3,724.5</b>

**Please check the county-option weeds declared noxious in your county:**

Multiflora Rose       Bull Thistle

**HERBICIDE DISBURSEMENT SUMMARY**

Chemical	Purchase Price	Cost Share Price	Total Disbursed in gal., #, oz., etc.
2,4-D Amine	\$12.96	\$9.72	3,544.5
2,4-D LV Ester	\$17.47	\$13.10	1,227.5
Glyphosate [Roundup, etc.]	\$16.00	\$12.00	927.5
Picloram [Grazon, Tordon, Outpost, etc.]	\$47.00	\$35.25	651
Aminopyralid [Milestone]	\$299.75	Not Offered	10
Triclopyr [Remedy, etc.]	\$47.00	\$35.25	244
Dicamba [Banvel, Overdrive, etc.]			
Pasturegard (Triclopyr+Fluroxypyr)	\$98.00	\$73.50	208
Metsulfuron-methyl [Escort, etc.]			
Imazapic [Plateau, etc.]			
Sulfosulfuron [Outrider, etc.]			
Imazapyr [Arsenal, etc.]			
Fluazifop-P-butyl (Fusion)	\$198.00	\$148.50	24

**ENFORCEMENT SUMMARY**

Warning Notices	3	Enforcement Comments: Due to the severity of thistle growth this season the General Notice was published in March in two local papers and again in June to help control the thistle population. One legal notice was issued and enforced by mechanical and chemical control by Leavenworth County Weed Department personnel.
Legal Notices	1	
Court Cases	0	
Diversion Agreements	0	
Accounts to Tax Roll	0	
Meetings Sponsored	0	
Demonstration Plots	0	
Weed Free Forage Inspection	0	
Publish General Notice	4	

**SIGNATURES**

We certify this is a correct copy of the Leavenworth County Noxious Weed Program for 2014.

We certify that Fran Keppler is employed as Leavenworth County Noxious Weed Director for 2015.

Robert W. Holland  
Chairman, Board of County Commissioners

1-12-15  
Date

County Commissioner  
[Signature]

\_\_\_\_\_  
Date

County Commissioner  
[Signature]

\_\_\_\_\_  
Date  
1/12/15

County Commissioner  
[Signature]

\_\_\_\_\_  
Date  
01/08/15

Noxious Weed Director

## AGREEMENT

This Agreement is entered into this 24th day of November, 2014, between the County of Leavenworth and the Kansas Department of Corrections through the Warden of Lansing Correctional Facility. The parties hereby agree as follows:

1. The Kansas Department of Corrections (KDOC) agrees to provide offenders assigned to Lansing Correctional Facility (LCF) to work for the County of Leavenworth. These offenders shall be provided for work on the County Maintenance project. Information on this project has been submitted to the Warden and is attached hereto as being descriptive of the nature and type of work performed.
2. Attached hereto and incorporated by reference is KDOC IMPP 10-125 entitled PROGRAMS AND SERVICES: Provisions for Use of Offender Labor for Community Service Work. Both parties agree to abide by the provisions set forth in this IMPP.
3. The County of Leavenworth certifies as follows:
  - a. The offender labor will not result in the displacement of any currently employed worker or position, including partial displacement.
  - b. The offender labor will not result in the impairment of existing contracts for services or collective bargaining agreements.
  - c. Offenders will not be used to fill a job opening of an individual on layoff from the same or any substantially equivalent job.
  - d. Offenders will not be used to fill a job opening of an individual who has been terminated from the same or any substantially equivalent job and the position remains unfilled.
  - e. Offenders may not be used on a project except to the extent that the cost of the project exceeds the funds available and budgeted for the project. The cost of the project for which inmate labor is requested is           . The funds available and budgeted for this project are           .
4. The County of Leavenworth acknowledges that it understands that the warden may withdraw some or all of the offenders from this project if such is determined to be in the best interests of the KDOC correctional facility/parole office, the Department of Corrections, the public and/or the offender.
5. It is the responsibility of County of Leavenworth to which an offender work crew is assigned, to immediately report any problems (poor offender work performance, violation of law or KDOC rules, other unusual activities) to the Warden/parole director. A written report of the offenders' work performance and conduct shall be submitted to the warden within two (2) weeks following completion or termination of the project.
6. The governmental agency or charitable organization and persons in charge of supervising offender work crews shall be notified concerning any problems that prevent an assigned offender from participating in a work project.
7. The governmental agency or charitable organization and persons in charge of supervising offender work crews shall consult with the warden when work activities require that offenders be in the proximity of areas where alcoholic beverages are available or served. Special precautions shall be taken to prevent access by offenders to alcoholic beverages and to members of the public who are indulging in the consumption of such beverages. If, in the determination of the warden, appropriate supervision cannot be provided the proposed use of offender work crews shall not be authorized.

8. Any citizen or employee of the cooperating authority observed engaging in unnecessary familiarity with offenders shall be immediately reported to the cooperating authority and the warden.
9. Inmates shall be prohibited from receiving or sending, either to or from any person, any message, verbal or written, or any literature or reading matter, except such as is necessary in transacting the business of the facility or the cooperating authority. Any effort by an inmate to coerce or influence any person to engage in such a communication shall be reported to the cooperating authority immediately by the supervisor and to the warden.
10. A supervisor assigned by the cooperating authority shall not in any way contact, communicate, or correspond with any offender or member of an offender's family, nor with any inmate correspondent or visitor, unless the supervisor's assigned duties require such contact or permission has been obtained from both the cooperating authority and the warden/parole director. If a supervisor of the cooperating authority is contacted while off duty by an offender, member of an offender's family, or an offender's visitor or correspondent, the supervisor shall immediately report this occurrence to the cooperating authority and the warden.
11. The warden shall reserve the right to discontinue the usage of offenders or to require the cooperating authority to discontinue the usage of a particular supervisor, for any reason, the supervisor becomes unacceptable to the warden.
12. Any deviations or exceptions to this agreement must receive prior written approval of the cooperating authority and of the warden/parole director or designee. Any such written deviations or exceptions shall become a permanent part of the record of the agreement between the facility and the cooperating authority.
13. At all times during the term of this Agreement the governmental agency or charitable organization shall be the agent of the Kansas Department of Corrections and the State of Kansas only for the purpose set forth at K.S.A. 75-52,116(a), i.e., maintaining physical custody of inmates assigned to the project work detail within extended limits of confinement as set forth in said statute. The governmental agency or charitable organization shall not be deemed to be the agent of the Secretary of Corrections or the State of Kansas for any other reason or purpose, and in no event shall be deemed to be the servant or employee of the Secretary, the Department, or the State of Kansas.
14. The governmental agency or charitable organization will indemnify and shall keep, save, and hold harmless the Secretary, the Department, and the State of Kansas from and against loss and any all claims, demands, causes of action, damages, costs or liability arising from or out of any allegation of or actual negligence, gross negligence, criminal negligence, willful or wanton misconduct, or intentional act or omission on the part of the governmental agency or charitable organization's employees, or disregard of proper or lawful instructions from Department. This provision shall remain in effect after the termination of this Agreement with respect to any matter arising from governmental agency or charitable organization's activities during the term of this Agreement. The governmental agency or charitable organization further agrees to make its personnel available to assist in the defense of any action arising from or involving governmental agency or charitable organization's activities during the term of this Agreement including actions filed after the termination of this Agreement without additional cost to the Department.

  
(Authorized Representative, Governmental  
Agency or Charitable Organization)

1-12-15  
(Date)

  
(Warden)

1/23/15  
(Date)

\*\*\*\*\*January 22, 2015\*\*\*\*\*  
Session I

The Board of County Commissioners met in Session I on Thursday, January 15, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; Larry Malbrough, I.S. Director; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Bixby changed the seventh paragraph on page two of the January 15 minutes be changed to read "Commissioner Bixby noted current signs indicate violators will be towed at owners expense."

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the January 15, 2015 meeting minutes as amended.***

***Motion passed, 3-0.***

***A motion was made by Commissioner Holland and second by Commissioner Graeber to approve the agenda for the week of January 26, 2015 as amended.***

***Motion passed, 3-0.***

Mr. Hurley indicated we are past due on appointing the Adult Community Corrections Advisory Board Members and the list of recommend reappointments was received from Community Corrections Director.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the reappointments of the recommended persons.***

***Motion passed 2-1, Commissioner Bixby Abstaining.***

Mr. Hurley requested the BOCC review two draft letters responding to the key elements of letters to the editor of the Leavenworth Times from opponents of the sales tax extension.

Mr. Van Parys recommended the BOCC consolidate into a single letter and submit it today.

Janet Klasinski is now present.

Ms. Klasinski reported that the Clerk's Office received 8,900 ballots on the Sales Tax election in the first three days. Ms. Klasinski advised that a little over 30% of the sales tax revenue collected in the county comes from people who live outside the county.

Mr. Van Parys indicated in October 2014 the BOCC approved Piper Jaffray to serve as a financial advisor for bonding under Sales Tax Extension. Mr. Van Parys requested that the BOCC authorize the Chairman to execute the agreement for their services.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the agreements between Piper Jaffray and Leavenworth County, Kansas, and authorize the Chairman to sign and date the same.***

***Motion passed, 3-0.***

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, David Van Parys. Executive session began at 9:35 a.m.*

*Motion passed, 3-0.*

Commission returned from executive session at 9:45 a.m., no action was taken.

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the OCB's and authorize the Chairman to sign and date the same.*

*Motion passed, 3-0.*

The Board adjourned Session I at approximately 9:47 a.m.

Final Approved

\*\*\*\*\*January 22, 2015\*\*\*\*\*  
Session II

The Board of County Commissioners met in Session II on Thursday, January 15, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; Larry Malbrough, I.S. Director; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Session II began at 9:47 a.m.

Mr. Hurley advised that John Forslund and Treanor Architects have met again with all of the potential occupants of the new annex building. Mr. Forslund believes that all of the departments moving into the new annex will now fit and will meet again with Treanor to get new cost estimate and then be prepared to present to the BOCC.

Commissioner Graeber indicated that the BOCC needs to hear from the KCATA by March 1, 2015, if they have intentions of purchasing the 4-H Property.

*A motion was made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, Roger Marrs. Executive session began at 10:05 a.m.  
Motion passed, 3-0.*

Commission returned from executive session at 10:15 a.m., no action was taken.

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to go back into Executive Session for 15 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, Roger Marrs. Executive session began at 10:16 a.m.  
Motion passed, 3-0.*

Commission returned from executive session at 10:31 a.m., no action was taken.

*A motion was made by Commissioner Holland seconded by Commissioner Graeber to approve a single letter written to the Editor of the Leavenworth Times for publication on the Sales Tax Extension.  
Motion passed, 3-0.*

The Board adjourned at 10:35 a.m.

\*\*\*\*\*January 26, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Monday, January 26, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; Denise Sullivan, K-State Extension Council; Karol Lohman, K-State Extension Council; Larry Malbrough, I.S. Director; Diane Collins, Director of Human Resources; John Richmeier, Leavenworth Times; Jerry Moore, Resident, Jere Smith, Resident.

PUBLIC COMMENT:

Karol Lohman with the Leavenworth County, K-State Extension Counsel presented the January 2015 Newsletter reviewing the K-State Extension Partnership meeting. During this meeting networking with other counties took place, leadership and development was reviewed, and the Counsel gained new tools for program development and opportunities. Jon Boone, a volunteer board member for the Leavenworth County Extension, accepted the K-State Extension Board Excellence Award in 2014.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the January 22, 2015 Session I meeting minutes.***

***Motion passed, 3-0.***

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the January 22, 2015 Session II meeting minutes.***

***Motion passed, 3-0.***

Commissioner Holland thought that Courthouse Security would be discussed in today's BOCC meeting but it was not on the agenda.

Mr. Van Parys indicated that the information provided to the County was not a proper subject for an Executive Session. The discussion of retention of a contractor should be in open session. The discussion of any report issued or by a contractor relating to Courthouse Security could be in Executive Session.

Commissioner Holland requested that the discussion be in open session and invited Larry Malbrough to give a briefing on the matter.

Commissioner Bixby indicated if the BOCC would like to discuss this further he would like to have an Executive Session for non-elected personnel for a period of 10 minutes.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss non-elected personnel. Present: The three Commissioners, Pat Hurley, David Van Parys. Executive session began at 9:20 a.m.***

***Motion passed, 3-0.***

Commission returned from executive session at 9:30 a.m., no action was taken.

Diane Collins, Director of Human Resources, indicated a 1.5% pay increase will be included in the Wednesday, January 28, payroll for all courthouse employees and elected officials. Ms. Collins requested confirmation whether "all elected officials" included the three Commissioners.



Commissioner Bixby indicated the 1.5% pay increase included the three Commissioners.

Commissioner Graeber and Commissioner Holland elected to sign a waiver to not be included in the 1.5% pay increase.

Mr. Hurley indicated the work session with the Atchison County Commissioners has been rescheduled for 10:30 a.m., Monday, February 2, 2015. There will be a briefing from the City of Leavenworth pertaining to the Ben Day Lofts project and the Zeck Ford development project is at for Thursday's meeting.. Planning and Zoning will present three cases on Thursday, one in which is the consideration of an amendment to Article 19, table of uses to the 2006 Leavenworth County Zoning and Subdivision Regulations.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber for approval of the bills that have been signed by the Commission.***

***Motion passed, 3-0.***

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the OCB's and authorize the Chairman to sign and date the same.***

***Motion passed, 3-0.***

The Board adjourned at 9:50 a.m.

\*\*\*\*\*January 29, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Thursday, January 29, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Jillian Ogden, Planning Coordinator; Jim Kraatz, Senior Planning Coordinator; Mick Schwartzkopf, Assistant Director Public Works; Sean Crittendon, Director of Leavenworth County Department of Juvenile Services; James Perry, Juvenile Services; Scott Miller, City Manager, City of Leavenworth; Chase Simmons, Polsinelli Law Firm; Ian McDonald, Polsinelli Law Firm; Janet Klasinski, Stacy Driscoll, Janice Van Parys; John Richmeier, Leavenworth Times.

Residents: Marta Cannon, Betty Perry, Lynn Looney, Chase Simmons, Ian McDonald, Karl Bardroff II, Dustin Bardroff, Connie Forge, Scott Miller, Steve Fruechtenicht, Susan Murphy, Don Murphy, Kerry Bardroff, Jennifer Kongs.

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the January 26, 2015 meeting minutes.***

***Motion passed, 3-0.***

Commissioner Bixby requested to schedule an Executive Session at 10:00 a.m., Thursday, February 5, regarding proprietary confidential information of third party.

***A motion was made by Commissioner Graeber and second by Commissioner Holland to approve the agenda for the week of February 2, 2015, as amended.***

***Motion passed, 3-0.***

Sean Crittendon, Director of Leavenworth County Department of Juvenile Services, presented a "Certificate of Appreciation" and thanked James Perry for the thirteen years of tremendous service he has provided to Leavenworth County. Mr. Perry will leave an imprint with the Department of Juvenile Services for some time.

Mr. Miller, City Manager of the City of Leavenworth, indicated rezoning has been completed for the Ben Day Elementary School known now as the Ben Day Lofts, to be renovated into a multi-family dwelling of 24 lofts. The City of Leavenworth indicates the Neighborhood Revitalization Plan is a feasible economic tool to implement property tax abatement for this project. The City Commission proposes a property tax rebate annually for ten years, at fifty percent of the property tax based on the increment and improvements. Currently the County receives \$513.00 in taxes for the Ben Day School, after renovations are complete; the county would receive fifty percent of the new increment. An interlocal agreement for ten years would be between the County, the City, and the School District. The City and the School District have approved the Neighborhood revitalization Plan.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the proposal for the Ben Day Lofts and the Neighborhood Revitalization Plan provided by the City of Leavenworth.***

***Motion passed, 3-0.***

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the OCB's and authorize the Chairman to sign and date the same.***

***Motion passed, 3-0.***

Chase Simmons with Polsinelli Law Firm, presented the Zeck Ford Development Project proposed Tax Increment Financing (TIF) Plan, which is an expansion of the current Zeck Ford, which is a major property and sales tax provider for the county. This will help Zeck further grow and expand within the next five years.

Mr. Mark Prisinger, Mayor of Leavenworth, testified in support of the TIF project. Indicating the amount of the increased property taxes gained by the City, will be invested in the TIF District, for the approved project. All for uses such as streets, aquasation of property, anything except vertical construction.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for the approval of the Tax Increment Financing Plan for the Zeck Ford Development Project presented by the City of Leavenworth.***

***Motion passed, 3-0.***

Planning and Zoning presented Case DEV-14-036, requesting approval of a Final Plat for a two lot subdivision. The proposed plat is a replat that would result in two conforming lots. The platted lots have been divided by deed and should have been divided by a replat.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the Final Plat to result in two compliant parcels.***

***Motion Passed, 3-0.***

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber for approval of the three additional bill books that have been signed by the Commission.***

***Motion passed, 3-0.***

Planning and Zoning presented Case DEV-14-076, and DEV-14-077, requesting approval of a Preliminary and Final Plat. Applicants Jennifer Kongs and Tyler Gill are to build a single-family residence on the property located on the north side of Linwood Road/K-32. The property must be brought into compliance with the Leavenworth County Zoning and Subdivision Regulations by platting the parcel. The applicants purchased the property from the previous owner, and were not aware the property was not in compliance. The current owners also request a waiver to not require a storm water drainage report for this subdivision.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the final plat for Tyler and Jennifer's playground and grant the waiver for the storm water drainage report.***

***Motion passed, 3-0.***

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland at 9:55 a.m. to take a 20 minute recess.***

***Motion passed, 3-0.***

Session reconvened at 10:15 a.m.

Planning and Zoning presented Case DEV-14-047, requesting to add a new category to Article 19 of the Leavenworth County Zoning and Subdivision Regulations for a truck hauling business. Currently, the use is not allowed in the County. This will allow it in Districts B-3 and I-1, I-2, and I-3 by right and allow it in Districts R-Rural, B-1, and B-2 under a Special Use Permit. The planning commission is recommending approval 7-2.

Commissioner Holland indicated while the proposal deals with heavy industry, light industry, limited industry, the zoning has a problem with is in a “rural residential zone”.

Commissioner Holland made a motion to approve the category in the proposed zones but prohibit it in rural residential

Commissioner Bixby indicated that a public hearing must be held before any motions, so Commissioner Holland withdrew his motion. Commissioner Bixby instructed that one proponent and one opponent would each have five minutes to provide for the hearing new information and each could have one minute for rebuttal.

Karl Bardroff, II, spoke in favor of the proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, indicating this will bring everyone in compliance that is hauling illegally throughout Leavenworth County Kansas. Mr. Bardroff presented a map of Leavenworth County provided by the GIS Department and Planning and Zoning, showing the amount of land zoned as “Rural Residential”. Mr. Bardroff indicated there are several farmers who haul for themselves and also haul for others. These people who are now hauling for other farmers and not for themselves are no longer covered under Agriculture, they are now hauling commercially and breaking the rules. If this is not passed for rural residential, then others would be in violation.

Don Murphy spoke opposing the proposed amendment to the table of uses, indicating if the new category of truck hauling business is approved, they would oppose approval of a Special Use Permit in the rural residential zone. He expressed a concern for safety and indicated the proposed amendment conflicts with Resolution 2009-50 when you look at the intent of the overall resolution.

In rebuttal, Mr. Bardroff indicated Planning and Zoning has looked into all of the avenues regarding this amendment, from speaking to DOT Officers to looking through handbooks, and in response Mr. Murphy comments on safety, a truck that is hauling commercially has to be DOT approved and abide by DOT regulations.

In rebuttal, Mr. Murphy indicated he had nothing further to say, as he previously stated, the neighborhood is protective of their rural residential neighborhoods, the regulations are very clear, and if we’re not careful we’re going to have more people violating those regulations and the County doesn’t need any more enforcement problems.

Commissioner Graeber indicated just because of the change to these rules and regulations doesn’t approve a Special Use Permit.

A motion was made by Commissioner Holland to prohibit truck hauling businesses in rural residential zones as there are other places for them to park and run their businesses.

Commissioner Graeber asked Commissioner Holland of his motion; was amending the proposal from Planning and Zoning.

Commissioner Holland indicated that was correct.

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations as presented.*

*Motion passed, 2-1 with Commissioner Holland voting nay.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve and execute Resolution 2015-02.*

*Motion passed, 2-1 with Commissioner Holland voting nay.*

The Board adjourned at 10:55 a.m.

Final Approved

RESOLUTION 2015 - 2

A resolution to amend the following Articles of the 2006 Zoning and Subdivision Regulations:

**Article 19 – Table of Uses**

To add a category for “Truck Hauling Business”

S = Special Use Permit	A = Allowed Use	R-Rural	R-1 One Fam	R-2 One Fam	R-3 Two Fam	R-4 Apt	B-1 Nghd Bus	B-2 Lim Bus	B-3 Genl Bus	I-1 Lim Ind	I-2 Lt Ind	I-3 Hvy Ind
Truck Hauling Business		S					S	S	A	A	A	A

**Article 3 –DEFINITIONS –** To add the following definitions:

**Commercial Vehicle:** Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer or pole trailer drawn by such motor vehicle, which vehicle is designed, used and maintained for hire, compensation, profit, or in the furtherance of commercial enterprise. Commercial vehicle shall not include any motor vehicle or motorized equipment used for agricultural purposes. Commercial vehicle shall not include any motor vehicle used exclusively for the purpose of transporting students to school or any school sanctioned event.

**Truck Hauling Business:** Commercial business pertaining to the parking, storage, and maintenance of commercial vehicles, trailers, and containers. Excludes the storage or redistribution of cargo or freight.

**Truck Terminal:** An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. Includes service of fuel, fuel oil, and repair of vehicles.

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 10<sup>th</sup> day of September, the 8<sup>th</sup> day of October, the 12<sup>th</sup> day of November, 2014 and the 14<sup>th</sup> day of January 2015.

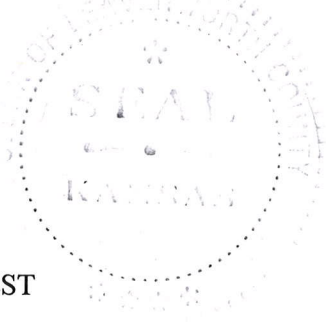
WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and,

WHEREAS, the Board of County Commissioners meeting in session on the 29<sup>th</sup> day of January, 2015, did consider the proposed amendment and 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 29<sup>th</sup> day of January, 2015, and incorporated herein by reference;

That the amendments listed herein be approved:



ATTEST

Janet Klasinski  
Janet Klasinski, County Clerk

Approved this 29<sup>th</sup> day of January, 2015  
Board of County Commissioners  
Leavenworth County, Kansas

Dennis Bixby  
Dennis Bixby, Chairman

Clyde D. Graeber  
Clyde D. Graeber, Member

Robert W. Holland  
Robert W. Holland, Member