

*****July 2, 2015*****

The Board of County Commissioners met in regular on Thursday, July 2, 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; Chuck Magaha, Director of Emergency Management; Major Sherley; Wendy Dedeke, Communications Director; John Forslund, P.E.; Mayor David Breuer, City of Basehor; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

Mayor Breuer, City of Basehor, indicated a letter was sent to the BOCC and the County Administrator on July 25, 2014, regarding the city campus in Basehor, Kansas, offering for the county annex to be built at that particular location. He indicated the offer is still on the table, if the BOCC would wish to reconsider that again.

Commissioner Holland indicated the main reason for having the annex in Tonganoxie is it was suggested by the EMS Director to keep it in Tonganoxie because it is a centralized location for the ambulance to depart and answer calls.

Mayor Breuer indicated the annex could be worked into the City's plan with the 46 acre campus, and would appreciate any consideration.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the June 29, 2015 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Holland and second by Commissioner Graeber to approve the agenda for the week of July 6, 2015, as amended.

Motion passed, 3-0.

Mr. Hurley indicated Public Works will present their monthly report on Monday and will have road updates.

Chuck Magaha, Director of Emergency Management indicated medical dispatching is the first line of aid when responding to a medical call, and it is important that the dispatcher talk the caller through how to complete CPR and other medical needs until the first responder arrives to the scene. He indicated in previous years the County had a program similar to PowerPhone to help dispatchers assist callers, and due to funding the service was cut.

Wendy Dedeke, Communications Director of the Sheriff's Office, indicated Leavenworth County is the only county in the Kansas City Metro area that does not have a program similar to this. She indicated PowerPhone has additional programs to help assist the dispatchers in situations pertaining to law enforcement and fire assistance. Ms. Dedeke indicated the City of Leavenworth has been contacted, asking if they would be interested in participate in the funding and utilization of the program, but they are not interested at this time.

David Van Parys indicated the county could be held liable, but the level of training and communication would be reviewed prior to any liability issues being considered.

Major Sherley indicated the PowerPhone is not preliminary training; there will be continued training modules to be completed throughout the year with updated information. He also indicated the program is universally used in the MidAmerican Regional Council Region.

Mr. Magaha indicated there is \$43,000.00 in the 911 account and would have to request approval to spend an additional \$4,285.00 to fund the PowerPhone.

Commissioner Bixby requested the annual maintenance fee in the amount of \$5,000.00 for PowerPhone be included in the 2016 Budget.

A motion was made by Commissioner Graeber to approve the PowerPhone Emergency Medical Dispatching System for Leavenworth County in the amount of \$47,285.00, and come up with the additional \$4,285.00 funding needed, subject to counsels approval.

Mr. Van Parys asked to review the proposed contract for PowerPhone.

Motion seconded by Commissioner Bixby.

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

John Forslund indicated Treanor Architect has increased the design fees due to additional development of necessary documents, coordinating designs with their subcontractors, and attending extra meetings and conferences. Mr. Forslund indicated after analyzing the architect's position on an increase in the design effort was negotiated for a compromise of a total fee of \$50,000.00. He indicated additional funding in the amount of \$10,500.00 will be necessary to finalize the extra effort needed to develop the bid documents.

Mr. Van Parys requested the discussion be tabled until Monday so he could discuss the increased fee with Mr. Forslund.

Mr. Van Parys indicated he received and distributed an e-mail from Scott Anglemyer regarding the Workforce Partnership Board. He requested the BOCC to write down any concerns regarding the Workforce Partnership. Mr. Van Parys indicated he will compare the concerns with the Counsel of Johnson County and the Unified Government. He indicated the partnership will accept public comments until July 20, 2015.

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.

Commission went into a 5 minute recess at 9:55 a.m.

Session reconvened at 10:00 a.m.

Commissioner Bixby indicated there have been ten applicants for the BOCC executive Secretary position, and six applicants met the qualifications. He indicated Tamara Copeland reviewed the applications and scored them accordingly, and the BOCC will interview the top three applicants. Commissioner Bixby indicated Ms. Copeland did an exceptional job reviewing and presenting the applicants qualifications to the BOCC.

A motion was made by Commissioner Holland and seconded Graber to go into Executive Session for 5 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, and David Van Parys. Executive Session began at 10:10 a.m.

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

Mr. Van Parys indicated he had reviewed the contract with Treanor Architects with Mr. Forslund, indicating the proposed change order and fees would be appropriate, and Mr. Forslund did an excellent job negotiating the design increase fees down to \$10,500.00 and recommended approval of a total architect fee of \$50,000.00.

A motion was made by Commissioner Graber and seconded by Commissioner Holland to accept the recommendation of Mr. Van Parys and agree to pay the additional design fee to Treanor Architect and approve the total fee of \$50,000.00

Motion passed, 3-0.

Mr. Van Parys indicated he will have a report regarding the PowerPhone emergency medical dispatching program Monday.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 30 minutes to discuss non-elected personnel. Present: The three Commissioners, Pat Hurley, Tamara Copeland, Janet Klasinski, and applicant for a county position. Executive session began at 10:20 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:40 a.m., no action was taken.

The Board adjourned at 10:40 a.m.

*****July 6, 2015*****

The Board of County Commissioners met in regular on Monday, July 6, 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; Stacy Driscoll, Register of Deeds; Janet Klasinski, County Clerk; Mike Spickelmier, Director of Public Works; Mick Schwartzkopf, Assistant Director Public Works; Trevor Huhn, Buildings and Ground Manager; Doug Smith, Road and Bridge Superintendent; Tammy Saldivar, Solid Waste Manager; John Matthews, Resident; Jere Smith, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the July 2, 2015 meeting minutes, as amended.

Motion passed, 3-0.

Stacy Driscoll, Register of Deeds, has worked with Larry Malbrough to publish the Property Fraud Alert information on the County website. Ms. Driscoll indicated once a property owner has enrolled their property in the program they will be alerted by phone or e-mail of any document recorded against their property in the Office of The Register of Deeds. She indicated a request had been made to post the information on social media.

Janet Klasinski, County Clerk, indicated Tonganoxie USD 464, conducted a mail ballot election held on June 30, 2015, to increase the Local Option Budget. She indicated 5,964 ballots were distributed, 2,291 ballots were counted, for a 39% voter turnout. The question asked was not adopted.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to certify the USD 464 election as the Board of Canvassers.

Motion passed, 3-0.

Ms. Klasinski advised the 9:30 a.m. executive session has been cancelled.

Mr. Hurley indicated Public Works was available to move their monthly report up to 9:30 a.m.

Commissioner Bixby requested a proclamation to honor Dr. Phil Stevens who passed away last week after celebrating his 60th year of practicing medicine. Commissioner Bixby indicated Dr. Stevens; passing is a huge loss for southern Leavenworth County and Tonganoxie.

Mr. Hurley will prepare a proclamation for Commissioner's signature.

Commissioner Holland will attend the LCDC Board Meeting this Thursday.

Public Works presented their monthly report.

Mick Schwartzkopf indicated real property valuations for road projects receiving State or Federal funding must be approved by the governing body of the BOCC.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 5 minutes to discuss real property acquisition. Present: The three Commissioners, Pat Hurley, Mike Spickelmier, Mick Schwartzkopf, Doug Smith. Executive session began at 9:29 a.m.

Motion passed, 3-0.

Commission returned from executive session at 9:34 a.m.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to accept the personal property reports provided by Public Works.

Motion passed, 3-0.

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

HP-10 and HP-17 Bridge Replacement (207th Street and Stranger Road), Public Works is working on relocating the utilities for construction in 2016.

HP-25 (High Prairie Road east of 187th Street {CR-29}), the road will be closed a week from today to begin construction. KDOT has assigned 95 days to complete this project.

SH-15 (Stillwell Road east of 198th Street) is the bridge with partial KDOT funding for replacement. Public Works is completing some civil engineering to proceed with the project.

K-7/US73 Reconstruction detour has been placed and the contractor has been working.

Mike Spickelmier indicated the 147th Street fee proposal has been received from the engineering consultant and will meet with David Van Parys to prepare a briefing report for the BOCC.

Buildings and Grounds solicited bids for replacing the carpet on the first floor of the Justice Center. Under the Leavenworth County purchasing policy, Seifert's Flooring, Inc., is within the 5% rate, and recommended accepting their bid in the amount of \$17,391.00.

Mr. Spickelmier indicated Leavenworth City will be invoiced their share of the cost since the first floor common area is used by both City and County.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the bid of Seifert's Flooring, Inc. in the amount of \$17,391.00 for the replacement of the carpeting in common areas of the first Floor Justice Center.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Public Works to solicit for bids to purchase winter de-icing salt for the upcoming winter.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to authorize Public Works to solicit for bids for metal culvert pipes.

Motion passed, 3-0.

Doug Smith reported in the month of June, sixty signs were stolen in the Fairmount, Stranger, Reno, and Sherman townships.

Mr. Spickelmier indicated it cost about \$100.00 to replace a sign considering time, material, and labor. He requested approval to prepare a briefing to post on social media informing taxpayers of the theft occurring in the county and the estimated cost to replace each sign.

Mr. Spickelmier indicated Noxious Weeds is currently operating within budget, and will likely amend the budget in the fall.

Commissioner Holland indicated receiving a call from a concerned resident who indicated their road was not mowed last summer and hasn't been mowed yet this summer.

Mr. Smith indicated Noxious Weed mows all year long, weather permitting.

Tammy Saldivar, Solid Waste Manager, recommended hold the County-Wide clean-up again in October, and will begin coordinating volunteers.

Mr. Spickelmier indicated he is waiting on written communications regarding the fiber optic cables before continuing with the 207th Street PRP project. If Public Works accidentally damaged the cable while applying chip-seal it could cost the County millions of dollars to repair. Mr. Spickelmier suggested the BOCC allow Public Works to apply dust control on 207th Street while waiting for a response regarding the fiber optic cables, and begin preparing the PRP for 171st Street and Gillman Road.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to recess pending the arrival of the applicant for a county position.

Motion passed, 3-0.

Session reconvened at 10:46 a.m.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to go into Executive Session for 30 minutes to discuss non-elected personnel. Present: The three Commissioners, Pat Hurley, Tamara Copeland, Janet Klasinski, and applicant for a county position. Executive session began at 10:47 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:17 a.m., no action was taken.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to return to Executive Session for 10 minutes to discuss non-elected personnel. Present: The three Commissioners, Pat Hurley, Tamara Copeland, Janet Klasinski, and applicant for a county position. Executive session began at 11:18 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:27 a.m., no action was taken.

The Board suspended the meeting 11:27 a.m. to meet at 3:00 p.m. to sign the proclamation honoring Dr. Stevens and to conduct a 5 minute executive session.

The Board reconvened at 3:00 p.m. and approved the Proclamation and adjourned.

*****July 9, 2015*****

The Board of County Commissioners met in regular on Thursday, July 9, 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; Mike Spickelmier, Director of Public Works; Mick Schwartzkopf, Assistant Director of Public Works; Tim Vandall, City of Lansing; Michelle Abernathy, Genesis Health Club; Michelle Cooper, Genesis Health Club; Sarah Dunkle, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

Michelle Abernathy and Michelle Cooper of Genesis Health Club indicated Genesis appreciates Leavenworth County's involvement in wanting to promote healthy living within the workplace by authorizing an employee discount and promoting fitness challenges throughout the year. Ms. Abernathy indicated members of Genesis Health Club will be present in the courthouse next week to enroll employees who currently do not have a gym membership and answer questions. She also indicated Genesis will host a corporate T-Bones game for all county employees on Friday, July 24.

Commissioner Bixby indicated speaking with Senator Fitzgerald regarding the legislation exempting health clubs from property taxes. He indicated in 2019 non-profit health clubs will begin paying property tax so there will no longer be a need for Genesis to seek tax exempt status.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the July 6, 2015 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Holland and second by Commissioner Graeber to approve the agenda for the week of July 13, 2015, as amended.

Motion passed, 3-0.

Tim Vandall, the new City Administrator of the City of Lansing, introduced himself to the BOCC informing the Commission that he looks forward to working with the County.

Mick Schwartzkopf, Assistant Director of Public Works, announced Public Works has received all of the easements on 171st and Gillman Road and is looking for approval from the BOCC to accept the easements and record them. He indicated AT&T has fiber optic phone lines that will be affected by the project. Public Works will work with AT&T to temporarily relocate the utilities to complete the project then permanently bury the utilities.

A motion was made by Commissioner Graeber seconded by Commissioner Holland to allow Public Works to move forward with accepting the easements.

Motion passed, 3-0.

Commissioner Holland indicated Duane Becker inquired about the Special Use Permit he received for the underground storage of used tires, indicating he had been aware that a \$50,000.00 bond for a haul route permit from the Public Works Department was required.

Commissioner Bixby requested we invite Mr. Becker, Public Works, and Planning and Zoning to attend Thursday, July 16, meeting to discuss the issue.

*****July 13, 2015*****

The Board of County Commissioners met in regular on Monday, July 13, 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; Tamara Copeland, Human Resources Director; Roger Marrs, Deputy County Counselor; Mick Schwartzkopf, Assistant Director of Public Works; Kevin Fowler, Attorney; John Matthews, Resident; Paul Runnels, Resident; Carol Hall, Resident; Vicki Lozenski, Resident; Matthew Lozenski, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

Carol Hall indicated she and her husband lives on 207th Street and is concerned that Participatory Road Program project was budgeted for 2015 and funding will not be available for the project in 2016 when the road project will be ready to begin.

Commissioner Bixby indicated that the funding will be available to continue the project once the utilities have been relocated. He suggested that the residents who are affected by the delay in the road project write a letter to Senator Moran, Senator Roberts, and Congresswoman Jenkins, to put pressure on Level 3 to relocate their fiber optic cable in a more timely manner so the road project can be completed.

ADMINISTRATIVE BUSINESS:

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

Motion passed, 2-0.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the July 9, 2015 meeting minutes.

Motion passed, 2-0.

Human Resources Director, Tamara Copeland, presented an addendum to the agreement with the current payroll processing company, ADP. She indicated the County is not set up for the new Federal Affordable Care Act annual filing requirement that went into effect in 2014 for payroll tax filing forms 1094C and 1095C. Ms. Copeland negotiated the fee down to approximately \$6,000.00 if no additional conversion of data is needed.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the addendum to the agreement ADP-ACA Essential Agreement to allow ADP to file the federally mandated 1094C and 1095C reports, and authorize the Chairman to sign and date the same.

Motion passed, 2-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 30 minutes to discuss pending litigation. Present: The two Commissioners, Pat Hurley, Roger Marrs, and Kevin Fowler. Executive session began at 9:34 a.m.

Motion passed, 2-0.

Commission returned from executive session at 10:04 a.m., no action was taken.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to go back into Executive Session for 15 minutes to discuss pending litigation. Present: The two Commissioners, Pat Hurley, Roger Marrs, and Kevin Fowler. Executive session began at 10:06 a.m.
Motion passed, 2-0.***

Commission returned from executive session at 10:21 a.m., no action was taken.

Mr. Hurley will have briefing reports prepared for the BOCC regarding Mr. Becker's Haul Route Permit and the RIF and TIF Fees for Thursday's BOCC meeting.

David Van Parys indicated the true identification of 189th Street has been in current alignment for over 70 years; however the road records do not accurately reflect alignment. There are three adjoining property owners and Public Works has obtained formal easements from two property owners and have not been given a response from the third owner. Mr. Van Parys indicated the County now has an easement by description and the proposed adoption of the exhibit and direct the County Engineer to enter it into the road records.

A motion was made by Commissioner Holland to accept the engineering report on true alignment of County roads 189th Street and Hollingsworth Road. Commissioner Bixby seconded the motion for the purpose of discussion.

Commissioner Bixby asked Mr. Van Parys if there were any more easements that would need to be acquired.

Mr. Van Parys indicated no further easements would be acquired.

Motion passed, 2-0.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss pending litigation. Present: The two Commissioners, Pat Hurley, David Van Parys, and Mick Schwartzkopf. Executive session began at 10:28 a.m.
Motion passed, 2-0.***

Commission returned from executive session at 10:40 a.m., no action was taken.

The Board adjourned at 10:40 a.m.

*****July 16, 2015*****

The Board of County Commissioners met in regular on Thursday, July 16, 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; Mike Spickelmier, Director of Public Works; Mick Schwartzkopf, Assistant Director of Public Works; Jeff Joseph, Planning and Zoning Director; Duane Becker, Resident; Daniel Eyerly, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the July 13, 2015 meeting minutes, as amended.

Motion passed, 2-1, with Commissioner Graeber abstaining.

A motion was made by Commissioner Holland and second by Commissioner Graeber to approve the agenda for the week of July 20, 2015.

Motion passed, 3-0.

Public Works Director, Mike Spickelmier indicated haul route permits were established in Resolution 1999-44. He indicated this gives Public Works the ability to track and monitor the heavy trucks that will travel the county roadways. Mr. Spickelmier indicated the bonds required to obtain a haul route permit varies on the truck hauling materials.

Duane Becker indicated he was not asking for the BOCC to bend the rules for his Special Use permit and waive the required \$50,000.00 bond required in order to receive the haul route permit from Public Works.

David Van Parys indicated if the BOCC wanted to waive the required bond for the haul route permit a motion would be required to amend Resolution 1999-44.

Mr. Becker indicated he would obtain the \$50,000.00 bond.

Daniel Eyerly indicated the RIF and TIF Fee is quite expensive especially when there is not a cap on the fees.

Commissioner Bixby indicated the fees were put in place to help pay for county roads in the different townships and newly developed areas throughout the County. He indicated if the fees were waived there wouldn't be any funding available to maintain and construct new roads to newly developed area.

Commissioner Holland suggested the County consider using a similar payment system as the Treasurer's Office regarding property taxes by establishing a payment plan and splitting the RIF and TIF Fees into monthly or quarterly payments.

Mr. Hurley indicated he would like to proceed with budget hearings after next Thursday's meeting.

Commission went into a 5 minute recess at 10:41 a.m.

Session reconvened at 10:46 a.m.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to go into Executive Session for 15 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, David Van Parys. Executive session began at 10:48 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:03 a.m., no action was taken.

The Board adjourned at 11:04 a.m.

Final Approved

*****July 20, 2015*****

The Board of County Commissioners met in regular on Monday, July 20, 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; Tamara Copeland, Human Resources Director; John Matthews, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Graeber and second by Commissioner Holland to approve the July 2016, 2015, meeting minutes.
Motion passed, 3-0.***

Tamara Copeland, Human Resources Director, presented the Delta Dental Addendum for 2015 through 2016, indicating in the three year agreement there will be a 5% rate cap in 2016 and 2017 but no increase for 2015.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the Delta Dental Addendum effective October 1, 2015, indicating the first year of three-year agreement with no increase for 2015; and a 5% rate cap for 2016 and 2017.
Motion passed, 3-0.***

Mr. Hurley indicated budget hearings will begin Thursday, July 23, at 10:00 a.m.; the Commission will recess for lunch and reconvene at 1:30 p.m.

Mr. Hurley indicated Thursday, July 30; the property maintenance standards will be discussed. He requested the BOCC to review the draft document provided by Planning and Zoning.

Mr. Hurley indicated he will meet with David Van Parys, Mike Spickelmier, and a representative from Piper Jaffrey to discuss the schedule for bonds for issuing the one cent sales tax projects.

Commissioner Bixby indicated he would like to re-examine RIF and TIF Fees and suggested the BOCC consider abolishing the escalation clause charging \$250.00 per house per year. Commissioner Bixby suggested Planning and Zoning provide a letter to potential applicants for a building permit, informing them of all additional fees they would be assessed.

Mr. Hurley indicated Planning and Zoning has completed a study showing the different fees other large Counties charge to applicants for permits.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to go into Executive Session for 5 minutes to discuss pending litigation. Present: The three Commissioners, Pat Hurley, David Van Parys, and Tamara Copeland. Executive Session began at 9:32 a.m.
Motion passed, 3-0.***

Commission returned from executive session at 9:37 a.m., no action was taken.

The Board adjourned at 9:37 a.m.

*****July 23, 2015*****

The Board of County Commissioners met in regular on Thursday, July 23, 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; Krystal Davis, Planning Intern; Joe Herring, Herring Surveying Company; Janet Klasinski, County Clerk; Sheriff Dedeke; Jamie Miller, Director of EMS and the Health Department; John Richmeier, Leavenworth Times.

Residents: Mary Yoder, James Cunningham, Scott Herken, Stephanie Herken, Dan Lynch, Jerry Fenske, Sam Scofield, Garry Caldwell, Stephanie Liebling, Paul Lamb, Lloyd Martley, Gene Hinkle, Norma Hinkle, Fred Manice, Troy McKittrick, Fred Manice.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and second by Commissioner Graeber to approve the agenda for the week of July 27, 2015.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the July 20, 2015 meeting minutes, as amended.

Motion passed, 3-0.

Janet Klasinski, the County Clerk, received a letter of resignation from Wesley Williams indicating he is resigning as the Clerk for Stranger Creek Township. Ms. Klasinski advertised in the Tonganoxie Mirror and received a letter from David D. Drennon indicating he would accept the position as the new Stranger Creek Township Clerk.

Motion made by Commissioner Holland and seconded by Graeber to approve the appointment of David D. Drennon as the new Stranger Creek Township Clerk.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the letter to Donald Phillip Michael Hollingsworth, congratulating him on achieving the eagle rank and authorize sending the letter to him.

Motion passed, 3-0.

Sheriff Dedeke requested a letter of support to be signed for a Byrne Grant Application for the Sheriff's Office with collaboration with the Guidance Center to help improve the mental health care that comes in contact with the Sheriff's Department. He indicated it will provide additional education and training for staff, the medical contract in the jail provides for 4 hours per week. Indicating this grant would provide at minimum 20 hours per week and an additional 20 hours on call assistance.

Motion made by Commissioner Holland seconded by Commissioner Bixby to sign support letter the application by The Guidance Center for the Federal Edward Byrne Memorial Justice Assistance Grant to provide mental health services at the Leavenworth County Jail, along with consultation and assistance to local law enforcement.

Motion passed, 3-0.

David Van Parys requested to modify the commercial loan agreement with First State Bank and Trust in Tonganoxie with the financing of the renovation of the County Annex in Tonganoxie. He indicated the County Clerk suggested extending the maturity date from 3 years to 5 years.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the request to extend the loan maturity date to 5 years as suggested by the County Clerk.

Motion passed, 3-0.

Mr. Van Parys requested the authorization for Piper Jeffary to initiate the bond issuance of \$10 Million Dollars in general obligation bonds. He indicated issuing a \$10 million bond will pay for all of the anticipated expenses for the road projects the voters approved and the board has committed to, and to take advantage of IRS regulations to get the county below market interest rate.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to direct Piper Jeffary to initiate the issuance of \$10 million dollars in general obligations of sales tax bonds for issuance fall 2015.

Motion passed, 3-0.

Mr. Van Parys indicated the issuance of the bond was approved and there is funding available, the design services for 147th street has been presented, the agreement is standard and suggest approval of the project amount of \$732,230.00.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the consulting agreement with Affinis Corporation for consulting services on 147th Street in the amount of \$732,230.00 and authorize the Chairman to sign and date the same.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to affirm the process and move forward with all three one cent sales tax projects; 147th Street between Parallel and Fairmount Road, McIntyre Road between K-7 and K-5, and Eisenhower Road west of 155th to CR#5.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-15-060 and Case Number DEV-15-061 consideration of an application for a preliminary and final plat for Honeybee Hill Acres.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber, to approve DEV-15-060 and DEV-15-06, to approve the application for the preliminary final plat for Honeybee Hill Acres, subject to all recommended conditions.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-15-054 request for rezoning from RR2.5 to I2 light industrial district. The applicant is the Leavenworth County CO-OP; the property owner is Cornerstone Family Worship of Tonganoxie, Inc. Jeff Joseph, Planning and Zoning Director, indicated the CO-OP is interested in purchasing the property to store and distribute propane tanks. He indicated the case was presented to the Planning Commission which recommended denial of the rezoning. Mr. Joseph indicated

the Planning and Zoning staff also recommended denial of the rezoning because the corridor is planned for residential and agricultural use and will transform into a mixed use and it does not meet the comprehensive plan, industrial use does not fit in within this area.

Commissioner Bixby opened public hearing on Case Number DEV-15-054 allowing a main speaker for proponents and opponents five minutes, the main speakers would then be allowed two minute rebuttal.

Sam Scoefield, General Manager of the Leavenworth County CO-OP, spoke in favor of the rezoning, indicated the CO-OP has been in business at the same location on 4th and Eisenhower for 50 plus years, indicating Leavenworth County is one of the few counties that as many surbinite people who use propane.

Jerry Fenske, Energy Department Manager of the Leavenworth County CO-OP, spoke in favor of the rezoning, indicated a majority of the new propane sales has been in the Tonganoxie area, and by approving the rezoning the CO-OP propane sales will continue to grow and support the community.

Dan Lynch, realtor of Lynch Real Estate, spoke in favor of the rezoning, indicated the CO-OP could begin conducting business at the location fall of 2015 and would allow the CO-OP to continue to grow with the County.

James Cunningham, spoke in opposition, indicating he is concerned about the safety and wellbeing of his family and surrounding neighbors. Mr. Cunningham also indicated in 2007 a corridor study was completed that cost \$250,000.00, indicating the area is considered a T2, rural long-term development zone for housing and agricultural use. The study also indicated both the City of Basehor and Tonganoxie have commercial industrial parks that are considered T4, general urban zones which include your commercial and industrial properties.

Gary Coldwell, spoke in opposition indicating the roads will be traveled on more frequently and 198th Street will need to be resurfaced with blacktop.

MaryAnn Yoder, spoke in opposition indicating the best entrance to the property is off of 198th Street, therefore the entrance off of 24-40 will not be used. She indicated there are other locations that would be a better fit for this and listed a few other locations that might be better suited and feel there are other alternatives.

Stephanie Leibling spoke in opposition, indicating she supports the points the other folks made in opposition, indicating the BOCC should consider the lives and homes that would be impacted, the health, safety, and welfare, which includes, chemicals, environmental contamination, fires. The pride of the people needs to be considered.

Mr. Fenske indicated the property works for the CO-OP is because of the safety indicating trucks can fit on both lanes because there is a turn lane. He indicated there is a fire station within a quarter of a mile; this is a propane only facility.

Mr. Lynch indicated the property is heavily treed and the CO-OP will add additional landscaping.

Mr. Cunningham indicated the future zoning on this property will be RR 2.5, and a zoning change will allow anything to move into the area. He indicated there aren't any turning lanes, KDOT did not allow it. Mr. Cunningham indicated the corridor study says, drivers come to Tonganoxie, and KDOT does not want 24-40 to be similar K7 driving through Bonner Springs, they don't want it to be K32 driving through Turner.

A motion was made by Commissioner Graeber to follow Planning and Zoning's staff and Planning Commission's recommendation and deny Case Number DEV-15-054.

Motion died for a lack of a seconded.

A motion was made by Commissioner Holland to approve the rezone from RR 2.5 to I2 so LVCO CO-OP can apply for a Special Use Permit with restrictions.

Commissioner Bixby seconded for the purpose of discussion.

Commissioner Holland indicated he feels the CO-OP and the neighbors can address their concerns. He indicated the CO-OP has state and federal regulations that they will have to abide by.

Motion failed lack of a unanimous vote, Commissioner Holland Voted for and Commissioner Graeber voted nay.

Planning and Zoning presented Case Number DEV-15-050 for a Special Use Permit to repair commercial and agricultural vehicles. The applicant is requesting a 10 year renewal rather than a 5 year renewal.

There were no comments from the public during the public hearing.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to amend article #8 to include no more than six vehicles.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Case Number DEV-15-050, and to approve the Special Use Permit to expire in 10 years.

Motion passed, 3-0

A motion was made by Commissioner Bixby seconded by Commissioner Holland to approve and execute Resolution 2015-18a with the two exceptions.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-15-052 for Special Use Permit to repair vehicles.

There were no comments from the public during the public hearing.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to amend article #5 to Case Number DEV-15-052 and approve the Special Use Permit to expire in 10 years.

Motion passed, 3-0.

A motion was made by Commissioner Bixby seconded by Graeber to approve and execute Resolution 2015-19a with the two exceptions.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to recess for 3 minutes and 40 seconds at 10:35 a.m.

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, 3-0.

Budget hearing began at 10:39 a.m.

The Board adjourned at 2:46 p.m.

Final Approved

*****July 27, 2015*****

The Board of County Commissioners met in regular on Monday, July 27, 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; Rebecca Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Tamara Copeland, Human Resources Director; Mike Spickelmier, Public Works Director; John Matthews, Resident; John Richmeier, Leavenworth Times.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Holland introduced Becky Matzeder as the new BOCC's Executive Secretary and welcomed her to the County.

Commissioner Holland and Bixby will be attending the LCPA meeting.

Commissioner Holland indicated a representative of KAAZ Construction who is working closely with KOSS Construction on the US-73 road project requested a two week extension and assured they will finish the road project and continue road repairs on Santa Fe Trail.

Budget hearing began at 9:10 a.m.

The Board then considered a request by KOSS Construction to extend for two weeks from August 1 through August 14, 2015, the temporary Special Use Permit held by them for the operation of asphalt batch plant. The Board noted prior extensions of the temporary use permit, the unwarranted delays in the road project cause by KOSS and the burden that the delays in completion of the project has placed upon the citizens of Leavenworth County and the County staff. The Board discussed a possible extension of 14 days being granted only upon the payment by KOSS of an additional administrative fee with notice to KOSS that upon the expiration of the 14 days that the operation of the asphalt batch plant would either cease or be subject to a daily administrative fee to be set by the County.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the extension of the temporary Special Use Permit held by KOSS Construction for 2 weeks to expire August 14, 2015.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to go into executive session for a period of 15 minutes to include the three commissioners and Pat Hurley to discuss pending litigation. Executive session began at 3:51 p.m.

Motion passed, 3-0.

Commission returned from executive session at 4:06 p.m., no action was taken.

The Board adjourned at 4:32 p.m.

*****July 30, 2015*****

The Board of County Commissioners met in regular on Thursday, July 30, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Also present: David Van Parys, County Counselor; Hallie Hughes, Executive Secretary; Rebecca Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Mike Spickelmier, Public Works Director; Steve Wagner, Contracted CPA; Jeff Joseph, Planning and Zoning Director; Jim Kraatz, Senior Planning Coordinator; Trevor Huhn, Buildings and Ground Manager; Major Sherley, Sheriff's Department.

Residents: Louis Klemp, Jeremy Robbins, Steve Miller, Debra English, Olivia English, Shannon English, Elmer Tanking, Joe Herring, Chasity Wheeler, Sam Scofield, Jerry Fenske, Barbara Paulus, Gere Smith.

PUBLIC COMMENT:

Mr. Klemp suggested when County employees come to the Commission on behalf of their supervisor, the BOCC should allow them to present the information requested.

Elmer Tanking requested to be granted relief from the moratorium on County Road 1.

Commissioner Bixby suggested Mr. Tanking discuss the process with Planning and Zoning.

Shannon English presented a letter to the BOCC regarding her concerns about the possible trees that could be removed from her property and safety concerns with the 171st Street chip and seal. She suggested that Public Works does not remove her trees until the road construction has begun and only remove them if necessary.

Mike Spickelmier, Public Works Director, indicated staff is operating wholly with the easement and have been directed to not cut any more trees until the project has been re-staked and authorized by the County Surveyor.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to enter Shannon English's letters into the public record.

Motion passed, 3-0.

Chasity Wheeler questioned why the 171st PRP began this year with little notification.

Mr. Spickelmier indicated a scheduled PRP project has been delayed due to complications of relocating utilities. He indicated the 171st project has been a priority of the County since 2006, indicating the project will be completed in 2015.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and second by Commissioner Holland to approve the agenda for the week of August 3, 2015.

Motion passed, 3-0.

Jeff Joseph, Planning and Zoning Director, presented letters to the BOCC from the Leavenworth County CO-OP.

David Van Parys indicated the CO-OP is requesting an amendment to the zoning regulations be considered with the application for a Special Use Permit. He indicated the Planning Commission would

prefer to hear a proposed amendment to the zoning regulations first then consider a Special Use Permit than conforms to any zoning regulations.

Jerry Fenske, Leavenworth County CO-OP, indicated they had been searching for property to open a remote propane distribution facility. He indicated they have not located an area specifically zoned I2 to open such facility and is concerned that other propane facilities are located within the County that are not locally owned compared to the CO-OP.

Mr. Joseph indicated the regulation changes will need to be presented to the Planning Commission on September 9, 2015 and then to the BOCC. Once approved, the Special Use Permit will be presented to the Planning Commission on October 14, 2015 then to the BOCC for approval. He indicated there are constraints because the neighbors within 1000 feet of the considered property will need to be notified and the request will be published in the newspaper.

A motion was made by Commissioner Holland to move forward with rezoning the parcel from RR2.5 to I2 and expedite the approval of the Special Use Permit.

Commissioner Holland withdrew his motion.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber at the request of the Leavenworth County CO-OP letter dated July 24, 2015 be granted and have this letter incorporated as part of the contingencies.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-15-079, the applicant is requesting to access County Road 1 north of Hemphill Road to build a new house and in the future build a recreation area for people with disabilities.

Mr. Joseph indicated an engineering and flood plain study will need to be conducted.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the variance to the Special Development District Regulations regarding access onto County Road 1.

Motion passed, 3-0.

Mr. Joseph presented a draft copy of the Property Maintenance Standards protocol addressing a list of conditions. He indicated some of these standards are addressed in resolution 2001-38 and 2009-27.

Mr. Joseph indicated upon approval of the conditions additional staff may be required.

Barbara Paulus indicated the County should consider what are minor and what are major infractions.

Commissioner Bixby requested Ms. Paulus to help draft the Property Maintenance Standards.

Janet Klasinski, County Clerk has prepared the notice of hearing for the budget, for August 17, the budget hearing to August 17, 2015 at 9:15 a.m. She indicated at the discretion of the BOCC the mill levy will be increased .7. Ms. Klasinski indicated the following enhancements were approved: The ambulance service in the city of Basehor, the replacement of the county AED's, a distribution to the LCDC, 1.5% pay increase to County employees not including elected officials or salaried employees, to fund a replacement air conditioner to the Leavenworth County Fair Building, and to fund an IT personnel for the Sheriff's Office.

*A motion was made by Commissioner Graeber seconded by Commissioner Holland to approve and execute Resolution 2015-18b and Resolution 2015-19b.
Motion passed, 3-0.*

The Board adjourned at 11:05 p.m.

Final Approved