

\*\*\*\*\*May 4, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Monday, May 4, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; Hallie Hughes, Executive Secretary; Andy Dedeker, Sheriff; Jeff Joseph, Planning and Zoning Director; Bob Weber, County Appraiser; Jeff Culbertson; Director of GIS; Megan Waters, Director of Community Corrections and Director of City County Probation; Louis Klemp, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

Mr. Klemp indicated he hopes the County would consider installing the standard curbs and gutters along County Road 34 (Eisenhower Road) when the design and construction begins.

Mike Spickelmier, Public Works Director, indicated there have been some instances where the County has installed curbs and gutters on a County Road. The City of Leavenworth proposed to the MidAmerican Regional Council a phasing proposal for Eisenhower Road before it was selected for MARC to help fund some of the project, and believes the proposal is valid. If Public Works is able to access federal money through MARC then there is potential for a continuation of the road section of how it exists now as part of the first phase through 20<sup>th</sup> Street.

Sheriff Dedeker publicly thanked the BOCC and Mr. Van Parys for their committed efforts to the passage of legislation regarding the definition of law enforcement officer for the purpose of eligibility under the KP&F Retirement System, rather than KPER's.

ADMINISTRATIVE BUSINESS:

*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, David Van Parys, Sheriff Dedeker, Mike Spickelmier, and Trevor Huhn. Executive session began at 9:24 a.m.*

*Motion passed, 3-0.*

Commission returned from executive session at 9:34 a.m., no action was taken in executive session.

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to terminate the agreement between Leavenworth County and Resources Services Solutions with respect to janitorial services, directing Public Works to identify and retain a temporary janitorial service provider prior to soliciting bids for services on a long-term basis, effective immediately.*

*Motion passed, 3-0.*

Bob Weber presented the quarterly report for the Appraiser's Office, indicating receiving only 280 informal appeals regarding change of value notices mailed on February 27. All results from the informal hearings will be mailed by May 20. Mr. Weber indicated the value on watercraft will drop approximately 57% and there will be a significant drop in oil and gas valuation this year. Mr. Weber indicated the field staff is currently working 158 building permits that were received through the first quarter, which is an increase from previous years, and could be inflated due to repairs resulting from damage from a hail storm last October in Northwest Leavenworth County.

Mr. Weber presented the scope of work report for Leavenworth County, which must be submitted to the Property Valuation Division. It describes the Appraiser's scope of work during the year, in compliance with the Uniform Standards of Professional Appraisal Practice.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the April 30, 2015 meeting minutes.***

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

Jeff Culbertson presented the quarterly report for GIS, indicating he attended the NG911 update meeting in Topeka to ensure we are ready for implementing NG911 in Leavenworth County. He indicated that everyone in the MARC region will have a toggle switch set up to be included in the Statewide NG911 program.

Mr. Culbertson indicated he worked with Emergency Management, CDC and Kansas Department of Agriculture on the Avian Flu by providing maps to the departments to locate the subject property and complete radius searches on about 6,000 parcels from the infected areas. The project was successful in eliminating the threat and the maps helped expedite the process to minimize the threat to county residents.

Mr. Culbertson indicated GIS worked with Planning and Zoning in checking all new FEMA 2015 proposed flood map changes. The Kansas Department of Agriculture incorporated all of the changes GIS described into the new maps.

Megan Waters presented the quarterly report for Adult Community Corrections and City County Probation. Ms. Waters indicated that the City County Probation supervises an average of 719 offenders a year. She indicated she plans to utilize the ASDAP account more to increase their services to the drug and alcohol related cases.

Ms. Waters indicated Adult Community Corrections is preparing to apply for a grant in the amount of \$20,000.00 for behavioral health with Department of Corrections. She indicated a portion of the grant was awarded to the department before, and the KDOC is accepting applications again.

Ms. Waters indicated Adult Community Corrections in collaboration with the Guidance Center is applying for another from the State for behavioral health, to start a probation liaison position working with treatment providers, family, community support, probation officers and offenders to help offenders be more accountable to their deadlines and goals.

Mr. Hurley presented an invoice from MARC in the amount of \$19,604.00, as the County's due for membership in MARC.

***Motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve payment of the MARC invoice in the amount of \$19,604.00.***

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

Mr. Van Parys indicated he will prepare a briefing report for the BOCC regarding the terms and conditions for Eisenhower Road, indicating the biggest concern may be the amount of right of way the county will have to acquire.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, and Roger Marrs. Executive session began at 10:24 a.m.***

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

Commission returned from executive session at 10:34 a.m., no action was taken.

The Board adjourned at 10:34 a.m.

Final Approved

\*\*\*\*\*May 7, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Thursday, May 7, 2015. Commissioner Holland and Commissioner Graeber are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Debbie Cox, Deputy County Clerk; Hallie Hughes, Executive Secretary; Andy Dedeker, Sheriff; Jeff Joseph, Planning and Zoning Director; Melissa Johnson, Code Enforcement Officer; Linda Lobb, Director of Council on Aging; Jamie Miller, Director of EMS and the Health Department; Pat Morey, EMS; John Richmeier, Leavenworth Times. Commissioner Bixby is absent.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for Commissioner Holland to serve as Chairman in the absence of Chairman Bixby.  
Motion passed, 2-0.***

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the May 4, 2015 meeting minutes.  
Motion passed, 2-0.***

***A motion was made by Commissioner Graeber and second by Commissioner Holland to approve the agenda for the week of May 11, 2015.  
Motion passed, 2-0.***

Commissioner Holland inquired if KOSS Construction will have a representative present at the May 11 BOCC meeting when requesting for an extension for their Temporary Special Use Permit.

Planning and Zoning Director, Jeff Joseph indicated a representative from KOSS Construction will be present and he has also requested a representative of KDOT be in attendance.

Commissioner Graeber indicated he will not be present at the May 11 BOCC meeting.

Mr. Hurley indicated one of the Atchison County Commissioners has been hospitalized and will confirm if the meeting is proceeding on May 12.

Planning and Zoning presented Case Number DEV-15-044, a request for an exception for a cul-de-sac in Hill Estates, a six lot subdivision. The project has been idle since 2006. First State Bank of Tonganoxie has obtained the land and would like to improve the existing cul-de-sac by approximately 50 feet to make the three east lots buildable. Mr. Joseph indicated First State Bank would build the road after the front lots in the subdivision have sold.

***A motion was made by Commissioner Graeber and second by Commissioner Holland to direct Planning and Zoning staff to create a temporary easement to allow for the extension of a cul-de-sac in Hill Estates Subdivision.  
Motion passed, 2-0.***

Mr. Van Parys advised that, two buffalo escaped a property near the City of Tonganoxie and were hit by a semi-truck. Mr. Van Parys contacted the Kansas Buffalo Association, and they are willing to take possession of the herd if the current owner will surrender the animals. Mr. Van Parys will contact the property owner.

Sheriff Dedeke indicated they were trying to contact the owners, who live in Shawnee.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to suspend the meeting as the Board of County Commissioners and convene as the Leavenworth County Board of Health.***

***Motion passed, 2-0.***

Board of Health session began at 9:19 a.m.

Planning and Zoning indicated that Ms. Hazel Cox, owner of 15072 Evans Road, Basehor, Kansas, 66007, is in violation of the Leavenworth County Sanitary Code after discovering that septic waste was exiting the house into a cinderblock septic tank that was not attached to a lateral field and septic waste was exiting the tank into a hand dug pit in the front yard.

Mr. Van Parys indicated the property owner did not appear capable of meeting the requirements previously set by the Leavenworth County Board of Health, and a septic hauler was hired to cap the line, pump out the effluent, and backfill the hole. The situation is no longer an imminent threat, but the dwelling remains uninhabitable. Mr. Van Parys indicated if the property is sold, the new owner would be required to install a proper septic system and have it inspected prior to moving in.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to ratify all actions taken by staff with respect to Case Number VIO-15-007, property located at, 15072 Evans Road, Basehor, Kansas, 66007, and place a \$996.50 lien against the property.***

***Motion passed, 2-0.***

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to adjourn as the Leavenworth County Board of Health and reconvene as the Board of County Commissioners.***

***Motion passed, 2-0.***

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss courthouse security. Present: The two Commissioners, Pat Hurley, David Van Parys, and Sheriff Dedeke. Executive session began at 9:28 a.m.***

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

Commission returned from executive session at 9:38 a.m., no official action was taken in executive session.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland authorizing the Sheriff to purchase and contract the installation of a new access control system for the Justice Center in the amount of \$58,084.00.***

***Motion passed, 2-0.***

Linda Lobb presented the quarterly report for the Council on Aging, indicating they are providing 252 meals each day to residents. Ms. Lobb has received information from the V.A. Hospital that the cost of meals will go up \$1.00, but Ms. Lobb does not feel they should increase the price for the clients, as the

Council on Aging receives multiple grants to help in the department to keep the meal costs at \$1.50 per meal.

Ms. Lobb requested approval to hire a part-time employee to help provide shopping services to seniors who are homebound or have physical disabilities. The closing of the Corner Pharmacy was problematic for many seniors no longer able to get their medication delivered to their home.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the reclassification of the I/OC Errand position into part-time errand position.***

***Motion passed, 2-0.***

Jamie Miller presented the quarterly reports for EMS and the Health Department. With the opening of the St. John's ER, there is on average four additional EMS calls a day which St. John's pays for. With the additional revenue EMS could afford an additional ambulance. Mr. Miller indicated the BOCC previously approved EMS to solicit for bids to replace ambulance 9119. Mr. Miller received two bids, one from ARV and Taylor Made Ambulance. He indicated the quote received from Taylor Made Ambulance was sufficiently low to allow together with depreciation EMS could purchase an additional ambulance to replace ambulance 9113, and would help EMS by not stretching their fleet out.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the purchase of two ambulances from Taylor Made Ambulance in the amount of \$266,570.00, replacing ambulances 9119 and 9113.***

***Motion passed, 2-0.***

Mr. Miller indicated the Health Department has hired a fulltime Registered Dietician for the WIC office which should increase the number of clients served.

Mr. Miller presented the Chief of Pharmacy contract for services required contract per the Health Department's grants. He indicated Mr. Van Parys added a clause to the contract so it can automatically renew annually unless terminated.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the contract for services of the Chief of Pharmacy and authorize the Chairman to sign and date the same.***

***Motion passed, 2-0.***

Mr. Van Parys indicated he has prepared a contract agreement for the new Human Resources Director.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to forward the contract to the newly selected Human Resources Director and have the chairman sign.***

***Motion passed, 2-0.***

Mr. Van Parys indicated the County previously initiated the process of determining the value of the transfer station property. The process was stopped but Mr. Van Parys suggests restarting the valuation process. He will review the file and brief the process next Thursday.

Mr. Van Parys indicated he has obtained the services of a realtor to list the 4-H property, and will discuss with the realtor what the initial listing price should be.

The Board adjourned at 10:30 a.m.

\*\*\*\*\*May 11, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Monday, May 11, 2015. Commissioner Holland and Commissioner Bixby are present. Commissioner Graeber is absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Jim Kraatz, Senior Planning Coordinator; Chuck Magaha, Director of Emergency Management; 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; Tammy Saldivar, Solid Waste Manager; Wayne Malnicof, County Surveyor; Robert Kennedy, Representative of KOSS Construction Company; John Richmeier, Leavenworth Times.

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Planning and Zoning presented Case Number DEV-14-044, an extension request for a Temporary Special Use Permit for a temporary concrete plant. The applicant, KOSS Construction, indicated they will not be completed with the US-73 Highway by May 31.

Robert Kennedy, representative of KOSS Construction, indicated that KOSS Construction has a crew finishing a job in about two weeks, and intends to have the crew begin prep work to the area before paving the shoulder. Mr. Kennedy anticipates paving to take about three weeks.

Commissioner Holland and Commissioner Bixby indicated concern of issuing an extension.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to renew the Temporary Special Use Permit for a temporary concrete plant for KOSS Construction Company until July 31, 2015.***

***Motion passed, 2-0.***

Chuck Magaha presented the quarterly report for Emergency Management indicating the Avian Flu outbreak was a large event for the County and State, indicating all departments involved worked very quickly together to quarantine the affected area and notify the public of the outbreak.

Mr. Magaha reported the current resolution on open burning; Resolution 2006-23 needed to be updated to reflect the changes in the Kansas Administrative Regulations. The new resolution will address the open burning of household trash and proper setbacks of such burning, indicating said container shall be located at least 100 feet from all property lines.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to rescind Resolution 2006-23 and approve Resolution 2015-12 to reflect the update of Kansas Administrative Regulations.***

***Motion passed, 2-0.***

Mr. Hurley indicated the Atchison County Commissioners requested to continue Tuesday's meeting and will notify the Commission of an available date.

Public Works presented their monthly report.

Bridge E-20 (Cemetery Road South of Easton over Dawson Creek), Public Works working on the right-of-way and the acquisition process and is on schedule for construction in 2016.

HP-25 (High Prairie Road east of 187th Street {CR-29}), KDOT will begin construction on May 20, and Public Works will approach the board with approval documents.

SH-15 (Stillwell Road east of 198th Street) is the bridge with partial KDOT funding for replacement. The County Surveyor has completed the surveys and Public Works will begin the engineering process.

Commissioner Bixby requested Public Works look into the cost of purchasing a railroad tanker car to use the modified structure to replace bridge SH-15. Counties in Western Kansas have had a lot of success with using very little money by using the modified structure when replacing a bridge.

Mike Spickelmier indicated Public Works is ready to begin the consultant selection process for the 147<sup>th</sup> Street (Parallel to Fairmount) project, and the Commissioner in whose district the project resides sits on the selection committee.

Buildings and Grounds indicated due to the recent termination of the janitorial contract, three part-time employees have been hired to clean the Courthouse and the Health Department. Trevor Huhn indicated an emergency basis cleaning contract has been signed with City Wide Maintenance Company to clean the Justice Center. David Van Parys is working with City Wide to write a contract for one year of services in the amount of \$4,840.03 per month for cleaning services, any add-on's such as toilet paper and paper towels will be invoiced separately.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve a one year janitorial contract for the Justice Center with City Wide upon completion of review by the County Counselor and signature of the Chairman.***

***Motion passed, 2-0.***

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to allow Buildings and Grounds to solicit bids for the replacement of the 1<sup>st</sup> Floor Justice Center carpet.***

***Motion passed, 2-0.***

Commission went into a 5 minute recess at 10:04 a.m.

Mr. Spickelmier suggested scheduling a work session to discuss Sewer District #3 and working up different options to resolve outstanding questions and concerns.

Commissioner Bixby requested Mr. Spickelmier schedule the work session for Sewer District #3 to include the three Commissioners, County Counselor, County Administrator, County Clerk, Trevor Huhn and himself.

Mr. Hurley indicated Waste Management has recently acquired Deffenbaugh Industries, and suggested scheduling a meeting to discuss the contract and its provisions, and the issue of delivery of trailers and the increased fees that are being passed on due to the fee's the City of Shawnee is charging the service provider.

Mick Schwartzkopf indicated Public Works is currently waiting on a permit from the State to continue working on the 207<sup>th</sup> Street PRP.



Wellness Committee member, Fran Keppler, indicated state employees who work for District Court and Court Services, have requested to be added to the Genesis discounted membership. She indicated state employees receive comprehensive wellness program through Health Net that includes rewards program, nurse line, health coaching, condition management, tobacco cessation, biometric screening, online wellness portal and wellness blog, and wellness resources.

Commissioner Bixby requested Ms. Keppler research the different programs included in Health Net for the State employees and report back to the BOCC.

Ms. Keppler suggested when the new Human Resources Director gets acclimated, that Human Resources take on both the Safety and Wellness Committees.

David Van Parys indicated he will present a briefing regarding the janitorial contract agreement with City Wide for services at the Justice Center. He also reported a box of personal belongings was taken out with the trash last week.

The Board adjourned at 10:40 a.m.

Final Approved

\*\*\*\*\*May 14, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Thursday, May 14, 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; Jim Kraatz, Senior Planning Coordinator; Larry Malbrough, I.S. Director; Sean Crittendon, Director of Leavenworth County Department of Juvenile Services; Mike Goetz, Resident; Eddy Goetz, Resident; Nancy English, KC Track Club; Raul Flores, KC Track Club; Tyler Miles, Miles Excavating, Inc.; Jane Breuer, Miles Excavating, Inc.; Eric Schaberg, MBA, Pfefferkorn and Baldrige Engineering LLC; Joe Herring, Herring Surveying Company; John Richmeier, Leavenworth Times.

**PUBLIC COMMENT:**

KC Track Club president, Nancy English, presented a \$5,000.00 check to the Leavenworth County Parks and Recreation Fund. The donation was made in appreciation of the support Leavenworth County has provided allowing the KC Track Club to use a section of Leavenworth County for their Brew-to-Brew race they have held the past 21 years, raising over \$400,000.00 for Cystic Fibrosis.

**ADMINISTRATIVE BUSINESS:**

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the May 7, 2015 meeting minutes.***

***Motion passed, 2-0, with Commissioner Bixby abstaining.***

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the May 11, 2015 meeting minutes, as amended.***

***Motion passed, 2-0, with Commissioner Graeber abstaining.***

***A motion was made by Commissioner Holland and second by Commissioner Graeber to approve the agenda for the week of May 18, 2015, as amended.***

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

Commissioner Graeber suggested Public Works attend Monday's BOCC Meeting.

Mr. Hurley indicated a work session will be scheduled for May 18, characterized as; Public Works Work Session, Sales Tax Projects.

Planning and Zoning presented Case Number DEV-15-045 for a Temporary Special Use Permit for a clean rubble landfill located at 18352 Shawnee Road, Leavenworth, Kansas. The applicant, Miles Excavating, Inc., will be using the property while completing the demolition and reconstruction of Metropolitan Avenue and would like to use the site as a landfill for the demolished materials.

Jim Kraatz indicated Miles Excavating has obtained a haul permit through Leavenworth County Public Works Department.

Commissioner Holland indicated the property has been used before as a clean rubble landfill.

Mike Goetz, indicated the property was used as a clean rubble landfill in the mid-90's by All Pro Construction, and at that time there were not any noise complaints. Mr. Goetz also indicated the same hauling route will be used as before.

Eddy Goetz, indicated he lives within proximity of 18352 Shawnee Road, and is not concerned about the noise level.

Tyler Miles, representative of Miles Excavating, indicated there will be ten to twelve trucks hauling rubble during the day and three to four trucks hauling throughout the evening. Mr. Miles indicated the company will have to haul materials throughout the evening hours because KDOT has requested they use precast pavement.

Eric Schaberg, Environmental Biologist, QCM-C, of Pfefferkorn and Baldrige Engineering, LLC, indicated that Miles Excavating is in the process of obtaining the NOI and Storm Water Pollution Prevention Plan, and proposed that Miles Excavating be allowed to dispose of the rubble on one acre, then once the NOI is approved, open up the landfill to two acres.

Mr. Van Parys indicated based upon condition number 11; the applicant is requested to obtain approval of a NOI and Storm Water Pollution Prevention Plan prior to commencement of grading operations for areas greater than one acre, total disturbed area, as required by the Kansas Department of Health and Environment, the Temporary Special Use Permit can be approved as long as it is contained within one acre, until they have the NOI and SWPPP to proceed.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Case Number DEV-15-045 the Temporary Special Use Permit for Miles Excavating Inc. limited to one acre until the NOI and SWPPP are approved and can then extend to the two acre site until October 31, 2015, subject to all conditions and modifications set forth by Planning and Zoning.***

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

Mr. Joseph presented the quarterly report for Planning and Zoning, indicating seeing an increase in requested building permits in unincorporated parts of the County. Single family houses have increased from last year. He indicated status letters are mailed upon request to individuals inquiring if a vacant parcel could be built on.

Larry Malbrough presented the quarterly report for Information Systems indicating a new wireless bridge to the County Annex and Shop has been completed. The performance at the County Shop has improved tremendously with the new equipment.

Commissioner Bixby suggested all departments within the County which have a Facebook account should share each other's posts. He also suggested that a message be posted on the County's Facebook page every few days to remind residents of County events and important features residents can find on the County website.

Mr. Malbrough suggested the BOCC consider having a designated public information officer for the County to publish news items on social media.

Commissioner Bixby requested Mr. Malbrough meet with the County Clerk to review and make a plan to better present the election results.

Mr. Van Parys indicated he was contacted by the director of the Guidance Center regarding an application the Guidance Center is making for financing a building project in Oskaloosa, Kansas, to provide services in Jefferson County. They are required to provide a letter from Leavenworth County. Mr. Van Parys has prepared a letter indicating the Guidance Center is the designated mental health center for Leavenworth

County as provided for by K.S.A. 19-4001, et. seq., and that county funding to the Guidance Center for fiscal year 2015 is \$105,550.00.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the letter prepared by the County Counselor and authorize the Chairman to sign.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland authorizing the County Counselor to proceed with filing a lien on the property located at 15072 Evans Road, Basehor, Kansas, 66007, for the remediation costs in the amount of \$996.50.***

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

Sean Crittendon presented the quarterly reports for Juvenile Services, indicating collaboration between administrative budgetary and legislative efforts to improve the juvenile justice for SFY16. Legislation was passed last year to develop a risk assessment tool when youth are coming into the system they are placed in the appropriate setting based on their level of risk, to offend or cause harm in the community. Mr. Crittendon indicated the evidence based practices indicate this is the most cost effective way to handle youth coming into the system.

Mr. Crittendon indicated Juvenile Services receives approximately \$600,000.00 through State Grant Funds for; Juvenile Intake and Assessment, Intensive Supervision, and Case Management. The County General Fund funds the Juvenile Detention in the amount of approximately \$600,000.00.

Commissioner Holland inquired why the County solely funds Juvenile Detention.

Mr. Hurley indicated the County used to have contracts with all of the school districts in Leavenworth County, except for Leavenworth School District. Over time because of budget constraints the other School Districts ceased contracting with the County except for Atchison School District.

Commissioner Graeber suggested Work Session to discuss the process for proceeding with the sales tax road projects.

Commissioner Bixby requested Mr. Van Parys, the County Clerk, and Public Works be present to discuss how the bond money will be applied.

Mr. Hurley indicated the items suggested by Commissioner Graeber and Commissioner Bixby will be discussed in Monday's Work Session with Public Works.

The Board adjourned at 10:50 a.m.

\*\*\*\*\*May 18, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Monday, May 18, 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; Janet Klasinski, County Clerk; Mike Spickelmier, Director of Public Works; Mick Schwartzkopf, Assistant Director Public Works; Philip Bleil, Resident; Mark Preisinger, Resident; Greg Kaaz, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

Philip Bleil, resident of the Kickapoo Township inquired when the work on the bridge at Plum Creek would be completed. He indicated pavement was removed and gravel was put in its place.

Mike Spickelmier, Public Works Director, indicated the project should be completed in the fall, the deterioration on the bridge was much worse than anticipated, it was filled with gravel, and asphalt will be put down as weather permits.

Janet Klasinski, County Clerk, indicated a mail ballot election scheduled for June 30, for Tonganoxie School District, USD 464, to raise their local option budget. Ms. Klasinski indicated all costs incurred will be reimbursed to the County by the School District.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the May 14, 2015 meeting minutes.  
Motion passed, 3-0.***

The Sales Tax Project Work Session commenced at 9:08 a.m.

County Counselor, David Van Parys, explained his memorandum of May 11, 2015, outlining the procedures to follow with the road projects of the February 2015 sales tax election. Under K.S.A. 12-187(g) in an approved sales tax election, you must specify the use of the sales tax proceeds. The BOCC followed the statute, identifying three specific road projects, together with the use of funds for secondary road projects, and a 20% residual use for economic development. He advised that Public Works has solicited proposals for consultants as project engineers and suggested that Public Works, ex officio members of the affected municipalities, and a member of the BOCC review the consulting proposals and make a selection.

Mr. Spickelmier suggested the three distinct road projects, 147th Street (Parallel to Fairmount), McIntyre Road (K-7 to K-5), Eisenhower Road to County Road 5, should require three separate construction consultants for the three separate projects proceeding at approximately the same time.

***A motion was made by Commissioner Holland to adopt the County Counselors Memorandum and give authority to the Public Works Department to move forward with consultants to get the projects started.***

Mr. Spickelmier indicated Public Works has solicited for qualification packets, and are in the process of reviewing the qualification packets. He anticipates consultant interviews for each of the projects will be conducted, and then the consultants will begin developing plans to be put out for bid.

Mark Preisinger, Leavenworth City Commissioner, indicated the BOCC came to the City wanting affirmation in support of the 20 year county-wide sales tax extension, with the understanding that Eisenhower Road would be completed as a full service road, including curbs and gutters.

Mr. Van Parys indicated there is currently an agreement between the City of Lansing, City of Leavenworth, and Leavenworth County with respect to Eisenhower Road, indicating upon completion of the road to applicable arterial curb and gutter standards that the then City will provide maintenance for that portion of the improved road.

Mr. Spickelmier indicated if the City of Lansing, City of Leavenworth, and Leavenworth County has a road plan for Eisenhower Road that meets the federal and MARC standards, and property acquisitions are worked out, there is a chance of receiving partial through MARC for and have the Eisenhower Road project.

Commissioner Bixby suggested waiting to discuss the projects with the consultants and if Eisenhower Road should have curb and gutter or if it can just be a paved road.

Mr. Preisinger indicated it would be a huge mistake not to move quickly on the Eisenhower Road and 147<sup>th</sup> Street projects, and that Eisenhower Road should be curbed and guttered.

Commissioner Holland indicated the ballot was presented and the citizens overwhelmingly approved these three road projects from the 20 year one cent sales tax, based on the assumption that the Eisenhower Road project would be completed to full standards.

***A motion was made by Commissioner Holland to instruct the Public Works Director to proceed with the County Counselor's memorandum, hire consultants to begin the three sales tax projects, and instruct the consultants that curb and gutter are required on Eisenhower Road.***

Commissioner Bixby indicated the BOCC can have curb and gutter as an option but would like to have the consultants break down the cost of curb and gutter verse paving.

Greg Kaaz, resident of Leavenworth County, indicated he believed the County was going to curb and gutter Eisenhower Road, and if the County felt differently, a meeting should have been held between the Cities and the County.

Mr. Van Parys indicated Commissioner Holland has a motion in the effect to direct Public Works to proceed on course using the memorandum as a guideline, with the first step being to select consultants and forward the proposals to the BOCC.

***Commissioner Graeber seconded Commissioner Holland's motion to proceed according to the Counselors memorandum including curb and gutter for the Eisenhower Road Project.***

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

Commissioner Graeber indicated a member of county staff had personal belongings thrown in the trash and has filed a claim of the values in the amount of \$593.00.

***A motion was made by Commissioner Graeber to reimburse the employee in the amount of \$593.00.***

Commissioner Bixby indicated did not feel all of the items were of the listed value.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to reimburse the employee in the amount not to exceed \$200.00.***

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

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 15 minutes to discuss non-elected personnel. Present: The three Commissioners and David Van Parys. Executive session began at 10:20 a.m.***

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

Commission returned from executive session early at 10:29 a.m., no official action was taken in executive session.

Mr. Hurley indicated City Wide Janitorial Services has agreed to the changes Mr. Van Parys has proposed regarding the janitorial contract. The janitorial contract is for the Justice Center and is a one year contract with options to extend and provisions for termination.

Commissioner Graeber indicated he and Commissioner Holland will be attending the EMS open house lunch on Thursday at Saint John Pavilion.

The Board adjourned at 10:32 a.m.

Final Approved

\*\*\*\*\*May 21, 2015\*\*\*\*\*

The Board of County Commissioners met in regular on Thursday, May 21, 2015. Commissioner Holland and Commissioner Graeber are present. Commissioner Bixby is absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; Steve Crossland, District Court Administrator; Lauren Kaaz, Resident; Jennifer Reed, Resident.

PUBLIC COMMENT:

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for Commissioner Holland to serve as Chairman in the absence of Chairman Bixby.  
Motion passed, 2-0.***

Jennifer Reed appeared under public comment and expressed concerns of the customer service she had received from the Treasurer's Office. Ms. Reed indicated she visited the Treasurer's Office to register her vehicle and was informed they do not complete title work after 4:30 p.m. and it is published information. Ms. Reed indicated she spoke to the clerk at the window, and then later, Tracy Weihe, Deputy County Treasurer, upon finishing up with the Treasurer's office Ms. Reed stepped away from the window, disappointed with the continued conversation between the Treasurer's staff regarding their disbelief that she was unaware of their hours of operation for vehicle registration. Ms. Reed indicated she left a message for a Commissioner to call her back because she felt from her experience with the Treasurer's Office the matter would have been handled inappropriately. Ms. Reed indicated the next day she went to register her vehicle and was informed she was remembered from the previous encounter.

Commissioner Holland apologized to Ms. Reed for the Treasurer and her staff. Commissioner Holland indicated the BOCC has received e-mails from the Treasurer indicating she runs her department as an elected official and the BOCC has no authority to talk to her subordinates while they are on the clock. He continued to apologize and indicated you are our boss; all of your tax dollars pay our salaries. Commissioner Holland suggested Ms. Reed contact her State Representative and Senator in the district she lives in to inform them of this situation.

Ms. Reed indicated she hopes the Treasurer reviews the BOCC minutes. If the BOCC is not at liberty to speak to the Treasurer's staff regarding the way her supportive staff speaks to their customers, they will not care anymore than your leadership. Ms. Reed indicated she is a voting resident will exercise her right to vote in the next election.

Commissioner Graeber indicated he is apologetic for the occurrence and would never support the service received. He indicated the Treasurer's Office is run by an elected official and the BOCC has to stay out.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the May 18, 2015 meeting minutes.  
Motion passed, 2-0.***

***A motion was made by Commissioner Graeber and second by Commissioner Holland to approve the agenda for the week of May 25, 2015, as amended.  
Motion passed, 2-0.***

Steve Crossland, Clerk of District Court answered questions from the BOCC regarding the County paying for registration fees, fuel, meals, and overnight lodging for court personnel who were state employees.



Mr. Crossland indicated the importance of the continued education and training for Court Service Officers at these conferences and that the County budgeted for these conferences.

Mr. Hurley indicated the Governor's Military Council is requesting the BOCC's continued support at the \$5,000.00 level. Mr. Hurley indicated the funding is to continue communication between the Council and the Department of the Army and Congress about matters that could positively or adversely impact Fort Leavenworth. It is an important time due to sequestration and reductions of the Department of the Army. The council is more important at these times than other years where Congress hasn't threatened to downsize military installations.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the distribution of funds from the County General Fund to the Governor's Military Council, in the amount of \$5,000.00.***

***Motion passed, 2-0.***

Commissioner Holland and Bixby will attend the MARC Board meetings next Tuesday. Commissioner Holland will attend the Leavenworth County Port Authority meeting on Wednesday.

Commissioner Graeber referenced a letter from Matthew Dedeke, Director of Facilities, USD 453, commending Chuck Magaha for the communication regarding the pending storms that were to take place during graduation.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the contract for janitorial services with City Wide Maintenance, Inc.***

***Motion passed, 2-0.***

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

***Motion passed, 2-0.***

The board recessed at approximately 9:45 a.m. to review bills for the remainder of the day.

\*\*\*\*\*May 28, 2015\*\*\*\*\*  
Session I

The Board of County Commissioners met in Session I on Thursday, May 28, 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; Janet Klasinski, County Clerk; Jeff Joseph, Planning and Zoning Director; Jillian Ogden, Planning Coordinator; Jim Kraatz, Senior Planning Coordinator; Krystal Davis, Planning Intern; Joe Herring, Herring Surveying Company; John Richmeier, Leavenworth Times.

Residents: Ann Rumsey, James Rumsey, Craig Seetin, David Downes, Julie Downes, Kathy Brown, Gerald Widener, Barbara Widener, Vicky Snyder, Sarah Kouns.

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

David Van Parys indicated Leavenworth County is a member of KERIT, Kansas Eastern Regional Insurance Trust, which provides the County's Worker's Compensation. Mr. Van Parys suggested with the upcoming retirement of Human Resources Director, Diane Collins, that the BOCC nominates and appoints incoming Human Resources Director, Tamara Copeland, as the primary KERIT Trustee.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to appoint Tamara Copeland as the County's KERIT Trustee.***

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

Mr. Van Parys indicated a case being presented by Planning and Zoning has a valid protest petition filed, indicating all three Commissioners would have to vote unanimously to approve the Special Use Permit.

Mr. Van Parys presented the modified County Administrator Employment Agreement to the BOCC.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the employment agreement and have the Chairman, County Clerk, and County Administrator sign and date the same.***

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

Commissioner Bixby suggested tabling the approval of the May 21, 2015 minutes until Monday, June 1.

Planning and Zoning presented Case Number DEV-15-029, requesting approval of a replat of Lots 1 and 20 of the High Prairie Pointe Subdivision and unplatted land for a three lot subdivision of a sixty-eight acre parcel, so the applicant can purchase additional land to construct a house on.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the recommendation of the Planning Commission regarding Case Number DEV-15-029 replat for High Prairie Pointe Subdivisions, Lots 1 and 20.***

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

Planning and Zoning presented Case Number DEV-15-033 and Case Number DEV-15-034, requesting approval of a preliminary and final plat for Bardwell Addition, of a two acre lot subdivision of a twenty-five acre parcel.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Cases Number DEV-15-033 & DEV-15-034, Preliminary and Final Plat for Bardwell Addition as presented.***

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

Planning and Zoning presented Case Number DEV-15-022, requesting a Special Use Permit for a kennel for the boarding of dogs. The applicant currently operates a business under Special Use Permit #10-004 at 24254 Dempsey Road, a nine acre parcel. The applicant would like to move her family and their business to 21918 227<sup>th</sup> Street, a forty acre parcel. Indicating a new barn will be constructed to hold up to fifteen (15) dogs at a time. Each dog will have access to an individual stall with interior and exterior space. The outdoor play area will be fully enclosed by a privacy fence.

The BOCC conducted a public hearing.

No one spoke in favor or in opposition and the public hearing was closed.

***A motion was made by Commissioner Graeber and Seconded by Commissioner Holland to approve Case No. DEV-15-022, the Special Use Permit for Happy Trails Kennel, LLC, subject to the recommended conditions.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve and execute Resolution 2015-13.***

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

Planning and Zoning presented Case Number DEV-15-025 requesting to rezone a tract of land located at 17559 Evans Road, Tonganoxie, Kansas, from RR-5, Rural Residential 5 acre minimum lots District to RR-2.5, Rural Residential 2.5 acre minimum lots District. Indicating the proposed rezoning would allow the continued development of smaller lot rural residential subdivisions. The rezoning of the property of RR-2.5 Zoning District would be in conformance with the Comprehensive Plan.

Planning Coordinator, Jim Kraatz, indicated the applicants own a thirty-six acre lot proposing a plat to include five 2.5 acre parcels and two parcels that are larger, and any further development would require a road by the property owners or developer.

The BOCC conducted a public hearing.

Joe Herring, of Herring Surveying Company, representing the property owners, spoke in favor, indicated the applicants have met all of the criteria required by Planning and Zoning, the roads are hard surfaced, a new waterline is being installed by Suburban Water, Inc., and approval of the Special Use Permit will promote development and growth in the area.

James Rumsey spoke in favor indicating many of the property owners who signed the protest petition reside on properties zoned as RR-2.5. The rezoning represents an additional two houses to the area, indicating it will not adversely affect the essential character of the community, nor will it overload the schools or roads as the petition states.

Craig Seetin spoke in opposition indicating the residents who signed the protest petition moved to the area to live in a rural part of the County. Mr. Seetin indicated he is concerned that the property values will go down with the potential of losing the rural surroundings and will have more traffic.

Victoria Snider spoke in opposition indicating her property is adjacent to the property in discussion and is concerned about lateral line from the septic systems as she has a pond and creeks on her property.

Deborah Seetin spoke in opposition indicating that the rural surroundings should be kept to 5 acre lots to continue with the rural setting.

Jerry Wagner spoke in opposition indicating he is concerned with the water runoff.

Planning and Zoning Director, Jeff Joseph, indicated when the staff reviewed the application it was reviewed under the Comprehensive Plan and looked at the adjacent areas.

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to deny Case Number DEV-15-025, the rezoning from RR-5, 5 acre minimum lots District to the rezoning of RR-2.5, 2.5 acre minimum lots District.*

*Motion passed, 3-0.*

The Board adjourned Session I at approximately 9:55 a.m.

\*\*\*\*\*May 28, 2015\*\*\*\*\*

Session II

The Board of County Commissioners met in Session II on Thursday, May 28, 2015. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; Roger Marrs, Deputy County Counselor; Hallie Hughes, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Melissa Johnson, Code Enforcement Officer, David Downes, Resident; Julie Downes, Resident; Kathy Brown, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

Session II began at 9:55 a.m.

***A motion was made by Commissioner Graeber and second by Commissioner Holland to approve the agenda for the week of June 1, 2015.***

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

***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.***

Julia Downes presented a historical timeline of approved Special Use Permits and non-approved events that have taken place at a property located on Cantrell Road. She indicated there is reason to believe the property owner is running a professional business for special events, with or without a Special Use Permit. Ms. Downes is concerned for her family, surrounding neighbors, people traveling on the road at all hours, and even for the safety of those participating in the events held on the property.

Kathy Brown indicated she resides at the property across the street from this residence, and upon first moving into the neighborhood and walking their property, she found the remains of a deceased horse with a saddle and blanket still strapped to the horse as it looked to have been dumped in the back of their field near a creek.

Mr. Joseph indicated that the property owner is in compliance with all of the building permits submitted thus far.

Commissioner Graeber suggested adopting a resolution limiting the number of Temporary Special Use Permits given to an applicant in a year.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland limiting the issuance of Temporary Special Use Permits to a single address, to no more than three permits per year.***

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

Mr. Hurley indicated he will schedule a meeting with the County Counselor, County Attorney, Sheriff Dedeke, and Planning and Zoning next week to review the PowerPoint presentation provided by Ms. Downes, and review the number of events that have occurred on this property within the last year.

ADMINISTRATIVE BUSINESS:

*A motion was made by Commissioner Holland and seconded by Commissioner Bixby to go into Executive Session for 30 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, Roger Marrs. Executive session began at 10:45 a.m.*

*Motion passed, 3-0.*

Commission returned from executive session at 11:15 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 30 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, Roger Marrs. Executive session began at 11:15 a.m.*

*Motion passed, 3-0.*

Commission returned from executive session at 11:45 a.m., no action was taken.

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to direct Deputy County Counselor, Roger Marrs, to pursue inquiry of financial improprieties and to represent the BOCC in legal action filed against the BOCC on Wednesday, May 27, 2015.*

*Motion passed, 3-0.*

*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, 2-1, with Commissioner Bixby abstaining.*

The Board adjourned at 11:53 a.m.