

\*\*\*\*\*October 1, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, October 1, 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; Mike Spickelmier, Director of Public Works; Doug Smith, Road and Bridge Superintendent; 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 September 28, 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 October 5, 2015.*

*Motion passed, 3-0.*

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

*Motion passed, 3-0.*

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve any OCB's for Monday, October 5, 2015 and authorize Commissioner Holland to sign and date the same in the absence of Commissioner Bixby.*

*Motion passed 3-0.*

Mike Spickelmier indicated they reviewed a cooperative purchasing between several municipalities within the Kansas City area. He presented a briefing report for purchasing a dump truck and the cost under the KDOT contract was lower. He recommended purchasing the truck through the KDOT contract.

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the purchase of the dump truck under the KDOT contract.*

*Motion passed 3-0.*

Mr. Spickelmier indicated a property owner on Santa Fe Trail is requesting an entrance for a driveway off Santa Fe Trail and currently has an entrance to the property from Ft. Riley Road. Public Works told the property owner he can have the entrance from Santa Fe Trail although Public Works did not recommend it for safety concerns regarding traffic. The entrance from Ft. Riley Road would have to be removed in compliance with the Leavenworth County Access Management Policy.

Commissioner Holland indicated he also spoke with the property owner and the owner said the entrance off Ft. Riley Road is not used.

Mr. Spickelmier indicated if the owner abandons the Ft. Riley Road entrance, there is no issue.

Commissioner Graeber indicated that noting the entrance is abandoned and the County takes notice of that, the County would not have to repair or replace it in the future.

Public Works will note that in the parcel file and Planning and Zoning will have notice as well.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the new entrance off Santa Fe Trail and the owners terminate any use of the old entrance off Ft. Riley Road.***

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

Mr. Spickelmier indicated Gene Myracle, Basehor Public Works, approached Leavenworth County with a request a new seal on Hollingsworth Road.

Doug Smith indicated they are sealing Leavenworth Road now and then will be going down 155<sup>th</sup> St which is right by this location.

Mr. Spickelmier indicated the City of Basehor would pay for the materials, labor and equipment under a memorandum agreement.

***A motion was made by Commissioner Bixby and seconded by Holland for purpose of discussion for approval of the Memorandum of Understanding between the BOCC and the City of Basehor.***

Commissioner Holland inquired if this would impact any projects moving forward currently.

Mr. Spickelmier indicated this would be accomplished under routine maintenance.

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

Mr. Smith indicated the phone lines are in way on 171<sup>st</sup> and Gilman and the residents have to be notified as to when the services will be down.

Mr. Spickelmier inquired if the BOCC would like to move forward with the PRP on 223<sup>rd</sup> while the weather is good and we are waiting for the phone lines to be moved on 171<sup>st</sup> St. He indicated it's been on the PRP as the third project. He indicated Public Works has all the necessary right of way and there are no utility relocations.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for discussion to approve moving forward with the 223<sup>rd</sup> project with 171<sup>st</sup> remaining a priority.***

Commissioner Holland expressed his concern that the 171<sup>st</sup> St. project will end up like the 207<sup>th</sup> St. project. He indicated these are two major artery roads in Leavenworth County.

Mr. Spickelmier indicated that if there is no intention of doing the 223<sup>rd</sup> Street project it should be removed from the PRP list.

***Motion to do the 223<sup>rd</sup> Street project passed 2-1 Commissioner Bixby voting nay.***

Pat Hurley advised the KAC Legislative Policy Committee will be having a follow-up meeting in Salina, KS October 9, 2015.

Mr. Hurley presented a report from Thomas McGee regarding the safety inspection for Leavenworth County. He indicated it was a positive report and most of the concerns have already been addressed.

Mr. Hurley received a request from Ron Achelpohl at MARC for a meeting about the road projects and will set up a meeting with the BOCC.

Mr. Hurley received a request from Dick Gibson to speak with the BOCC in regards to a donation for the 27<sup>th</sup> committee and will set up a meeting with the BOCC.

Mr. Hurley indicated KDOT is having a follow up meeting October 29, 2015 at the Leavenworth Public Library regarding the Centennial Bridge.

Mr. Hurley indicated the KAC conference is November 3 to November 5 in Wichita, KS.

Commissioner Bixby indicated he has reservations for the conference.

David Van Parys requested Executive Session for 15 minutes to discuss potential litigation.

***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, David Van Parys, and Pat Hurley. Executive session began 10:12 a.m.***

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

Commission returned from Executive Session at 10:27 a.m., no official action was taken.

Commissioner Bixby indicated he will be attending the KAC Legislative Policy Committee meeting in Salina on October 9.

The Board adjourned at 10:31 a.m.

\*\*\*\*\*October 5, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, October 5, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby present via teleconference phone. Also present: Patrick Hurley, County Administrator, present; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Mike Spickelmier, Director of Public Works; John Forslund, PE; 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 Graeber and seconded by Commissioner Holland to approve the October 1, 2015 meeting minutes.***

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

John Forslund presented the design fees for McIntyre Road. He indicated BHC Rhoades was selected from a group of four consultants at the cost of \$420,000.00. He indicated BHC Rhoades included two additives for addressing KDOT work at K-7 and McIntyre Road for \$120,000.00 and K-5 and McIntyre Road for \$80,000.00. He indicated he will meet with KDOT to see if they are willing to help with the project.

Commissioner Graeber commented he was shocked at the cost estimate for two miles of road that is already established.

Mr. Forslund indicated BHC Rhoades will attend public hearings, meetings with KDOT, pre-bid conferences and pre-construction meetings. This does not include the overall supervision of the road construction.

David Van Parys commented that it is anticipated there will be right of way acquisition costs and utility relocation costs which are included in the overall cost estimate for the project.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to accept the design fee contract from BHC Rhoades in the amount of \$420,000.00.***

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

Mr. Van Parys requested an executive session to discuss potential litigation for 15 minutes.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the OCB's and authorize Commissioner Holland 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 15 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley and David Van Parys, Executive session began at 09:26 a.m.***

Commission returned from executive session at 09:41 a.m., no official action was taken.

The Board adjourned at 9:44 a.m.

\*\*\*\*\*October 8, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, October 8, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby present. Also present: Patrick Hurley, County Administrator, present; Becky Matzeder, Executive Secretary; Richard Gibson, Executive Director of the 27 Committee; Greg Kaaz, Lexeco Construction; 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 October 5, 2015 meeting minutes.  
Motion passed, 3-0.***

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the agenda for the week of October 12, 2015.  
Motion passed, 3-0.***

Richard Gibson presented to the BOCC an update about what the 27 Committee has accomplished in the last year and what future plans are. He indicated the 27 Committee mission is to establish cooperation between government and private business entities to identify, develop, and promote economic development in the greater Kansas City region, centering on Ft. Leavenworth.

Mr. Gibson indicated the federal facilities the committee solicits information from had an economic impact in the 2014 fiscal year of \$5.3 billion dollars and a personnel and residency impact of 15,029.

Mr. Gibson indicated thus far, the Supplemental Programmatic Environmental Assessment (SPEA) that resulted in less positions cut on Fort Leavenworth than potentially projected. He also indicated the committee met with the deans and provosts at Kansas University about offering courses similar to those already offered by the university.

Mr. Gibson also spoke about future plans for Fort Leavenworth to include a new federal medium security prison, new Kansas University campus, new 35<sup>th</sup> Division Headquarters building, new VA inpatient medical facility and Army University at Fort Leavenworth.

Mr. Gibson requested a \$5,000.00 contribution same as last year to continue the operation of the 27 Committee.

Commissioner Bixby commented the 27 Committee faces a lot of challenges and asked if \$5,000.00 was enough for what they have to do.

Mr. Gibson indicated that the \$5,000.00 is a piece of the budget and the committee has gathered one grant out of Atchison.

Commissioner Holland asked if the different counties the committee represents contribute to the funding.

Mr. Gibson indicated he has met with Platte County and they are undecided at this time but there is some private sector funding outside the Leavenworth area.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to increase funding from \$5,000 to \$10,000 to the 27 Committee.***

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

Greg Kaaz commented about the design build concept for McIntyre Road. He indicated a design build does not fit this project. He commented that as a contractor, he prefers the design build but as a citizen of Leavenworth if a set of plans are put out there that are well defined, then everyone gets a shot to bid and a chance to keep it local.

Commissioner Graeber indicated they wanted to do what they can to support local contractors.

Pat Hurley scheduled a meeting with Ron Achelpohl from MARC and the BOCC for October 26, 2015.

Commissioner Bixby indicated he would like to invite the city administrators and city managers. He also indicated he wanted Public Works to create three maps showing the three major projects.

Mr. Hurley indicated the BOCC received invitation to CCA's Community Relations luncheon on November 18, 2015.

Mr. Hurley indicated the final mill levy information is available for county fiscal year 2016.

The LCDC meeting is today and Commissioner Bixby will be attending. He will also be attending the KAC policy committee meeting in Salina on Friday.

Mr. Hurley indicated Monday, October 12<sup>th</sup> is Columbus Day, but not a County holiday.

***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 indicated the BOCC got an email from Judge Sundby asking if State employees are eligible for free flu shots.

Commissioner Bixby stated that if they get their health insurance through the state, they need to have it done through their insurance.

It was the consensus of the Board that State employees should not be eligible for free flu shots or prizes associated with participation.

The Board adjourned at 10:04 a.m.

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

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

Commissioner Holland indicated he visited the 223<sup>rd</sup> St. project site and didn't think it was ready for chip and seal. He indicated more work needs to be done with the culverts and the width of the road.

Doug Smith via phone, indicated culverts have been replaced and obtained temporary easement for a cul-de-sac for trucks to turn around.

Commissioner Bixby suggested that Commissioner Holland revisit the site on Sunday and discuss the findings on Monday to see if they need to reconsider.

The Board adjourned at 10:25 a.m.

Final Approved

\*\*\*\*\*October 12, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, October 12, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby present. Also present: Patrick Hurley, County Administrator, 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 October 8, 2015 meeting minutes.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to enter executive session for 30 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley and David Van Parys, Executive session began at 9:03 a.m.*

*Motion passed, 3-0.*

Commission returned from executive session at 9:33 a.m., no official action was taken.

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to enter Executive session for 15 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley and Roger Marrs, Executive session began at 9:35 a.m.*

*Motion passed, 3-0.*

Commission returned from executive session at 9:50 a.m., no official action was taken.

Commissioner Graeber will be absent from the session on Monday, October 19, 2015.

The Board adjourned at 9:53 a.m.



\*\*\*\*\*October 15, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, October 15, 2015. Commissioner Holland, Commissioner Graeber, and Commissioner Bixby present. Also present: Patrick Hurley, County Administrator, present; Becky Matzeder, Executive Secretary; Mike Spickelmier, Director of Public Works; John Forslund, P.E.; Doug Smith, Director of Bridge and Road; Bob Weber, Leavenworth County Appraiser; 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 October 12, 2015 meeting minutes.*

*Motion passed, 3-0.*

Commissioner Bixby added the Community Interest Survey Results to the agenda for Thursday, October 22 for discussion.

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the agenda for the week of October 19, 2015 as amended.*

*Motion passed, 3-0.*

Commissioner Holland indicated the Kansas Department of Health and Environment report references NR Ham material recovery facility in which it indicated it receives recyclables from communities in Jefferson and Leavenworth counties.

Commissioner Holland inquired about the procedures on the major road projects in determining who gets notified for bids.

John Forslund indicated Public Works and the city came up with a list of qualified firms. The qualified firms are sent a letter outlining what was expected and to see if they are interested in the projects. He indicated Public Works asked for qualifications, staff qualifications, current work load and history of work in Leavenworth County. He indicated they gave them a month to put together a packet and eight firms submitted their information. A panel was formed to rank who was most qualified. The consultants were requested to identify which of the three projects they would want to work on.

Commissioner Holland asked if consideration is given when sending out to local businesses.

John Forslund indicated that no one in the local community has expressed interest the engineering phase of the work.

Mike Spickelmier indicated Public Works maintain a list of on call consultants that was established that does include local businesses. He indicated the qualification packet for the Eisenhower project could still be sent to the local companies and their response would be reviewed like any other firm.

Commissioner Holland asked when a design firm is chosen, does Public Works put those out for bid.

Mr. Spickelmier indicated there is a solicitation for proposals. He indicated because we are asking for federal funding as in the Eisenhower project, our selection process has to be in compliance with the federal guidelines that have been established.

Commissioner Holland asked if we are under a mandate because of the federal funding.

Mr. Spickelmier suggested that in order to maintain eligibility for federal funding, we need to comply with the federal guidelines.

Commissioner Graeber commented that the engineering and design work would not prevent local contractors from bidding on the construction phase.

Mr. Spickelmier indicated they are not precluding local contractors with the understanding that if the project is selected for MARC funding, it has to go through the federal bid process.

David Van Parys now present at 9:39 a.m.

Commissioner Bixby indicated on October 26, Ron Achelpohl from MARC will be present at the BOCC meeting and wants Public Works to show him maps with what will be done on McIntyre Road, Eisenhower Road and 147<sup>th</sup> St. He indicated he wants to invite representatives from the cities and to see a coordinated effort with the projects.

Commissioner Holland indicated he has concerns on 223<sup>rd</sup> St. He indicated when driving south, the road is very narrow to be chip and seal and there is a concern with the steep incline.

Doug Smith indicated the road has been widened and all culverts have been replaced.

David Van Parys requested an executive session for the Johnson County Property Valuation discussion as potential litigation.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to enter executive session for 10 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley and David Van Parys and Bob Weber. Executive session began at 9:49 a.m.***

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

Commission returned from executive session at 9:59 a.m., no official action was taken.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to enter executive session for 15 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley and David Van Parys. Executive session began at 10:04 a.m.***

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

Commission returned from executive session at 10:19 a.m., no official action taken.

Mr. Van Parys indicated Elmer Tanking will be undertaking a tract split of his property approximately 15 acres that does adjoin and abut a county road. Planning and Zoning is requesting Mr. Tanking to donate right of way along the perimeter of the parent tract and the tract to be split off. Mr. Tanking is proposing he would donate the 50 foot additional right of way along the portion of the county road the tract will be split off adjoins. In return, Mr. Tanking is asking to not be required to make additional donation along the remaining perimeter of the parent tract.

Mr. Van Parys requested a motion to allow the tract split to proceed to right of way donation along the portion of the road right of way that adjoins the tract to be split off the parenting tract.

*A motion by Commissioner Holland and seconded by Commissioner Graeber to allow the tract split to proceed to right of way donation along the portion of the road right of way that adjoins the tract to be split off the parenting tract.*

*Motion passed, 3-0.*

Mr. Van Parys indicated he sent letter to Jeff Joseph with respect to proposed property maintenance standards. He indicated when he reviewed the proposed standards they were in conflict with proposed legislation that the County may be requesting to introduce in the 2016 legislative session. He indicated rather than have an incompatible standard put in place, the Planning Commission tabled the matter and sent it back to the Planning staff so the property maintenance standards could be made and brought into conformity with the proposed legislation.

A reminder about the health risk assessment and flu shot given to County employees every Friday this month between 1:00 p.m. and 4:00 p.m.

The Board adjourned at 10:38 a.m.

Final Approved

\*\*\*\*\*October 19, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, October 19, 2015. Commissioner Holland, Commissioner Bixby present, Commissioner Graeber absent. Also present: David Van Parys, County Counselor; Patrick Hurley, County Administrator, present; Becky Matzeder, Executive Secretary; Mike Spickelmier, Director of Public Works; John Forslund, P.E.; Mick Schwartzkopf, Assistant Director Public Works; Trevor Huhn, Buildings and Ground Manager; Doug Smith, Road and Bridge Superintendent; Fran Keppler, Noxious Weeds; John Richmeier, Leavenworth Times

Residents: John Matthews, Jane Gilbert, Michelle Mitchner, Debra Lowe, Amy Salazar, Cassie Hartfelder; Kathy Cruden, Mike Hathaway and Lila Berry

**PUBLIC COMMENT:**

Jane Gilbert lives on 150<sup>th</sup> St. She complained about the dust indicating she has a son with leukemia and his lungs are diminishing. She wants to get the road chip and sealed for her son and his health concerns.

Commissioner Bixby indicated when we look at growth in the county and roads with the highest car count. He indicated Ms. Gilbert could form a benefit district to have pavement on her road.

Mike Spickelmier indicated car counts were done on 150<sup>th</sup> St.

Commissioner Holland indicated the car count is taken into consideration before a road is considered. He indicated Ms. Gilbert turned in an affidavit that has 100% participation.

Mr. Spickelmier indicated he would share the traffic data collected.

Commissioner Bixby indicated he would drive down 150<sup>th</sup> St. this week and follow-up with Mr. Spickelmier.

**ADMINISTRATIVE BUSINESS:**

Mr. Spickelmier indicated 179<sup>th</sup> St. was identified as a PRP candidate but was unable to get 100% participation so the landowners created a benefit district.

Mick Schwartzkopf explained that a rough cost analysis was created for various scenarios and a public hearing was scheduled and the residents notified.

Mr. Spickelmier cited three cost estimates. The creation of a benefit district under state law allows the cost apportioned to the homeowners. Under 1997-1, the BOCC can elect to pay up to 50% of the cost. He indicated the first cost estimate is 100% of cost to the homeowners, the second would be the BOCC paying 50% of costs and the third is a variation of items that are paid or not paid for. He commented he wanted to run various scenarios so homeowners know this could have a significant impact on their annual taxes.

Mr. Spickelmier indicated the statutory requirements for the petition were met.

Mr. Spickelmier estimated the cost could be as high as \$30,000.00 per owner apportioned over a period of time.

Commissioner Holland stated easements would have to be purchased by the county and added to the apportionment of cost assessed against the owners.

Commissioner Bixby opened public hearing allowing a main speaker for each side five minutes each, and other speakers with new information be given two minutes each.

Cassie Hartfelder indicated she is not exactly against this, but is trying to get more information. She indicated she didn't understand why this project keeps getting pushed down and how much of the property will be taken.

Kathy Cruden indicated that she is for this, but her husband is against it. She indicated her husband's concerns were the taxes and the speed at which the neighbors drive down the road.

Amy Salazar and Debra Lowe spoke in favor of 179<sup>th</sup> St., but preferred it under the PRP program.

Mr. Spickelmier indicated t under the PRP the costs are the County's. Under the PRP costs such as property acquisitions and engineering are not incurred by the residents.

Ms. Lowe wanted to clarify that there is only one person not willing to sign the petition. Ms. Salazar commented the residents would rather do the PRP and not have to pay the costs.

Commissioner Holland indicated tabling this matter to look into the easements from the person who will not sign the petition.

Mr. Spickelmier explained this is the first time the residents have seen these estimates and would be in favor of tabling the matter for more research.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to table the 179<sup>th</sup> St. project until December 14<sup>th</sup>.***

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

Chuck Magaha presented a Memorandum of Understanding between Mid America Regional Council consisting of the Missouri Counties of Jackson, Platte, Clay, Cass as well as Kansas City Missouri and the Kansas Counties of Johnson, Leavenworth and Wyandotte and the Missouri State Emergency Management Agency.

Mr. Magaha explained Missouri has come on aboard with WebEOC, which is a virtual Emergency Operations Center and Leavenworth County holds the back-up server for the metro region since 2006. This MOU allows Leavenworth County to utilize Missouri's webEOC server and Missouri to utilize Leavenworth County's webEOC.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the Memorandum of Understanding between Mid America Regional Council and Missouri State Emergency Management Agency.***

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

Public Works presented their monthly report.

Bridge E-20 (Cemetery Road South of Easton over Dawson Creek), still trying to acquire two easements.

Bridge HP-25 (High Prairie Road east of 187th Street {CR-29}), the foundation has been constructed and the bridge deck is scheduled for concrete placement this week.

Bridge HP-10 & HP-17 Bridge Replacement (207<sup>th</sup> St and Stranger Road), the bid documents prepared for release and working with utility companies for relocations.

Bridge SH-15 (Stillwell Road east of 198th Street), working on the internal design for this project.

Commissioner Bixby requested a 3 minute recess at 10:34 a.m.

Commission returned from recess at 10:37 a.m.

Mr. Spickelmier indicated this was the final update on K-7/ US73 reconstruction project. The overlay is complete and the road is striped.

Public Works sent additional qualification letters to local businesses on the Eisenhower Road project.

John Forslund indicated the survey on the 147<sup>th</sup> St. project will be complete at the end of the month and initiation layout is complete.

Mr. Forslund presented an update to the Tonganoxie Annex. Change order #1 was \$7,250.00 for the reduction of a concrete vault at the water line connection and the addition of drywall under the mezzanine decking to accommodate city codes. Change order #3 for \$4,530.00 for installing an all-weather cover over the standby generator. Change order #4 for \$2,500 for addressing minor issues around the exterior of the building. Change order #5 for \$410.00 for additional insulation in the EOC conference room. Change order #2 for \$1,972.00 was for the addition of water line and it was resolved last month. Mr. Forslund indicated the change order costs are within the contingencies line items.

Commissioner Bixby asked about a need for a reduction in the concrete vault.

Mr. Forslund explained the vault housed the check valve and the design team placed a second check valve inside the building. After speaking with the fire department, it was determined only one check valve was needed.

Commissioner Bixby inquired if the generator came with the standard sheet metal cover.

Mr. Forslund indicated it did not. The design team thought the generator would be placed inside the building, but the location changed because of the design team's recommendation.

Commissioner Bixby thought the County should not have to pay for the cover.

Mr. Forslund indicated he would check with the design team regarding payment for the cover.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve change orders with the exception of change order #3, cover for the standby generator.***

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

Mr. Forslund indicated the exterior concrete is complete and the drywall is 95% complete will be ready for paint shortly. The project is ahead of schedule and will open by the end of the calendar year.

Trevor Huhn indicated the contractors are working on the north side pedestals of the Courthouse. The carpet in the Justice Center dispatch area should be done in a month.

Doug Smith indicated he does not have price quotes on the storage structure yet.

Public Works is requesting authority to proceed with replacement of motor grader #26 and #31. Mr. Smith indicated KDOT does not have a motor grader contract for 2016, however MDOT does.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to authorize Public Works to replace motor grader #26 and motor grader #31 under the MODOT contract.***

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

Mr. Smith indicated every year the salt dome needs maintenance to replace shingles and this year the maintenance crew suggested replacing the roof.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to patch the roof and budget a new roof for 2017.***

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

Public Works is requesting authorization to purchase replacement mower tractor #105. Heritage Tractor came in at the low bid in the amount of \$138,579.00.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to accept bid from Heritage Tractor for \$138,579.00 for replacement mower tractor #105.***

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

Fran Keppler indicated Noxious Weed received a payment from Basehor Prairie Farms.

Mr. Spickelmier presented a report from the County Wide Clean-up indicating 88 residents participated and disposed of 36.11 tons of waste.

Public Works conducted an engineering study of the intersection of 156<sup>th</sup> St. and Loring Rd audit meets engineering guidelines to have a stop sign placed at that location.

***A motion was made to Commissioner Holland and seconded by Commissioner Bixby to approve the stop sign placement at 156<sup>th</sup> St. and Loring Rd.***

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

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the adoption of Resolution 2015-37 establishing the placement of a stop sign on 156<sup>th</sup> St at its intersection with Loring Rd.***

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

Mr. Spickelmier indicated Public Works has received a petition from the residents on Honey Creek Road under the benefit district. The residents are asking for a statutory process, but if the road was never established it becomes a legal question. He suggested a public hearing for Honey Creek Road and a PRP work session scheduled for November 9.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the October 15, 2015 meeting minutes.***

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

Pat Hurley indicated the Little Stranger Church and Cemetery has been placed on the Kansas Register of Historical Sites and the National Register. They are currently applying for the Heritage Trust Fund Grant in order to restore the building and would like a letter of support from the BOCC.

*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.*

The Board adjourned at 11:25 a.m.

Final Approved



\*\*\*\*\*October 22, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, October 22, 2015. Commissioner Holland, Commissioner Bixby, Commissioner Graeber present. Also present: Roger Marrs, Deputy County Counselor; Patrick Hurley, County Administrator, present; Becky Matzeder, Executive Secretary; Sean Crittendon, Director, Leavenworth County Department of Juvenile Services; Brigit McCaully, Business Manager; Jamie Miller; Director of EMS; Mike Davis, EPA; Lloyd Martley, Basehor Chief of Police; Carrie Ritchey, Treasurer for Little Stranger Christian Church; Samuel Hall; 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 to Bixby approve the October 19, 2015 meeting minutes as amended.  
Motion passed, 2-0 Graeber abstaining.*

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the agenda for the week of October 26, 2015.  
Motion passed, 3-0.*

Commissioner Graeber asked that Public Works bring design plans for the vehicle storage structure to the next meeting.

Mr. Hurley presented a letter in support of the Little Stranger Christian Church restoration application for a grant.

Carrie Ritchey indicated the Little Stranger Christian Church was placed on the Kansas and National Historical Sites. They hope to restore the church and are applying for the Heritage Trust Fund grant for the cost of restoration. She thanked the BOCC for the letter of support.

Sean Crittendon revisited the Kansas Department of Corrections funding reduction issue in the amount of \$28,441.94. He recommended splitting the reduction between Leavenworth and Atchison County. He presented a reduction from Leavenworth County in the amount of \$14, 221.70 and indicated Atchison County only identified \$7,000.00 from the security transport fund.

Mr. Crittendon indicated the quarterly allotment from KDOC was reduced by \$14,000.00 and he will need to let the State know where the reductions will be made.

Commissioner Holland indicated Judge Gibbens does not want to see it taken out of programs.

Mr. Hurley recommended limiting the reduction to \$28,000.00 and split it between the two counties. Mr. Hurley suggested rather than reducing the salaries of the two Atchison employees by \$56,000.00 they reduce the administrative assistant by approximately \$22,000.00 and \$7,000.00 from the grant fund for a vacant Leavenworth juvenile position.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to restore \$33,000.00 in director's salary and retain the \$22,000.00 reduction in the administrative assistant salary and take \$7,000.00 from a vacant Officer III position that is funded by a state grant.***

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

Jamie Miller requested the BOCC sit as the Leavenworth County Board of Health.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to recess the BOCC session and convene as the Leavenworth County Board of Health.***

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

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

Jamie Miller: "Commissioners, along beside me here today is Mike Davis from the EPA. He's been working along beside me on this issue basically since it has start back in August. Also present today is Mr. Samuel Hall who is the actual property owner of the trailers that we're going to discuss today. Mr. Hall contact me on Monday so this after the briefing report was adopted and things of that nature. We were able to have some discussions. What we're here to do today, Commissioners, and Mr. Hall can speak at the end of this. I have gone through the entire process with him now that I've been able to make contact with him. David has developed an order from the Board of Health to be issued, it's drafted and I believe.

Commissioner Bixby: "Do we need to get David in here?"

Pat Hurley: "David is not here."

Commissioner Bixby: "That's going to be tough, ok."

Pat Hurley: "He has advised me on this."

Commissioner Bixby: "Ok, great, thank you."

Jamie Miller: "As I to give the summary, I have a pretty detailed briefing report as to what we're dealing with. There was some elemental mercury that was spilled on a private travel trailer, a 1983 travel trailer. I don't know the age of the other trailer or the VIN, again, I don't know if you know (referring to Mr. Hall) it's an older travel trailer. They were connected with a structure in between making a make shift residence if you will.

Commissioner Bixby: "Was this by chance in a zoned area for mobile homes and alike I'm assuming?"

Jamie Miller: "No, we're not...."

Commissioner Bixby: "Ok, just wanted to see what we're dealing with."

Jamie Miller: "Anyway, the mercury was found on the actual property itself and another location, it was brought in. It was spilled into the mobile home, or the travel trailer if you will, the resident which is the wife of Mr. Hall called 911, fire department, law enforcement, EMS, Emergency Management were all called out. Once Mr. Magaha was out there, he contacted me because it was a health hazard involving elemental mercury. We placarded that night with our processes and procedures that no one could enter in. The next morning I made contact with KDHE, KDHE referred me into EPA, that's were Mr. Davis and I and Mr. Magaha as well as the Sheriff's Department went out. Mr. Davis did some immediate remediation that could be done at that moment in time with what they had. They returned the next day to

do some more in depth remediation to see what they could do. They cleaned it up as best they can with the materials and the processes they have. They buttoned it back up and did some air sampling as required and the air sampling still came back with levels much greater than what could be occupied or used. At that point in time, Mr. Davis went back to the office with his team and things of that nature and supplied us with a letter that said without further destruction very costly, things of that nature, there's not really anything more they can do at that point in time. That's what was presented in the letter. I tried to make contact with the property owner and was having a very difficult time just trying to get in contact. Mr. Hall was not known whereabouts or how to get in contact with him at the time and we've been going kind of back and forth, that's why the delay in about a month of taking care of this. We posted notes, excuse me, letters on the gate of the property to have them contact in as soon as possible so we can get this remediated, talk about it. I visited with David multiple times and what we need to do or how we need to proceed and this is where we're at today. With that, on Monday, Mr. Hall contact me and I kind of brought him up to speed on basically what I'm doing with you today and I'll let you speak here in a second (referring to Mr. Hall). Mr. Hall is very compliant and very willing to work with us on getting this remediated. He's willing to, correct me if I'm wrong, sign over, do whatever we need to do to dispose of the trailers and get rid of, which is what is in the order that David is asking the Board of Health to issue today. That's the ultimate here is we want these disposed of properly so the contaminate is gone, it's no longer within our county, it's no longer be a threat if you will to anybody, public, private so on and so forth. I'm asking the Board as well as what David has generated to the Board to adopt the order and I can read the bottom part "That due to the particular and immediate health peril posed to public by the mercury contamination present in two residential trailers currently located on property commonly known as 18019 258<sup>th</sup> Street, Tonganoxie, Kansas, that this Board orders the removal and proper disposal of the trailers and their contents; that the county health director coordinate the removal and disposal of the trailers and their contents with KDHE and the EPA and that such removal and disposal take place at the earliest opportunity."

Commissioner Bixby: "Ok, I have a few questions, if I may. Gentleman from the EPA, and I'm sorry you're name escapes me."

Mike Davis: "Mike."

Commissioner Bixby: "Mike, ok, you've been in the trailer, correct?"

Mike Davis: "That's right."

Commissioner Bixby: "Ok, does Mr. Hall still have a lot of personal effects in there?"

Mike Davis: "He does."

Commissioner Bixby: "Ok, will he be allowed to get in and get those or is that forgone conclusion that it's all contaminated, he just needs to walk away."

Mike Davis: "We could probably facilitate that, it would just be a matter of ventilating the property and we would take air readings and air samples to make sure that conditions inside the trailer. Right now that it's closed, probably not healthy to go in there without respirators things like that. If we were to ventilate it then we could facilitate that."

Commissioner Bixby: "Ok, so Mr. Hall, do you have like items of clothing still inside?"

Samuel Hall: "I don't know what's left in there. I've been in Leavenworth County jail for the last six months for a misdemeanor battery. I have no idea what condition anything is out there."

Commissioner Bixby: "So photos or keepsakes or things like that you're confident we can assist him in getting some of those items out without great expense to him or the county."

Mike Davis: "Absolutely."

Commissioner Bixby: "Ok"

Samuel Hall: "I do know that there's been a lot of theft going on out there at my place since nobody's been out there expect for my wife because she's not there all the time. So I don't know."

Commissioner Bixby: "You don't know what you are walking into."

Samuel Hall: "I don't know what I'm walking into."

Commissioner Bixby: "Sure, I appreciate that. Commissioners?"

Commissioner Graeber: "I guess my feeling is they should move forward with this as quickly as possible and get that dangerous threat out of there for the people that live in that area."

Commissioner Bixby: "Well and I'm guessing Mr. Hall because of your confinement \$100.00 a day is going to be too excessive for you to comply with, is that correct?"

Samuel Hall: "Yeah, right now I'm in the Grossman Center at the halfway house and I have yet to get a job. I got another court case pending on a parole violation, a federal parole violation, so right now it would be kind of burning my bridges if any jobs that I qualify so."

Commissioner Bixby: "Alright, Jamie, did you have something else?"

Jamie Miller: "I just visiting with Mike from EPA, I don't believe we need to impose any fines. I believe that as long as the Board authorizes me to move forward on dealing with this between the EPA and working through, we'll be able to take care of this without having to impose fines, as long he's willing to work with us and sign off on all the releases and things that the EPA would need to do, then we can move forward without that."

Commissioner Bixby: "Ok and Mr. Hall you're willing to sign whatever releases we need to do to clean this up and so that you can avoid being fined is essentially what it comes down to."

Mr. Hall nods in agreement.

Commissioner Bixby: "Alright."

Commissioner Graeber: "Will Mike with the EPA oversee what's being taken out as to is it a hazard?"

Mike Davis: "We will do that."

Commissioner Bixby: "And if Mike decides it is a hazard even though you might really like whatever it is, understand he's got the authority to do just that."

Samuel Hall: “Just like I told Mr. Miller here that even if the fifth wheels on the travel trailer showing up whatever, I could care less. But like I agree with him, I want to make the situation as to get this cleaned up as soon as possible.”

Commissioner Bixby: “We appreciate that.” I’ll entertain a motion.

Commissioner Graeber: “I move that we authorize our director of public health to move with the EPA and Mr. Hall to remove this property as quickly as possible and approve the order.”

Jamie Miller: “Basically it’s approve the order to be signed by Commissioners.

Commissioner Bixby: “So this would be option two essentially that I’m reading here?”

Commissioner Graeber: “So moved.”

Commissioner Holland: “Second.”

Commissioner Bixby: “Motion seconded, voting”

Commissioner Graeber: “Aye.”

Commissioner Holland: “Aye.”

Commissioner Bixby: “Aye.”

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

Commissioner Bixby: “This closes the public health board meeting. We will reconvene as the Leavenworth County Commission and the first thing we need to do is accept the recommendation of the Leavenworth County Board of Health. I’ll entertain a motion for that.”

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland that the Commission adjourn as the Board of Health accept the recommendation and order of the Board of Health and reconvene as the BOCC at 10:02 a.m.***

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

Commissioner Bixby requested the minutes from the Board of Health meeting read verbatim.

Roger Marrs presented a letter from Basehor regarding delinquent special assessments on property owned by NBK, Inc. The owner has declined to get the taxes current and it is creating a financial impact on the city because of the amount of the delinquency in excess of \$515,000.00.

Mr. Marrs indicated any time after September; the BOCC can issue an order authorizing initiation of tax sale proceedings.

***A motion was made Commissioner Graeber seconded by Commissioner Holland to authorize initiation of tax lien foreclosure process against NBK, Inc. regarding to properties outlined in the memorandum and begin immediately whatever action necessary.***

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

Mr. Marrs asked the BOCC to authorize all properties but independently NBK, so it would cover all properties.

*Commission Graeber amended his motion and seconded by Commissioner Holland to include all properties.*

*Motion passed, 3-0.*

Commissioner Bixby indicated a community survey was conducted in September of interests of Ft Leavenworth residents and employees. They targeted military family members and civilian employees who reside or work at Ft. Leavenworth. The purpose of the survey was to see what the needs and wants of those surveyed were.

Commissioner Bixby indicated we need to work with the cities to remove barriers to have businesses come in or existing businesses being able to thrive.

The Commissioners will be attending the LCDC VIP Event on November 13 at Falcon Lakes.

Commissioners Bixby and Holland will be attending the MARC Board Meeting on October 27.

Commission Holland will be attending the LCPA meeting on October 28.

The Board adjourned at 10:29 a.m.

\*\*\*\*\*October 26, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, October 26, 2015. Commissioner Holland, Commissioner Bixby, Commissioner Graeber present. Also present: Patrick Hurley, County Administrator, present; Becky Matzeder, Executive Secretary; Mike Spickelmier, Director of Public Works; Doug Smith, Road and Bridge Superintendent; Fran Keppler, Noxious Weeds; Lloyd Martley, Basehor Chief of Police; Scott Miller, Leavenworth City Manager; Tim Vandall, Lansing City Administrator; Ken Miller, Lansing Public Information Officer; Jamie Shockley, Tonganoxie Assistant City Administrator; John Matthews, Resident; William Trower, 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 October 22, 2015 meeting minutes for the BOCC.***

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

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the October 22, 2015 meeting minutes for the Board of County Health.***

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

Mike Spickelmier requested authorization to award bid for a salt dome foundation at Tonganoxie Quarry. He requested to process with the low bid from Baker Construction in the amount of \$42,000.00.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the bid from Baker Construction for a salt dome foundation in the amount of \$42,000.00.***

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

Mr. Spickelmier requested authorization to award bid for a vehicle storage structure to Rising Sun Building Systems in the amount of \$26,059.00.

Commissioner Bixby suggesting tabling this until Thursday for Public Works to present design plans.

Ron Achelpohl, Director of Transportation and Environment for MARC briefed the BOCC on the work progress on transportation at MARC. He indicated MARC is the council of governments for the Kansas City Metro area. He indicated MARC adopted Transportation Outlook 2040 which helps guide the work in transportation planning and in selecting projects for funding. It also provides information about population and employment growth, transportation needs and resources available to address those needs for a 25 year period. He indicated this is one of the most financially constrained plan projecting no growth in federal funding over the life of the plan and small growth in state funding. He indicated the growth in the plan is coming from local funding. He indicated the main focus of the plan is to maintain the existing roads and bridges, work to evolve roadways to accommodate all users, transit services and helping to support local governments as they are increasing investments in activity centers.

Mr. Achelpohl also briefed the BOCC on the Call for Projects in January. He indicated MARC is anticipating funding for three programs to include the congestion mitigation air quality program, the surface transportation program and the transportation alternatives program.

Commissioner Bixby asked Mr. Achelpohl how can MARC and Leavenworth County and the cities work together to achieve the common goals on the sales tax projects.

Mr. Achelpohl indicated the committees would be looking at community support, how much use the facility would give in the future, safety issues and accommodations of a wide variety of users.

Mr. Achelpohl advised the federal programs MARC manages all require matching funds. He advised to be strategic how much money you ask for and be prepared to not receive the full amount.

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

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

Commissioner Bixby inquired about a purchase order for repair of a chainsaw.

Fran Keppler indicated the chainsaw cost approximately \$800 to \$900 and was at a certain vendor's for over four months. This chainsaw is used by inmates daily who are not qualified to know if the chainsaw is in need of repair.

***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.***

Mr. Spickelmier asked if they could change their saw repair vendor.

It was the consensus of the board to take saws where repairs can be made in a timely manner.

William Trower inquired about getting  $\frac{3}{4}$  of a mile of 163<sup>rd</sup> St. chip and sealed and the residents would pay for the oil.

Mr. Spicklemier indicated he would check to see if they qualify for the PRP program and bring it back to the BOCC on November 9.

Commissioner Graeber inquired about the memorandum from Sean Crittendon to Atchison County. He indicated the 1<sup>st</sup> Judicial District will reduce by \$7,186.00 and Atchison by \$23,210.00.

Pat Hurley indicated the BOCC discussed the reduction should not come from programs. He indicated the action by the BOCC restored the \$33,000 in the deputy director's salary from Atchison and eliminated the administrative assistant juvenile services funding by \$22,000. The additional \$7,000.00 reduction is from a grant funded position in Leavenworth that is vacant and will not be filled.

Commissioner Bixby inquired about a purchase order for the Treasurer's Office to install a high definition camera. He indicated it does not appear to include the costs of two big screen televisions. He indicated the Treasurer has a personal matter and is not able to attend today.

Commissioner Bixby indicated he wanted to know how the televisions were purchased and what funds the costs are coming out of. He indicated the camera was installed in addition to the security system that already exists in the building.



Roger Marrs indicated he had no knowledge of the tv displays. He indicated he has not seen any paperwork, but assumed it would come out of the Treasurer's technology fund which is what the camera and installation expenses were charged to.

Pat Hurley indicated he would inquire if Ms. Van Parys will be available for Thursday's meeting.

The Board adjourned at 10:34 a.m.

Final Approved

\*\*\*\*\*October 29, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, October 29, 2015. Commissioner Holland, Commissioner Bixby, Commissioner Graeber present. Also present: David Van Parys, County Counselor; Patrick Hurley, County Administrator, present; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Jim Kraatz, Senior Planning Coordinator; Jillian Ogden, Planning Coordinator; Krystal Davis, Assistant Planner;

Residents: Gratia Carver, Bill Carver, Jennifer Carver, Stephanie Navinsky, Fran Gast, Louis Gast, Ed Gauger, Ronald Schneider, Gerald St. Peter, Dan Maxwell, Daren Fox, Julee Fox, Dan Lynch, Jerry Theis, Tonya Theis, James Jordan, Rich Bryan, Connie Bryan, Joe Schwinn, Jay Schwinn, Liam Terrell.

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

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

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

Commissioner Graeber inquired if a letter was written to Atchison County explaining the reductions that were easier to understand.

Pat Hurley indicated we had communicated to the Atchison Commission and the Joint Advisory Committee.

Commissioner Bixby indicated he spoke with Commissioner Noll from Atchison County and believes there are details Atchison was not aware of. Bixby indicated Leavenworth and Atchison Commissioner's need to meet to come to a better understanding.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the agenda for the week of November 2, 2015.***

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

Planning and Zoning presented Case Number DEV-15-102 and Case Number DEV-15-103, consideration of a preliminary and final plat for Budd Acres. The applicant is requesting approval of an eight lot subdivision.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the preliminary and final plat for Budd Acres, subject to all conditions.***

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

Planning and Zoning presented Case Number DEV-15-101, consideration of a final plat for Dreamer Acres. The applicant is requesting the approval of a two lot subdivision to correct a property line issue.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the final plat for Dreamer Acres, subject to all conditions.***

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

Planning and Zoning presented Case Number DEV-15-088, consideration of a special use permit for a contractor's yard. The applicant is requesting a special use permit to continue to operate his business from his location.

Dan Maxwell, owner of Maxwell Flatwork, indicated the business does strictly concrete. There are no deliveries made at the property. He indicated the foreman's come in and pick up their trucks and go to their work site and drop off their trucks in the evening.

Commissioner Bixby opened public comment on Case Number DEV-15-088 to speak in favor of Maxwell Flatwork.

No one from the public commented on this matter.

Commissioner Bixby opened public comment to speak in opposition of Maxwell Flatwork.

No one from the public came forward.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the special use permit for a contractor's yard for Maxwell Flatwork for 10 years, subject to all conditions.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve and execute Resolution 2015-38, a resolution issuing a special use permit for a contractor's yard for Maxwell Flatwork.***

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

Planning and Zoning presented Case Number DEV-15-091, consideration of a special use permit for a kennel. The applicant is requesting a special use permit to continue to operate Gauger's Little Bullies.

Commissioner Bixby opened public comment on Case Number DEV-15-091 to speak in favor of Gauger's Little Bullies.

No one from the public commented on this matter.

Commissioner Bixby opened public comment to speak in opposition of Gauger's Little Bullies.

No one from the public came forward.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the special use permit for a dog kennel for Gauger's Little Bullies, subject to all conditions.***

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

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve and execute Resolution 2015-39, a resolution issuing a special use permit for a dog kennel for Gauger's Little Bullies.***

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

Planning and Zoning presented Case Number DEV-15-093, consideration of a special use permit for a veterinarian clinic. The applicant is requesting a special use permit to continue to operate his veterinarian clinic from his location.

Commissioner Bixby opened public comment on Case Number DEV-15-093 to speak in favor of the veterinarian clinic.

No one from the public commented on the matter.

Commissioner Bixby opened public comment to speak in opposition of the veterinarian clinic.

No one from the public came forward.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the special use permit for a veterinarian clinic, subject to all conditions.***

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

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve and execute Resolution 2015-40, a resolution issuing a special use permit for a veterinarian clinic.***

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

Planning and Zoning presented Case Number DEV-15-095, consideration of a special use permit for an agriculturally related business. The applicant is requesting a special use permit to continue to operate an agri-business with an event space.

Commissioner Bixby opened public comment on Case Number DEV-15-095 to speak in favor of Schwinn Produce Farm.

Jay Schwinn requested a ten year special use permit because there are no plans to expand the current business.

Commissioner Bixby opened public comment to speak in opposition of Schwinn Produce Farm.

No one from the public came forward.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the special use permit for Schwinn Produce Farm, LLC for 10 years subject to all conditions.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve and execute Resolution 2015-41, a resolution issuing a special use permit for Schwinn Produce Farm, LLC.***

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

Planning and Zoning presented Case Number DEV-15-098, consideration of a special use permit for an amusement center/meeting space-Carver Event Center. The applicant is requesting a special use permit to operate an event barn at this property.

There is a valid protest petition requiring unanimous approval by the Commission.

Gratia Carver indicated she wanted to give a better prospective of what she is trying to accomplish. She indicated she is willing to be flexible and honor the neighbor's concerns.

Several public members spoke in favor of Case Number DEV-15-098 to include Bill Carver, Jay Schwinn, Gerald St. Peter and Dan Lynch. Mr. Carver read letters of support from others in the community.

Commissioner Bixby opened public comment to speak in opposition of the Case Number DEV-15-098.

Ron Schneider spoke in opposition on behalf of a number of neighbors. He indicated this special use permit is really a change of zone. He indicated they are asking for a commercial use in a rural property setting.

Several residents spoke in opposition of the special use permit including: Connie Bryan, Jim Jordan, Liam Terrell, Lewis Gast, Darrin Fox, Julee Fox and Rich Bryan raising concerns to include traffic, noise, wildlife, fire danger, property value and lighting on the facility.

Commissioner Bixby ended public comment on Case Number DEV-15-098.

Bill Carver spoke in rebuttal. He indicated the events will end in the early evening. He indicated they do not want to disrupt the neighbors.

Ron Schneider spoke in rebuttal. He indicated there will be a tremendous amount of traffic affecting everyone. He indicated they can't control a rowdy crowd if things get out of hand.

Commissioner Bixby inquired if this warranted a traffic study.

Mike Spickelmier indicated traffic generated by this function would not warrant anything outside normal procedures.

A motion was made by Commissioner Holland to approve a special use permit for two years subject to all recommendations.

Commissioner Bixby indicated he would amend the curfew to 9:00 p.m.

Commissioner Graeber indicated he would agree to a one year special use permit with a 9:00 p.m. curfew.

Commissioner Holland agreed with a one year special use permit but to a 10:00 p.m. curfew.

***A motion was made by Commissioner Holland to approve the special use permit for one year from this date with a 10:00 p.m. curfew, subject to all recommendations.***

Commissioner Bixby asked if there was a requirement on dust control.

Commissioner Holland indicated there was not and the decision should be made by the owner.

***Motion was seconded by Commissioner Graeber  
Motion passed, 3-0.***

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve and execute Resolution 2015-42, a resolution issuing a special use permit for the Carver Event Barn.  
Motion passed, 3-0.***

David Van Parys instructed the BOCC that any discussion on the road inspection tour should take place in the meeting room upon their return.

The Board adjourned at 10:51 a.m.

Final Approved