

*****September 3, 2015*****

The Board of County Commissioners met in regular on Thursday, September 3, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Tamara Copeland, Human Resources Director; Jim Kraatz, Senior Planning Coordinator; Jamie Miller, Director of EMS and the Health Department; Elmer Tanking, Resident; Amy Overmiller, Resident; Steven Hughes, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the August 31, 2015 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the agenda for the week of September 7, 2015 as amended.

Motion passed, 3-0.

Janet Klasinski is now present

Tamara Copeland presented the New Direction Employee Assistance Program Annual Business Associate Agreement to be renewed at the cost of \$6,234.00. She indicated the current contract renews each year automatically unless a 90 day notice is given. This is a program for the County to provide employee assistance services to include counseling, consultation, support for financial situations, legal issues and marriage issues.

Commissioner Holland inquired if the County was mandated to have this program.

Ms. Copeland indicated that it is in County policy that we would provide this program and is not mandated by a federal law.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the New Direction Employee Assistance Program Annual Business Associate Agreement.

Motion passed 3-0 Holland with stipulation where funding is coming from

Planning and Zoning present Case Number DEV-15-089 County Road Special Development District Regulations. The applicant is requesting relief from the moratorium to allow division of property within the moratorium area and the construction of a new single family residence.

Elmer Tanking is the property owner and spoke in favor of the waiver. He indicated he has a contract on the 15 acres and is looking for the approval.

Amy Overmiller is the purchaser of the 15 acres to construct a single family residence. She indicated she is not looking at the whole moratorium to be lifted just the waiver on the 15 acres.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve relief from the moratorium for construction of a single family residence.

Motion passed 3-0

Mr. Tanking indicated the County chipped and sealed the road in front of his house. He wanted to express his thanks to the County on how they taking care of the upkeep.

Jamie Miller presented an Agreement of Affiliation between Leavenworth County Health Department and Kansas State University dietician program. This would allow KSU students to fulfil their internship with WIC dieticians.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the Agreement of Affiliation between Kansas State University and Leavenworth County Health Department.

Motion passed 3-0.

Kevin Fowler is now present.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 20 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, Roger Marrs and Kevin Fowler. Executive session began at 9:45 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:05 a.m., no official action was taken.

Gina Riekof of Gilmore and Bell and Greg Vahrenberg of Piper Jaffray are now present.

Kevin Fowler indicated during session he asked the BOCC for authority to take actions necessary and appropriate to represent the County's interest in the lawsuit brought by the Leavenworth County Treasurer.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve authority for Kevin Fowler to take necessary and appropriate actions in the lawsuit.

Motion passed 3-0.

David Van Parys indicated the County conducted the sale of initial bond issue for the road projects identified as part of the sales tax proposition presented to the voters. He indicated the County received seven bids with the low bid interest rate at 3.085%.

Greg Vahrenberg indicated the ballot questioned presented to voters in February authorized the issuance of \$40 million in general obligation bonds. He indicated the plan was to look at the timing of the project and work with administration and watch interest rates. He indicated they decided to issue less than \$10 million in bonds so this issue could be designated as bank qualified which results in a lower interest rate. He indicated in the early part of next year they will look at where the various projects are with the remaining \$31.5 million.

Mr. Van Parys requested the adoption of Resolution 2015-32, continuing a 1% countywide retailer's sales tax and authorizing related matters.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Resolution 2015-32.

Motion passed 3-0.

Mr. Van Parys requested the acceptance of the low bid from BOSCE a subsidiary of the Bank of Oklahoma.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to accept the bid from BOSCE and have the chairman sign and date the same.

Motion passed 3-0.

Mr. Van Parys requested the adoption of Resolution 2015-33, authorizing and providing for the issuance of general obligation sales tax bonds, series 2015, providing for the levy and collection of an annual tax for the purpose of paying the principle of and the interest on said bonds as they become due authorizing certain other documents and actions in connections therewith.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Resolution 2015-33.

Motion passed 3-0.

Gina Riekof requested the adoption of Resolution 2015-34, providing for the adoption of an omnibus continuing disclosure undertaking related to obligations issued and to be issued by Leavenworth County, Kansas.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Resolution 2015-34.

Motion passed 3-0.

Mr. Van Parys requested a motion to authorize the chairman to execute any and all documents necessary to effect the actions taken.

A motion was made Commissioner Graeber and seconded by Commissioner Holland to execute any and all documents.

Motion passed 3-0.

Mr. Van Parys indicated the transfer of the funds will occur on September 24, 2015.

Ms. Klasinski indicated she set up a capital project sales tax fund specifically for the three road projects.

The meeting was suspended to sign all bond documents.

The Board adjourned at 10:53 a.m.

*****September 10, 2015*****
Session I

The Board of County Commissioners met in Session I on Thursday, September 10, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Patrick Hurley, County Administrator was not present; Also present: Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Graeber reiterated the BOCC should look the County Road 1 moratorium and consider modifying it or doing away with it as it.

Commissioner Bixby indicated that Tonganoxie signed on to a note.

Commissioner Graeber asked why payment from Tonganoxie should have any effect on the moratorium.

Commissioner Bixby indicated the city of Tonganoxie was given the chance to have better control over their area closest to Tonganoxie approximately ten years ago. The city signed an agreement and the bond was purchased based on their participation.

Commissioner Graeber indicated that modifying the moratorium slightly it would open up further development along County Road 1.

David Van Parys is now present

Commissioner Bixby asked how much relief can the BOCC offer without violating the terms of the agreement with Tonganoxie.

Mr. Van Parys indicated the manner in which the BOCC have acted in the past has been appropriate. The moratorium was to encourage maximum development within the corridor while at the same time preserving those individuals who wish to continue the present use of the property. He indicated that given the fact there is a due process protection clause, discussion with the city of Tonganoxie needs to be initiated whether the agreement needs to be revised or desolved.

Commissioner Graeber asked because the city of Tonganoxie has a note payable to the County does it obligate the BOCC to not modify the moratorium without their permission.

Mr. Van Parys indicated before anything is changed, comment from the city of Tonganoxie should be invited which could be accomplished by a joint meeting between the two Planning Commissions or a joint meeting between the board and city commission. He indicated it could start at staff level.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the September 3, 2015 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the agenda for the week of September 14, 2015.

Motion passed, 3-0.

Commissioner Bixby and Commissioner Holland will be attending the LCDC meeting today at 11:30 in Basehor.

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.

Commissioner Holland presented a letter from the Leavenworth County Veteran's day parade committee requesting two port-a-potties and the use of the Justice Center parking lot for horse staging.

A motion was made by Commissioner Graeber seconded by Commissioner Holland to approve the request from the Leavenworth County Veteran's day parade committee.

Motion passed, 3-0.

Commissioner Holland presented a letter from the Community Blood Center requesting a blood drive on October 14, 2015 with a mobile bus in front of the Courthouse for blood donations.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the Community Blood Center to conduct a blood drive.

Motion passed, 3-0.

The Board adjourned at 9:17 a.m.

*****September 10, 2015*****
Session II

The Board of County Commissioners met in Session II on Thursday, September 10, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator, not present; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Mike Spickelmier, Director of Public Works; Doug Smith, Road and Bridge Superintendent; John Forslund, P.E.; Mayor David Breuer, City of Basehor; Jerry Reilly of Reilly and Sons Insurance; Roger Brandt, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mayor David Breuer indicated he is looking for flexibility as the area grows and as it dictates for the road to have turning lanes and bike lanes. He indicated he is pleased with the way the directions have been given to Mike Spickelmier for road design. He indicated on the area around 147th and Parallel would be affected when the road is build and give a better opportunity to market that property. He indicated that Falcon Lakes has 172 lots developed in that area and 50 more lots available in the first phase. He indicated in the second phase has the potential of 400 more lots in that area. He indicated the way the road is, all residents can only make a right hand turn. He indicated when they make the turn, they are not going to Leavenworth County they are going to the Legends or Bonner Springs. He indicated if we make 147th St. the backbone road, then this will allow the residents to travel north to Leavenworth County for shopping. He indicated as a resident of Leavenworth County he would like to see this area to have an opportunity for easy traveling to spend their money locally. He indicated 147th should be extended south to State Ave. He felt it would be a relief road for 7 Highway. He felt that KDOT, City of Basehor, Leavenworth County and MARC should be involved to make the road flow safely. This would allow money into City of Basehor and Leavenworth County trade area. He indicated the Hollingsworth Road and Donahoo Road are important with the subdivision of High Points Down being sold out; the property near it could be developed. He applauded the BOCC for the work in getting the bonds and making the commitment to look at these areas.

Mike Spickelmier indicated Leavenworth County has entered into a design agreement with Affinis to provide four miles of engineering design for the section of road between Fairmount and Parallel. The direction they were given was to build a county arterial. He indicated there have been a few things that have been brought forward and they need to be addressed now. He indicated there was discussion on whether curb and gutters along the section of Falcon Lakes and if Donahoo Road should be addressed at this time east of 147th. He indicated these were not envisioned as what was discussed with the board in October 2012 when the capitol improvement plan was adopted.

Commissioner Graeber indicated when this went to the voters we brought forward to them, 147th St. only.

Mr. Spickelmier indicated when we identified the project it did not specifically mention Donahoo Road.

Commissioner Holland indicated he was in favor of getting Falcon Lakes developed. He indicated by doing Donahoo Road it gives the owner an opportunity to raise the price to where developer can't make money.

Mayor Breuer stated he wants to push the roads through that will make it easier for residents to trade in Leavenworth County and keep the sales tax local.

Commissioner Graeber indicated he felt they have a commitment to the voters that approved the sales tax to follow up on those projects that were listed in the proposal that went forward, so 147th St. is a commitment to those voters that we need to get started as soon as possible.

Commissioner Bixby indicated that if curb and gutter is put in on the backside of Falcon Lakes, the snow plows could damage it. He indicated he would like to see a bridge on the east side of Donahoo Road.

Mr. Spickelmier indicated it could cost approximately \$4.5 to \$5 million to push that through from 147th to K7. He indicated he would not recommend building a gravel road because to the amount of traffic that would be traveling it.

Commissioner Holland reiterated that a developer needs to develop Falcon Lakes before money is put into Donahoo Road.

Jerry Reilly complimented Mayor Breuer on his passion and vision. He indicated the BOCC needs to focus on what the taxpayers voted on. He indicated Hollingsworth Road and Donahoo Road from 147th St. to 155th St. should be priorities also.

Mr. Spickelmier indicated we are continuing down the same course that was charted.

The Board adjourned at 2:14 p.m.

*****September 14, 2015*****

The Board of County Commissioners met in regular on Monday, September 14, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator, not present; Becky Matzeder, Executive Secretary; Mike Spickelmier, Director of Public Works; Mick Schwartzkopf, Assistant Director Public Works; Trevor Huhn, Buildings and Ground Manager; Doug Smith, Road and Bridge Superintendent; Wayne Malnicof, County Surveyor; Fran Keppler, Noxious Weeds; John Forslund, P.E.; John Matthews, 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 September 10, 2015 meeting minutes Session I.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the September 10, 2015 meeting minutes Session II as amended.

Motion passed, 3-0.

Public Works presented their monthly report.

Bridge E-20 (Cemetery Road South of Easton over Dawson Creek), Mike Spickelmier indicated an Executive Session would be necessary for this project at the end of the meeting.

HP-25 (High Prairie Road east of 187th Street {CR-29}), currently the contractor is putting in place a bridge foundation and everything is on schedule.

HP-10 & HP-17 Bridge Replacement (207th St and Stranger Road), the bid documents are under review and plan to go for bids in October.

SH-15 (Stillwell Road east of 198th Street) no updates at this time.

Mike Spickelmier indicated we are waiting for a timeframe for the overlay on Santa Fe Trail portion of the K-7/US73 Reconstruction project. He indicated KDOT has done their part but is now up to the general contractor. He indicated he met with KOSS and informed them he would be willing to assist in any way.

Leavenworth County Sales Tax Projects (McIntyre (K-7 to K-5)). Mr. Spickelmier indicated he met with consultant on McIntyre on Friday and will review what the consultant has completed this week.

John Forslund gave an update on the Tonganoxie Annex. Mr. Forslund indicated the submittal reviews have been completed. He indicated the interior stud wall is almost completed and rough in for plumbing will start. This should be completed by the end of the month. He indicated the concrete placement on the north side of the building for the driveway has been completed. The electrical contractor has put in new boxes and actual wiring should start this week. He indicated we are on track to finish by the first week of December. He indicated there are two change orders in progress at this time. The first one is a

decreasing change order for the amount of sheetrock used in the project. The second one is a \$2,500.00 increase for an additional water line for fire protection. He indicated a move in date would be the second or third week of December.

Commissioner Holland inquired if we are moving with in-house help or hiring someone.

Mr. Forslund indicated the move could be done with in-house forces.

Trevor Huhn presented a report for Building and Grounds. He indicated bids went out for carpet in the Justice Center for the dispatch area and re-flooring the Sheriff's Department hallways. He indicated the low bid was \$12,696.09 from Seiffert's Flooring. He indicated the Police Chief has been informed and is on board with his portion of the dispatch area.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to accept the bid of \$12,696.09 from Seiffert's Flooring for carpet.

Motion passed, 3-0.

Mr. Spickelmier indicated there were no updates on Sewer Districts.

Doug Smith, Road and Bridge Superintendent, indicated he wanted to explore the options regarding a vehicle storage building. He indicated he checked prices ranging from \$10 to \$11 per square foot. The building would be approximately 40 x 60. He indicated this building would be located at the quarry or the county shop.

Commissioner Holland inquired about funding for this building.

Mr. Spickelmier indicated there are some reserved funds. He said he would work with the County Clerk and County Administrator to get that cost number and then present it to the BOCC.

Mr. Smith indicated there is a KDOT procurement contract number for a facility that has a 40 x 100 salt storage cover. He indicated this would have to be purchased before the end of the year. The cost is \$51,282.00. He indicated this is already funded through reserve funding.

A motion for Commissioner Holland and seconded by Commissioner Graeber to approve the purchase of the salt storage cover.

Motion passed 3-0.

Mr. Smith indicated KDOT will not be purchasing trucks in 2016 due to budget cuts. He indicated Kansas Truck out of Wichita has two state trucks left over that are 2016 models and will hold one. This is also already funded and has a KDOT procurement contract number.

Commissioner Bixby asked if Mr. Smith would check with Johnson County's vehicle purchasing to see if we could tag onto that.

This item was tabled until more information is available.

Mr. Smith requested authority to dispose of surplus property and vehicles.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to proceed with the disposal of surplus property.

Motion passed 3-0.

Mr. Smith requested authorization to accept bids for the purchase of metal culverts. He indicated Welborn Sales was the low bid at \$69,811.60.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to accept the bid from Welborn Sales at \$69,811.60 for metal culverts.

Motion passed 3-0.

Fran Keppler, Noxious Weed requested the authorization to solicit bids for the replacement of mower tractor #105. She indicated this was the mower tractor involved in the motor vehicle accident. She indicated Progressive insurance has decided this tractor is a total loss and will pay \$45,782.00.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to proceed with bid solicitation for replacement of mower tractor #105.

Motion passed 3-0

Ms. Keppler indicated Noxious Weeds was instructed by the owner to mow and spray 13.46 acres of Basehor Prairie Farms. There is an unpaid cost in the amount of \$2,190.50.

David Van Parys now present.

Mr. Van Parys indicated he has contacted the owner and the dispute is the amount of the bill. He indicated he would look into the matter and the statute gives good control over noxious weed issues.

Mr. Van Parys indicated a meeting with the successors of Deffenbaugh has been scheduled for October 15.

Mr. Spickelmier reiterated the County Wide Clean-Up is scheduled for October 3. He indicated the information has been put on social media as well as the County website.

Wayne Malnicof, County Surveyor indicated they are continuing on the participatory road projects.

Mr. Spickelmier proposed a work session in October for the PRP update.

Mr. Spickelmier indicated he does have authorization for rock crushing. He indicated he has the final report from the geology consultants.

Mick Schwartzkopf requested authorization to contract with an engineering consultant firm on Bridges T-43 and E-34. He indicated KDOT recently completed a state-wide review of all public bridge structures for scour. He explained that if a bridge is determined scour critical, the structure is susceptible to being damaged or washed out due to flooding. He indicated these two bridges are in good condition however, we should do repairs to extend the life of these bridges.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to authorize Public Works to contract engineering services for Bridges T-43 and E-34.

Motion passed 3-0

Mr. Schwartzkopf indicated residents along 179th between Donahoo Road and Leavenworth Road submitted a benefit district petition for road improvements. Mr. Schwartzkopf requested the BOCC to accept the petition and authorize Public Works to hold a public meeting.

Commissioner Graeber inquired if the legal department checked the legal requirements as to the participatory parties.

Mr. Schwartzkopf indicated based on his calculations it is valid and has been filed with the County Clerk.

Mr. Van Parys indicated he would verify if the petition is valid or not.

Mr. Spickelmier suggested including the 179th St. petition in the October PRP work session.

This item was tabled until more information is available.

Janet Klasinski is now present.

The Public Works monthly report for October will be held on the 19th.

Janet Klasinski invited the BOCC to attend the Northeast Kansas Official Meeting Friday, October 2 at 8:00 a.m. in Holton, Kansas hosted by Jackson County. Commissioner Holland and Commissioner Graeber will be attending.

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.

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, David Van Parys, Mike Spickelmier and Mickey Schwartzkopf. Executive session began 10:21 a.m.

Motion passed, 3-0.

Commission returned from Executive Session at 10:26 a.m., no official action was taken.

The Board adjourned at 10:28 a.m.

*****September 17, 2015*****

The Board of County Commissioners met in regular on Thursday, September 17, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator is not present; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; 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 September 14, 2015 meeting minutes.
Motion passed, 3-0.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the agenda for the week of September 21, 2015.
Motion passed, 3-0.*

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the OCB's and authorize the Chairman to sign and date the same.
Motion passed, 3-0.*

Commissioner Holland raised concerns with regards to the auditor, Kramer and Associates. Commissioner Holland read from the contract that indicated they will obtain reasonable rather than absolute assurance. Commissioner Holland indicated if there is a problem, he wants to know what it is and what we can do to correct it. He indicated the contract reads that government auditing standards do not expect auditors to provide reasonable assurance of detecting abuse. He indicated that if auditors find any abuse they should come to the governing body, being the BOCC, and ask questions.

Commissioner Holland indicated another concern he had is on the non-compliant statute K.S.A. 7511-20. He indicated this could be an issue with regards to the WIC grant. He indicated this grant is over \$600,000.00. He indicated that if this is one grant and we are not compliant with GASB, then we would be deemed non-compliant. He indicated we can adopt a waiver through the state, but the federal government trumps the state so the waiver would be void. This would only be if the WIC grant is a federally funded.

Commissioner Holland indicated he was approached by someone from the firm the first year he served as a Commissioner. He was asked if he had any questions or concerns. He indicated they have not been back since.

Commissioner Bixby indicated he had a similar visit, but looked at it as a courtesy call.

Commissioner Holland indicated there are several purchase orders that are not coming from the County Clerk's office to the BOCC for approval.

Commissioner Holland indicated the County needs to be GASB compliant. He explained it is a more in depth accounting system than we are currently doing now. He indicated now is the time to change over because an audit is coming up.

Commissioner Holland indicated the purchase orders in question involve the motor vehicle department.

Commissioner Bixby suggested an executive session to discuss ongoing litigation involving financial affairs for 15 minutes.

David Van Parys indicated the BOCC should meet with their legal counsel if they want to go into executive session.

Commissioner Bixby indicated he did not want to make any kind of a call in regarding motor vehicle department expenditures or revenue without legal counsel.

Commissioner Holland indicated he is not opposed to the treasurer running her office, but the BOCC needs to see what is going on in the whole County.

Commissioner Bixby indicated he is not prepared to discuss this in open session.

Commissioner Graeber indicated that he would support the Commissioner Bixby's motion to enter executive session if this matter could be delayed until Monday. He indicated that Roger Marrs and Patrick Hurley should be present.

Mr. Van Parys indicated that one reason the County did not go to GASB is that it is a very exhaustive procedure to include the current evaluation of the road work.

Commissioner Bixby asked if it has been considered talking to Kramer and Associates to see if the additional documents could be done. He indicated it may be cheaper to have them give us the supporting documentation than to go to a new accounting system.

Commissioner Holland indicated he has looked into other accounting firms that do GASB audits. He indicated the City of Leavenworth uses one of these firms.

Commissioner Holland indicated that we may have become complacent. He indicated there are things he feels the auditors have missed and should have addressed. He said it's time for a change to get someone in to give the County a detailed audit.

Commissioner Graeber felt they could not make a decision today until Roger Marrs, Patrick Hurley and Janet Klasinski are present.

Commissioner Holland felt that Tamara Copeland should be present.

Commissioner Bixby suggested that the matter be on Monday's agenda with all parties present.

Commissioner Bixby discussed a potential business looking at the Tonganoxie Industrial park. He indicated County participation may be involved. He indicated the project may involve a road and an additional natural gas service.

Mr. Van Parys requested an executive session for 5 minutes to discuss acquisition of real property.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 5 minutes to discuss real property acquisition. Present: The three Commissioners and David Van Parys. Executive session began 9:42 a.m.

Motion passed, 3-0.

Commission returned from Executive Session at 9:47 a.m., no official action was taken.

The Board adjourned at 9:49 a.m.

Final Approved

*****September 21, 2015*****

The Board of County Commissioners met in regular session on Monday, September 21, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator, present; David Van Parys Becky Matzeder, Executive Secretary; Mike Spickelmier, Director of Public Works; Tamara Copeland, Director of Human Resources; John Matthews, Resident; Debra Lowe, Resident; Scott Salazar, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Scott Salazar commented on the 179th St. petition. He wanted to understand the approval process for the benefit district.

Mike Spickelmier indicated this was presented to the BOCC on Monday. He indicated the recommendation of the Public Works staff was to accept the petition and schedule a public hearing. Mr. Spickelmier indicated a public hearing could be set for October 19. He indicated letters would be sent to everyone in the benefit district notifying the date and time and Public Works will work on a cost estimate of the project. He indicated during the public hearing all information will be presented to allow the BOCC and land owners the decision on how to proceed.

David Van Parys indicated he has verified the petition and does meet the criteria to proceed. He indicated Public Works should be given the authorization to do cost analysis for this project.

Commissioner Holland made motion to approve benefit district meeting all the criteria, for Public Works to do a cost analysis and set a public hearing date with notification to the applicants.

Mr. Spickelmier suggested to not approve the benefit district today. He indicated the BOCC needs to accept the petition and direct Public Works to begin the process to have the public hearing.

Mr. Van Parys indicated he understood what Commissioner Holland's intent is, which is to proceed with the consideration of this petition. He indicated at time of public hearing all property owners will be notified by mail. He indicated both proponents and opponents will be given an opportunity to speak and the staff report will be given. He indicated the matter will then be considered by the BOCC if it's intended to process then that decision will be made at that time. He indicated another facet to be examined will be how to allocate the costs.

Commissioner Holland inquired if they could approve the benefit district.

Mr. Van Parys indicated at this time the BOCC cannot approve the benefit district. He indicated the BOCC needs to authorize Public Works to proceed with the processing of the petition and present the cost figures at a proposed public hearing.

Commissioner Bixby inquired if October 19 was the public hearing date.

Mr. Spickelmier indicated it would be a logical time frame.

Commissioner Holland indicated by saying we want this benefit district, he did not see how that makes a difference with going forward with the project.

Mr. Spickelmier indicated the benefit district could not be approved until the statutory required public hearing.

Mr. Van Parys indicated because this could potentially lead to the imposition of an assessment against the property owners a public hearing will need to be conducted.

Commissioner Bixby commented if we approve the benefit district and then have people say they don't want it, taxes have already been assessed.

Commissioner Graeber indicated legal notice has to be given to each property owner as how it's going to affect cost.

Mr. Spickelmier indicated there will be two public hearings. The first hearing will provide the estimate of cost and the decision to proceed and the second hearing will be held once 100% of the money has been collected. He indicated there will be a financial assessment placed upon the property owners as part of the benefit district.

Mr. Spickelmier indicated schedule discussions need to take place.

Mr. Salazar asked how it's decided how much each property owner pays.

Commissioner Bixby indicated that would be discussed at the public hearing.

ADMINISTRATIVE BUSINESS:

Mr. Van Parys indicated the BOCC has annually for the last five years adopted a declaration to not proceed with a full GASB 34 accounting principle standard. He indicated if the BOCC wants to re-examine this, he would suggest the BOCC request staff to re-evaluate this issue and bring back a report to determine how to proceed.

Commissioner Graeber indicated he was shocked to see this issue brought up at a commission meeting without any notice given to the people who are involved. He indicated Ms. Klasinski was not present, Mr. Hurley was not informed this matter was going to be brought up, Mr. Kramer was not present and Mr. Van Parys did not have any knowledge of it. He indicated it has been a tradition among the commission that items of that type are put on the agenda. He indicated he was upset about it and it was not the proper procedure for a matter of that type to be brought up. He indicated the additional cost for a GAAP/GASB audit could be approximately \$75,000.00. He indicated it doesn't achieve anything and there is no danger of losing the WIC funds. He indicated we get a waiver every year.

Commissioner Bixby indicated this called in question the reputation of a local company. He indicated we could not put this in executive session to protect the client's name.

Commissioner Graeber indicated he did not know this matter was going to be brought up.

Commissioner Holland indicated he has the right to ask any question in this commission.

Commissioner Graeber indicated an item of that type should have been on the agenda.

Commissioner Holland indicated he didn't feel it need to be on the agenda. He indicated he contacted Tamara Copeland before she took her position if she was familiar with the GAAP/GASB audit. He

indicated two years ago he went to Janet Klasinski and asked her about the GAAP/GASB audit and she dismissed him and said we don't need this.

Commissioner Graeber asked why is the Personnel Director involved in whether or not the BOCC should adopt the GAAP/GASB audit.

Commissioner Holland felt the reason for that is Ms. Copeland was an auditor and has done several audits.

Commissioner Holland reiterated that he had concerns. He indicated that after you have an auditor do the books for several years then friendships are built with the clerk and the auditor. He asked if all the issues in the contract are being fulfilled.

Commissioner Graeber indicated he has confidence in what Mr. Kramer brings forward as the annual audit. He indicated he is a professional and well thought.

Commissioner Holland asked where the annual audit is and that he never received a copy of it.

Commissioner Bixby indicated Commissioner Holland did contact him the day before and said he had an item relating to an audit that he wanted to discuss at the meeting. He indicated what should have happened is communication with the board through the BOCC feedback and put do not reply as not to violate the open meetings law.

Commissioner Bixby indicated we have gotten a waiver for the past five years. He indicated we could call for an audit of a certain department. He indicated he could not support the expenditure of a county-wide GAAP/GASB audit.

Commissioner Holland indicated for information purposes the five largest counties in Kansas use the GAAP/GASB audit. He indicated the sixth largest county, Leavenworth County, does not. He indicated the city of Leavenworth uses the GAAP/GASB audit. He indicated the cost would be approximately \$120.00 per hour.

Tamara Copeland indicated Commissioner Holland asked her to present information regarding audit options. She indicated based on the size and complexity of Leavenworth County the estimated cost for a GAAP/GASB audit to be between \$64,000.00 and \$129,000.00.

Ms. Copeland explained the difference between a GAAP/GASB audit and regulatory audit is there is a management discussion and analysis section required by GASB 34. She indicated that section takes all the financials and breaks it down and makes it easy to understand for the commission, management and the public. She indicated a GAAP/GASB audit is more in depth and has more reconciliation procedures.

Ms. Copeland indicated she has reviewed the current audit and related materials along with reviewing identified compliance issues. She indicated there are several concerns with the business operating practices that have been brought to her attention. She indicated in the best interest of the conduct of the County that a more in depth type of audit be done. She indicated that doesn't mean we need to change firms or regulatory types.

Ms. Copeland presented three possible options to consider. She indicated option one would be the most cost effective and that would be to maintain the contract with Kramer and Associates and continue the regulatory based audit. She explained that an audit team be formed to address County issues, oversee the audit and work with the auditors to perform an in-depth audit of targeted areas. She indicated option two

would be to negotiate a revised contract with Kramer and Associated to include the GASB audit knowing costs would go up. She indicated option three would be to initiate a RFP for either a GASB audit or regulatory audit.

Ms. Copeland indicated she recommended an audit committee team be formed to ensure the quality of the audit, the information is getting presented fairly and issues are getting identified and noted.

Commissioner Bixby inquired what would an audit team look like, the number of people and who would be on the team.

Ms. Copeland indicated possibly three members consisting of the County Administrator, County Clerk and someone who has a background in auditing and finance. She indicated it would be a checks and balances and would help make sure that no one person has control of what's getting presented to the audit team.

This item was tabled until Thursday.

Mr. Van Parys requested an executive session for 10 minutes to discuss potential litigation.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss potential litigation. Present: The three Commissioners, David Van Parys and Patrick Hurley. Executive session began 10:04 a.m.

Motion passed, 3-0.

Commission returned from Executive Session at 10:14 a.m., no official action was taken.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the September 17, 2015 meeting minutes.

Motion passed, 3-0.

The Board adjourned at 10: 17 a.m.

*****September 24, 2015*****

The Board of County Commissioners met in regular session on Thursday, September 24, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Jim Kraatz, Senior Planning Coordinator; Jillian Ogden, Planning Coordinator; Krystal Davis, Planning Intern; Jamie Miller, EMS Director; John Richmeier, Leavenworth Times

Residents: Joyce DiMarco, Neressia Essig, George Henley, Larry DeMoss, Jim Cunningham, Mary Alfoder, Garry Caldwell, Sam Scofield, Joe Herring, Larry Van Fleet, Gary and Stephanie Liebling.

PUBLIC COMMENT:

Larry Van Fleet, Chairman of Leavenworth County Sewer District #3 Action Committee thanked the BOCC for the hard work done for the EMS station in Basehor. He expressed his concerns on the amount of the assessments to the property owners for Sewer District #3. He indicated the Basehor school is assessed the same amount as the property owners.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the September 21, 2015 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the agenda for the week of September 28, 2015.

Motion passed, 3-0.

Commissioner Graeber acknowledged that Chuck Magaha, Director of Emergency Management received the President's Choice Award for dedication to excellence in emergency management. He indicated the BOCC will send a letter of congratulations.

Planning and Zoning presented Case Number DEV-15-074 and Case Number DEV-15-075, consideration of an application for a Preliminary and Final Plat for Hogan Acres. The applicant is requesting a three lot subdivision of a 37 acre parcel.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve DEV-15-074 and DEV-15-075, for approval of the application for the preliminary and final plat for Hogan Acres, subject to all recommended conditions.

Motion passed 3-0

Planning and Zoning presented Case Number DEV-15-090, consideration for an application for a Final Plat for Flying Deer Estates 2nd Plat, a replat of Lots 1, 2 and 4. The applicant is requesting approval of a replat of three lots in an existing subdivision. The owner of Lot 2 would like a 10 acre lot.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve DEV-15-090, to approve the application for a Final Plat for Flying Deer Estates 2nd plat, subject to all recommended conditions.

Motion passed 3-0

Planning and Zoning presented Case Number DEV-15-084, consideration for an application of Amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations. The applicant is requesting a proposed amendment to Articles 3, 19 and 22.

David Van Parys indicated he had no comments or objections to the recommendations.

Jeff Joseph indicated the Leavenworth County CO-OP previously applied for property to put a propane storage tank. The staff and planning commission did not recommend approval and it was denied by BOCC. He indicated during that time discussion was made about applying for a Special Use Permit and that is why staff put together this proposed change in zoning categories.

Commissioner Bixby opened public comment for those in favor for Case Number DEV-15-084.

Joe Herring, spoke in favor to allow a business to operate in the county. He indicated almost all county residents use propane. He indicated the safety risk has not increased.

Commissioner Bixby opened public comment for those in opposition for Case Number DEV-15-084.

James Cunningham, spoke in opposition and indicated no one from the Planning Commission or the County Commissioners has studied or considered the safety factor, rural residential use or business zoning classifications. He indicated no one has requested a fire safety analysis and stated there is no water that goes to that property.

Several residents spoke in opposition of Case Number DEV-15-084 to include: George Henley, Larry DeMoss, Mary Ann Yoder, Garry Caldwell, Stephanie Liebling and Neressia Essig.

In rebuttal, Joe Herring indicated we are just here for the regulation change. He indicated a lot of the discussion was tied to the specific property but this is only a change in zoning regulation.

In rebuttal, James Cunningham indicated the Planning and Zoning department is not the real applicant, it's the CO-OP. He indicated the County does not have an obligation to show favoritism to one business to make them more competitive.

Mr. Van Parys indicated the rezoning creates a situation where a person has a right to use the property for specified purposes. If at a later date a special use permit would apply, that does not allow use by right, but could allow use by condition.

A motion was made by Commissioner Bixby to approve DEV-15-084.

Motion dies for lack of second.

A motion was made by Commissioner Holland to approve the zoning regulations.

Commissioner Graeber asked if this is strictly a motion to approve zoning rules, it does not open it up for the CO-OP to immediately come in and build.

Commissioner Holland indicated it would not.

Commissioner Graeber seconded the motion.

Pat Hurley indicated the Planning Commission did not recommend the special use permit in a rural residential. He indicated the motion needs to be clarified.

Mr. Van Parys indicated the action is to whether or not to approve the recommendation by the Planning Commission or to modify it or send it back to the Planning Commission.

Commissioner Holland indicated he would reword his motion.

A motion was made by Commissioner Holland for a proposal for special use permit allowed use in rural residential.

Mr. Hurley indicated currently its I-2 and I-3 not rural residential.

Mr. Joseph indicated the staff recommended the special use permit within rural residential district, B-1, B-2, B-3 and I-1. He indicated it went to the Planning Commission and they agreed within the B-1, B-2, B-3 and I-1 but did not like the idea of having propane tanks within the rural residential district but did not recommend approval of a special use permit in rural residential zones.

Commissioner Holland commented that he agreed with Planning and Zoning Commission plus adding special use permits within the rural residential district.

Commissioner Graeber indicated that did not come forward from the Planning Commission.

Motion dies for lack of second

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to accept the Planning and Zoning Commission's recommendations.

Motion passed 2-1 Holland voting nay.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Resolution 2015-35, a resolution to amend Articles 3, 19 and 22 of the 2006 Zone and Subdivision Regulations.

Motion passed 3-0.

Planning and Zoning presented Case Number DEV-15-066, consideration of an application for Special Use Permit for riding stables and tracks for a Bit of Heaven Farm. The applicant is requesting approval of a special use permit for riding stables and tracks with lighting. The applicant is currently operating under special use permit 10-009.

Joyce DiMarco indicated this is a renewal of a special use permit with the change of adding lighting to an outdoor arena.

No one from the public commented on this matter.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve DEV-15-066, to approve the Special Use Permit for riding stables and tracks for a Bit of Heaven Farm, subject to all recommendations.

Motion passed 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Resolution 2015-36, issuing a Special Use Permit for riding stables and tracks.

Motion passed 3-0.

Jamie Miller presented the BOCC with the WIC contract. He indicated the WIC program was awarded \$231,123.00 per agreement. He indicated approval and signatures from the BOCC would be needed.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and sign the 2016 WIC contract.

Motion passed 3-0.

Mr. Miller presented the BOCC with the Paramedic Training Contract. He indicated he has an employee who is in the paramedic training program at KCKCC that is in the honors program. She is currently entering in her clinical in field internship which makes it difficult to work 24 hour shifts. Mr. Miller indicated she is not seeking any costs but needs the scheduling aspects of the program once she becomes a paramedic she would be locked in with EMS for additional three years.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve and sign the Paramedic Training Contract.

Motion passed 3-0.

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

Motion passed, 3-0.

Mr. Van Parys requested to enter Executive Session for a period of 10 minutes to discuss potential litigation.

A motion made by Commissioner Graeber and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley and David Van Parys, Executive session began at 10:25 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:35 a.m., no official action was taken.

Mr. Van Fleet inquired if the BOCC has approved the 2016 Sewer District #3 resolution.

Commissioner Bixby indicated that it was approved as it is every year. He indicated there was a 30 day protest period.

Mr. Van Fleet indicated there has not been a public hearing.

Commissioner Bixby indicated no one has requested one.

Mr. Hurley indicated there is a 30 day period and that has run.

Mr. Van Fleet indicated he has not received his assessment in the mail.

Commissioner Bixby inquired if the residents have been notified as to what the assessment will be and then they have the choice to appeal it and that's part of the public hearing.

Mr. Hurley indicated the BOCC approved the assessment in the budget then a date was set for any adjustments in the assessment. The BOCC decided unanimously not to adjust any assessment which began the 30 day period.

Commissioner Bixby indicated he did not think it was unanimous. He indicated the property owners need to know what the assessment amounts are before they can decide if they are going to protest or not.

Mr. Hurley indicated he would check with Mr. Van Parys.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to suspend the meeting to sign the bill books.

Motion passed 3-0.

The board recessed at 10:43 a.m. to review bills for the remainder of the day

Final Approved

*****September 28, 2015*****

The Board of County Commissioners met in regular session on Monday, September 28, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator, present; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; John Matthews, 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 September 24, 2015 meeting minutes.
Motion passed, 3-0.***

Patrick Hurley indicated the agenda from August 20, 2015 showed Sewer Districts 1, 2, 5, 6, 7a and 7b. During the actual meeting on August 20, 2015, he indicated the BOCC adopted a motion and resolution for Sewer District #3 voting 3-0.

Commissioner Bixby indicated he voted against it.

Mr. Hurley indicated David Van Parys was present at that meeting and advised the BOCC if someone objected and wanted to have a public hearing, they had a 30 day period and that has expired. He indicated we did not post on the agenda the BOCC would be taking up Sewer District #3.

David Van Parys indicated four public hearings have been held on Sewer District #3 in which each individual was notified what the total debt to the district was and the annual assessment. He indicated the BOCC has more than complied with the statute.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to amend the minutes from August 20, 2015 to reflect Commissioner Bixby voting nay on Sewer District #3 with the motion passing 2-1.
Motion passed 3-0.***

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to sign a congratulatory letter to Chuck Magaha on receiving the President's Choice Award.
Motion passed 3-0.***

Mr. Van Parys requested to enter Executive Session for a period of 15 minutes to discuss potential litigation.

***A motion 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 and David Van Parys, Executive session began at 09:14 a.m.
Motion passed, 3-0.***

Commission returned from executive session at 09:29 a.m., no official action was taken.

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland for approval of the bills that have been signed by the Commission.
Motion passed 3-0.*

The Board adjourned at 9: 32 a.m.

Final Approved