

\*\*\*\*\*December 3, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, December 3, 2015. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Jill Ogen, Planning Coordinator; Jim Kraatz, Planning Coordinator; Janet Klasinski, County Clerk; Larry Malbrough, Information Systems Director; Tamara Copeland, Human Resources Director; Doug Smith, Road and Bridge Director; Dave Breuer, Mayor of Basehor; John Richmeier, Leavenworth Times

Residents: Gwyneth Hawk, Michael Hawk, Joshua Demaranville, Jesse Pierce, Michael Lansing, Donna Lansing, Tom Darnley, Ron Bachman, Lynn Looney, Roger Brandt, Robert Van Cleave, Joe Herring, Ron Chance, Pam Chance and Louis Klemp

ADMINISTRATIVE BUSINESS:

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the November 30, 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 December 7, 2015.*

*Motion passed, 3-0.*

Pat Hurley presented a letter for the BOCC to sign from U.S. Representative Lynn Jenkins opposing the relocation of Guantanamo Bay detainees to Leavenworth. Ms. Jenkins will hold a Town Hall Meeting on December 11 regarding the opposition and will send the letter with signatures from the City Commissioners and the County Commissioners to the President of the United States.

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to support the position that Guantanamo Bay detainees not be relocated to Leavenworth and to sign the letter.*

*Motion passed, 3-0.*

Mr. Hurley presented several grants from the Council on Aging that have been approved but in need of the Chairman's signature.

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to authorize the Chairman to sign grants for the Council on Aging.*

*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 Bixby indicated he spoke with three of the four applicants for the Fairmount Township clerk position and recommended to the BOCC appointment of Robert Van Cleave.

Robert Van Cleave indicated he would like to serve as clerk to bring structure to the township and encourage residents to participate in the township.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to appoint Robert Van Cleave as the Fairmount Township clerk for the remainder of the term.***

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

Mr. Hurley indicated Greg Kaaz's term on the Board of Leavenworth County Port Authority expires at the end of the month and there is recommendation from the city of Leavenworth to appoint Mr. Kaaz to the Board for another four years.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to appoint Greg Kaaz to the Board of Leavenworth County Port Authority for a term of four years.***

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

**PUBLIC COMMENT:**

Lynn Looney spoke about the condition of the road from County Road 18 from Santa Fe Trail to Amelia Earnhardt. He indicated the work was done with a road grader and there's places where the asphalt is already coming up.

Dave Breuer, Mayor of Basehor indicated a developer has bought the back part of Falcon Lakes in which 400 new units will be built. He thanked the BOCC, indicating without their commitment to pave 147<sup>th</sup> St. this development would not have happened.

Louis Klemp spoke about the Eisenhower, McIntyre Rd. and 147<sup>th</sup> St projects indicating it's the taxpayers of Leavenworth County that deserve the thank you for passing the sales tax.

Larry Malbrough presented a request to replace an iSeries server that is fully depreciated. He is also requesting approval of sole sourcing the project to Manatron and authorizes the I.S. Department expenditure of \$25,075.00.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve sole sourcing the project to Manatron and authorize IS expenditure of \$25,075.00.***

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

Janet Klasinski requested purchase of new election equipment for Leavenworth County through Election Systems and Software to maintain voter confidence. The cost of the equipment is \$308,368.55 with \$258,000.00 currently in Equipment Reserve. She indicated with a transfer from her current budget of \$50,000.00 from Equipment Reserve she will have the funds available without going out for a lease purchase or amending her budget.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the purchase of new election equipment from Election Systems and Software for \$308,368.55.***

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

Planning and Zoning presented Case Number DEV-15-105 which is a request for a Special Use Permit for a contractor's yard. The applicant is requesting to operate a concrete flatwork construction company at their property.

Michael Lansing is the owner and is asking to park his work trucks at this residence and continue his business. He indicated concrete trucks do not come to his residence and feels his business does not impact the traffic on the road.

Tom Darnley spoke in favor of the business. He indicated Mr. Lansing does not create any traffic and the Lansing's keep their property clean and neat.

Gwyneth Hawk spoke in favor of the business.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the Special Use Permit for M&M Concrete subject to all terms and conditions.***

***Motion passed 3-0***

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve and execute Resolution 2015-44.***

***Motion passed 3-0***

Planning and Zoning presented Case Number DEV-15-111 for a request for special use permit for bulk propane storage.

Commissioner Bixby opened public comment.

The applicant, Ron Bachman with Consumer Oil and Propane indicated the location would better service the Leavenworth County area and save on travel.

Mr. Bachman inquired about the 5 year limitation for the SUP indicating it will cost approximately \$40,000.00 to move tanks to the location. He requested a 10 year SUP.

Commissioner Bixby requested Planning and Zoning to check with the surrounding neighbors and local fire department to see if there have been any issues in St. Joseph with the company.

Jessie Pierce, Lynn Looney and Josh Demaranville all spoke in favor of the business indicating it would better service the customers of Leavenworth County.

Commissioner Bixby closed the public hearing.

A motion was made by Commissioner Graeber to reopen public comment.

Motion dies for lack of second.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to table Case Number DEV-15-111 until December 7.***

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

Jeff Joseph indicated the Planning Commission Holiday Dinner will be held December 9 at 5:00 p.m.

Tamara Copeland indicated Human Resources is working on a pay plan for Leavenworth County looking at the needs of each department and balance that with funding available.

Ms. Copeland suggested presenting a completed pay plan to the Board in February that better benefits all County employees.

David Van Parys requested an executive session for a period of 10 minutes to discuss Courthouse security.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to enter executive session for 5 minutes to discuss Courthouse security. Present: The three Commissioners, Pat Hurley, David Van Parys and Becky Matzeder. Executive session began at 11:00 a.m.  
Motion passed, 3-0.***

Commission returned from Executive Session at 11:10 a.m. No official action was taken.

Mr. Hurley reminded the work session with the Atchison County Commissioners is Tuesday, December 8 at 11:00 a.m. and the Legislative Breakfast is Wednesday, December 9 at 7:30 a.m. The LCDC meeting is Thursday, December 10 at 11:30 a.m. and a Town Hall Meeting with Congresswoman Lynn Jenkins is Friday, December 11 at 9:00 a.m. regarding opposition to the closure of Guantanamo Bay and relocation of detainees to the USDB at Ft. Leavenworth.

The Board adjourned at 11:12 a.m.

Final Approved

\*\*\*\*\*December 7, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, December 7, 2015. Commissioner Holland, Commissioner Bixby, Commissioner Graeber present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Mike Spickelmier, Public Works Director; Doug Smith, Road and Bridge Director; Jeff Joseph, Planning and Zoning Director; James Kraatz, Planning Coordinator; John Matthews, Resident; William Trower, Resident; Ron Griffith, Resident; Ron Bachman, Resident; Jesse Pierce, Resident; John Richmeier, Leavenworth Times

**PUBLIC COMMENT:**

William Trower spoke in regards to Donahoo Road and 163<sup>rd</sup> St. indicating they are seeking a benefit district in his neighborhood.

Mike Spickelmier indicated the dust control program would be the best solution for Mr. Trower.

**ADMINISTRATIVE BUSINESS:**

Jeff Joseph presented letters from a Buchanan County Commissioner and from the Buchanan County Emergency Management Director endorsing Consumer Oil and Propane for a business in Leavenworth County.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve 10 year special use permit for Consumer Oil and Propane 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 2015-45.***

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

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

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

Mike Spickelmier presented a revised participatory road program candidate list and a revised petition.

Mr. Spickelmier suggested removing the following projects from the PRP list since they will be covered under the sales tax projects: 147<sup>th</sup> St from Hollingsworth Road to Donahoo Road, 147<sup>th</sup> St form Fairmount Road to Hollingsworth Road, 147<sup>th</sup> St from Donahoo Road to Leavenworth Road and 147<sup>th</sup> St. from Leavenworth Road to Parallel Road and McIntyre Road from Highway K-7 to 127<sup>th</sup> St.

Commissioner Holland indicated 159<sup>th</sup> St from Santa Fe Trail to Coffin Road needs to be removed from the list indicating 159<sup>th</sup> St. borders federal government property and it would be difficult to obtain easements.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to remove the six projects from the participatory road program list.***

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

Mr. Spickelmier indicated he would incorporate a 36 month guideline into the policy that residents have to gain 100% participation.

*A motion was made by Commissioner Holland to add Coffin Road from 167<sup>th</sup> St to 187<sup>th</sup> St to the participatory road program list.*

Commissioner Bixby indicated the road does not have the car count to justify it.

*Motion seconded by Commissioner Graeber  
Motion passed, 2-1, Bixby voting nay.*

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to add 150<sup>th</sup> St. from K-32 to Stillwell Road to the participatory road program list.  
Motion passed, 3-0.*

Mr. Spickelmier indicated the residents on Honey Creek Road have signed a petition under the benefit district.

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to hold a public hearing on the petition for Honey Creek Road benefit district January 12<sup>th</sup> at 6:00 p.m. at the Basehor Public Library.  
Motion passed, 3-0.*

Commissioner Bixby tabled the approval of the revised policy and petition until Monday.

Commissioner Graeber tabled the discussion of the R cut on K-7 until Monday.

Vicky Kaaz, The Guidance Center invited the BOCC to a lunch forum December 9 at 12:00 p.m.

*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.*

Pat Hurley reminded the BOCC of the work session with Atchison County Commissioners on Tuesday, December 8 at 11:00 a.m. The legislative breakfast is December 9 at 7:30 a.m. at June's Northland. LCDC Board meeting is scheduled Thursday, December 10 at 11:30 a.m.

The Board adjourned at 11:16 a.m.

The Board reconvened at 11:18 a.m.

Janet Klasinski indicated budget amendments are scheduled December 28 at 9:15 a.m. as well as transfers that will need to be addressed before the end of the year.

The Board adjourned at 11:19 a.m.

\*\*\*\*\*December 10, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, December 10, 2015. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; James Kraatz, Planning Coordinator; Joe Herring, Herring Survey; Dan Lynch, Lynch Real Estate; Darrell Spratt, Resident; Heidi Ulloa, Resident; John Peterson, Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp commented on the work session with Atchison County Commissioner's. He felt it was not the right direction to take to solve Atchison's problem by holding an executive session.

David Van Parys indicated the nature of the executive session was not budget related.

ADMINISTRATIVE BUSINESS:

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

*Motion passed, 3-0.*

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the December 8, 2015 meeting minutes.*

*Motion passed, 3-0.*

Mr. Van Parys indicated to bring the Ida Road property into full compliance it would need to be platted.

Heidi Ulloa, owner of the Ida Road property indicated the property was purchased in good faith with the assumption it was buildable.

Mr. Van Parys indicated the BOCC could waive any platting process fees.

Dan Lynch asked the BOCC's intentions with regards to the road.

Commissioner Bixby requested Planning and Zoning to coordinate with Public Works to figure out what kind of road will be required and present it at Public Works monthly report on Monday.

Janet Klasinski presented a proposal from Berberich Trahan and Co. auditing firm to fulfill a contract for the 2015 audit with the understanding the County will still go out for bids in the future.

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve and sign the engagement letter with Berberich Trahan and Co. for one year for the 2015 audit.*

*Motion passed, 3-0.*

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

*Motion passed, 3-0.*

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve a plaque for the Tonganoxie Annex changing “Restoration” to Recommissioning” and adding the County Engineer and Project Manager’s names.***

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

John Peterson, Board of Cushing Hospital indicated the hospital wants to sell the Medical Arts Building. He proposed it would be good location for the Council on Aging.

Commissioner Bixby questioned whether the County is legally able to acquire a building for a long term lease without making the business opportunity available to anyone who is interested.

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

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

The Board adjourned at 10:17 a.m.

Final Approved



\*\*\*\*\*December 14, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, December 14, 2015. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Mike Spickelmier, Director of Public Works; Doug Smith, Road and Bridge Director; John Forslund, P.E.; Trevor Huhn, Buildings and Grounds; Linda Lobb, Council on Aging Director; Jeff Joseph, Planning and Zoning Director; Fran Keppler, Noxious Weeds; Tammy Saldivar, Solid Waste; Richard Malm, Jefferson County Commissioner; Joe Herring, Herring Survey; John Matthews, Resident; Louis Klemp, Resident; Jerry Willburn, Resident; Stephanie Starcher, Resident; Darrell Spratt, Resident; Casey Hartfelder, Resident; John Richmeier, Leavenworth Times

#### ADMINISTRATIVE BUSINESS:

Richard Malm, Jefferson County Commissioner presented information regarding the National Association of Counties. He indicated NACO offers Kansas counties lobbying efforts on a federal level, having a good rapport with legislatures in Washington. NACO offers programs for prescriptions, dental and vision care for all county residents.

Commissioner Holland indicated he would like to look over the material provided before making a decision.

#### PUBLIC COMMENT:

John Wickey addressed the condition of Hemphill Road indicating it is difficult for two cars to pass safely and the ditches are plugged and water runs down the road.

Heidi Ulloa wanted to revisit the Ida Road property.

Mike Spickelmier indicated the policy on local service road does apply to Ida Road which allows the landowner to extend gravel under the provisions of the policy.

Joe Herring indicated a survey was done in 2008 from a previous description and was not recorded or platted.

The item was tabled until Thursday for Public Works to list costs of the road.

#### ADMINISTRATIVE BUSINESS:

Mike Spickelmier presented the 179<sup>th</sup> St. Benefit District and indicated the cost estimates were mailed to the property owners. The road has been on the PRP list but does not have 100% participation.

David Van Parys indicated the BOCC could exercise eminent domain to acquire necessary easements on the road and would not have to exercise eminent domain on all parcels of land.

Mr. Spickelmier indicated the County Surveyor verified there were no easements recorded on this section of roadway from the individual not wanting to participate.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Public Works to send letters of interest in creating a benefit district to the residents of 179<sup>th</sup> St.***

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

Janet Klasinski indicated every year that money is transferred a board order needs signed. The first board order is transferring funds in the amount of \$21, 750.00 from the Easton Township road improvement to the Road and Bridge Fund.

***A motion was made by Commissioner Holland and Commissioner Graeber to approve Board Order 2015-6, an order of the Board of County Commissioners of the County of Leavenworth, Kansas, transferring funds from the Easton Township road improvement fund to the Road and Bridge Fund.***

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

Ms. Klasinski indicated the next board order is transferring funds in the amount of \$50,000.00 from the High Prairie Township traffic impact fund to the Road and Bridge fund.

***A motion was made by Commissioner Holland and Commissioner Graeber to approve Board Order 2015-7, an order of the Board of County Commissioners of the County of Leavenworth, Kansas, transferring funds from the High Prairie Township traffic impact fund to the Road and Bridge Fund.***

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

Ms. Klasinski indicated Noxious Weeds sold a vehicle through PurpleWave in the amount of \$1,650.00. and would like to transfer funds into equipment reserve for future purchase of another vehicle.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Board Order 2015-8, an order of the Board of County Commissioners of the County of Leavenworth, Kansas, transferring funds from the Noxious Weeds fund of the County to the equipment reserve Noxious Weeds.***

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

Ms. Klasinski indicated the Sheriff's Department sold a vehicle through PurpleWave in the amount of \$15,480.84 and would like to transfer funds into equipment reserve for future purchase of another vehicle. This amount includes insurance proceeds from Unit 106.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Board Order 2015-9, an order of the Board of County Commissioners of the County of Leavenworth, Kansas, transferring funds from the Sheriff fund of the County to the equipment reserve Sheriff reserve fund.***

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

Ms. Klasinski indicated the Clerk's office would like to transfer \$50,000.00 from the Election fund to the equipment reserve Election fund for new voting equipment purchases.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Board Order 2015-10, an order of the Board of County Commissioners of the County of Leavenworth, Kansas, transferring funds from the Election fund to the equipment reserve Election Fund.***

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

Ms. Klasinski indicated due to a reduction in grant funding and reduction in donations, Council on Aging will be \$80,000.00 short to start the 2016 budget.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve 2015-11, an order of the Board of County Commissioners of the County of Leavenworth, Kansas, transferring funds from the General Fund of the County to the Council on Aging fund.***

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

Linda Lobb introduced Jose Morales, Council on Aging transportation supervisor. She indicated Leavenworth County has been moved from the KC Metropolitan area to the Brown, Nemaha and Atchison County area. A notice was sent to have the KDOT budget by December 16 and asked the BOCC for letters of support for the grants.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve and sign letters of support for the Council on Aging KDOT grant.***

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

The Commission recessed at 11:03 a.m.

The Board reconvened at 11:09 a.m.

Public Works presented their monthly report.

Bridge E-20 (Cemetery Road South of Easton over Dawson Creek), proceeding with eminent domain.

Bridge HP-25 (High Prairie Road east of 187th Street {CR-29}), bridge is open.

Bridge HP-10 & HP-17 Bridge Replacement (207<sup>th</sup> St and Stranger Road), nothing new.

Bridge SH-15 (Stillwell Road east of 198th Street), nothing new.

John Forslund presented an update to the new annex indicating the renovation is complete. The ribbon cutting ceremony will be December 30, 2015 with a reception from 2:00 p.m. to 4:00 p.m.

Bixby will need to notify residents.

Trevor Huhn indicated the blower fan for HVAC unit #5 on the south side of the Justice Center is out of balance and needs to be replaced. A bid was received from Fagan Company for \$12,812.00.

***A motion was made by Commissioner Holland seconded by Commissioner Graeber to approve replacement of the blower fan in HVAC unit #5.***

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

Doug Smith indicated the salt storage structure is completed.

Fran Keppler presented the 2016 KDOT contract to control noxious weeds. KDOT contracts Leavenworth County Noxious Weed Department to spray State owned right-of-ways within Leavenworth County.

***A motion was made by Commissioner Holland and Commissioner Graeber to authorize the chairman to sign KDOT contract for control of noxious weeds.***

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

Ms. Keppler indicated Stephanie Cobb has volunteered to be chairperson for the Safety Committee.

Tammy Saldivar presented the 2016 fee schedule for the Transfer Station with a change to the out of county construction and demolition raising it from 48 to 50.

***A motion was made by Commissioner Bixby and seconded Commissioner Graeber to approve 2016 transfer station rates to include raising the out of county construction and demolition to 52.***

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

Commissioner Graeber inquired about the situation with Deffenbaugh not bringing trailers in a sufficient amount.

Ms. Saldivar indicated Deffenbaugh has sold their trailers to Z Force.

Ms. Spickelmier indicated he revised the PRP list and the PRP policy.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the revised PRP list and PRP policy and sign and date the same.***

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

Commissioner Holland noted a correction on the PRP list on 150<sup>th</sup> St from K-32 from Archer should be Stilwell Rd.

Mr. Spickelmier presented the 2016 Leavenworth County biennial legal bridge inspection contract. Benesch Engineers were selected as the Leavenworth County on call bridge engineer.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the letter of agreement with Benesch Engineers 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 approve the December 10, 2015 meeting minutes as amended.***

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

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

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

The Board adjourned at 11:48 a.m.

\*\*\*\*\*December 17, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, December 17, 2015. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Jamie Miller, EMS Director; Mike Spickelmier, Public Works Director; Janet Klasinski, County Clerk; Nathan McCommon, Tonganoxie City Administrator; Joe Herring, Herring Survey; John Richmeier, Leavenworth Times

Residents: Heidi Ulloa, Debra Bates-Lamborn, Larry Van Fleet, Robert Keck, Joan and Jim Robinson, Betty Klinedinst, Jacob Brokaw, Daniel Clegg, Earl and Carlee Seaborn, Jack and Carolyn Sneed, Gary and Kittie Umscheid, Wayne Castle

**PUBLIC COMMENT:**

Debra Bates-Lamborn, the owner of First City Photo, responded to a letter from Planning and Zoning that requested her to obtain a special use permit for running a business out of her home. She indicated the letter is in retaliation for calling about a photography studio that is adjacent to her property that has been operating a business for two to three years without a special use permit.

Jeff Joseph indicated a letter was sent to the business across from Ms. Bates-Lamborn's property. It was the opinion of the Planning and Zoning department that they were not operating a business.

Commissioner Bixby asked Planning and Zoning to get more information from Ms. Bates-Lamborn regarding the business adjacent to her property.

**ADMINISTRATIVE BUSINESS:**

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the December 14, 2015 meeting minutes.***

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

Jamie Miller presented a briefing report to replace a 2006 F250 EMS Response Vehicle. The vehicle was scheduled for replacement two years ago through depreciation.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the purchase of the replacement vehicle.***

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

David Van Parys indicated he created a proposed resolution for the contingency tax and stabilization fund.

Commissioner Bixby requested the resolution be placed on Monday's agenda.

Mr. Van Parys presented a renewal agreement between the County of Leavenworth and the Kansas Department of Corrections for inmate labor for a term of one year.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to renew the agreement between the County of Leavenworth and the Kansas Department of Corrections for a term of one year and authorize the chairman to sign and date the same.***

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

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

***A motion 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 9:34 a.m.***

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

Commission returned from executive session at 9:49 a.m., no official action was taken.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 5 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley and David Van Parys. Executive Session began at 9:52 a.m.***

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

Commission returned from executive session at 9:57 a.m., no official action was taken.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the agenda for the week of December 21, 2015.***

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

Mr. Van Parys suggested the BOCC authorize him to meet with the property owners on the Ida Road issue to discuss a resolution on how to make the lot buildable.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 20 minutes to discuss attorney/client matters. Present: The three Commissioners, Pat Hurley and Roger Marrs. Executive Session began at 10:05 a.m.***

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

Commission returned from executive session at 10:25 a.m., no official action was taken.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to recess until 10:30 a.m.***

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

The Commission reconvened to 10:35 a.m.

Nathan McCommon, Tonganoxie City Administrator indicated the city of Tonganoxie has petitioned to annex a portion of property currently located in Leavenworth County. He indicated the property owner is not opposed.

Mr. Van Parys indicated the annexation requested city Resolution 11-15-01 did not hinder development of a proposed annexation area nor the development of any other incorporated city within the County.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve annexation for the city of Tonganoxie finding the annexation of such land will not hinder or prevent the proper growth and development of the area.***

***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.***

Mr. Van Parys indicated the purpose of the public hearing for Sewer District #3 is to hear any testimony objecting to a proposed resolution regarding the fiscal year 2016 assessment. A copy of the proposed resolution has been published and mailed to the effected property owners.

Commissioner Bixby indicated Commissioner Holland requested 1 minute recess to speak with Pat Hurley.

Commissioner Bixby indicated residents will be given 3 minutes to discuss concerns.

Larry Van Fleet asked why the assessment hearing was set without being noticed on the agenda and why a public hearing is now being held in December after tax bill have gone out.

Mr. Van Parys indicated that any changes with regards to tax assessments can be corrected.

Mr. Van Fleet wanted an explanation on how the assessments were determined.

Commissioner Bixby indicated he has spent all year trying to develop a different alternative to finance this debt and has been unsuccessful.

Commissioner Holland indicated the County was state mandated to shut down the lagoon system. The County was given the task and had to hook up to the closest sewer system.

Wayne Castle, Gary Umscheid, Betty Klinedinst, Earl Seaborn and Joan Robinson all spoke against the resolution raising concerns about property values and the need to assess more taxes to the school district.

Commissioner Graeber expressed a need to revisit the assessments of the school district because the enrollments have increased and to look at the large lot.

Janet Klasinski indicated the County provided work that was done by Road and Bridge of a value of approximately \$100,000.00 and the Commission has paid \$80,000.00 towards the previous debt service over the last four years.

Commissioner Bixby closed public comment.

A motion was made by Commissioner Bixby for Leavenworth County to supply \$20,000.00 for fiscal year 2016 to Sewer District #3 and direct County Counselor to look at footprint and population of school and large lot.

Motion dies for lack of second.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to adopt Resolution 2015-28 leaving the assessments as stands.***

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

Mr. Van Parys indicated a date needs to be set for affected property owners to pay future assessments in full without interest and suggested January 19, 2016 by 5:00 p.m.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to set January 19, 2016 by 5:00 p.m. the date property owners must pay assessments in full without interest.***

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

Mr. Van Parys indicated he will look into the school district issue and contact the city of Basehor and will inform the Board. If there is substance to his findings the residents will be notified and placed on the agenda.

Commissioner Graeber commented that last year he seconded the motion to approve the \$20,000 for Sewer District #3 and made the statement at the time that he was only seconding the motion due to the fact Commissioner Bixby came forward and said he had a resolution that he was working on.

Commissioner Holland commented he also worked on resolving the issue, but the funding isn't there.

The Board adjourned at 12:06 p.m.

Final Approved



\*\*\*\*\*December 21, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, December 21, 2015. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Mike Spickelmier, Director of Public Works; Janet Klasinski, County Clerk; Debbie Cox, County Clerk's office; Joe Herring, Herring Survey; Heidi and Juan Ulloa, Resident; Rod Dixon, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Janice Langham is a volunteer with the Council on Aging and expressed concern that several employees do not want to move from the current location.

Commissioner Bixby indicated a few opportunities have presented themselves, but no decision has been made about relocation.

Commissioner Holland indicated the Board is willing to listen to the employees and his door is always open.

Rod Dixon expressed concern about a culvert and water from a neighbor's sump pump that is draining onto his property.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the December 17, 2015 meeting minutes as amended.***

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

Janet Klasinski indicated the contingency fund came up before looking at budget resources. The County had a \$70,000 KERIT refund in which \$30,000 was budgeted in general fund. The remaining \$40,000.00 could be put in a contingency fund.

Commissioner Bixby tabled this item until Thursday before passing the resolution.

David Van Parys requested an Executive Session for 5 minutes to discuss potential litigation.

***A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 5 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, David Van Parys and Mike Spickelmier. Executive Session began at 9:49 a.m.***

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

Commission returned from executive session at 9:54 a.m., no official action was taken.

Mr. Van Parys requested the Board to return to Executive Session for 5 minutes to discuss potential litigation.

***A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 5 minutes to discuss potential litigation. Present: The three Commissioners, Pat Hurley, David Van Parys and Mike Spickelmier. Executive Session began at 9:57 a.m.***

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

Commission returned from executive session at 10:02 a.m., no official action was taken.

Mike Spickelmier presented the Carriage Club Estates Benefit District apportionment analysis indicating letters were sent to the residents with the information.

***A motion was made by Commissioner Bixby and Commissioner Graeber to approve Board Order 2015-12, an order of the Board of County Commissioners of Leavenworth County, Kansas, providing for the funding of a road benefit district commonly referred to as the West Meadows Benefit District; providing for the repayment of County funding through a series of annual assessments upon the benefit district.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve and execute Resolution 2015-46, a resolution of the Board of County Commissioners of the County of Leavenworth, Kansas, establishing a road improvement benefit district for the improvements of Douglas Street and 167<sup>th</sup> Street in section 33, township 10S, range 22E under K.S.A. 68-701 et seq. in combination with the Leavenworth County policy on subdivision roads.***

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

Mr. Spickelmier indicated John Forslund's contract has expired but there is still work to be done on the Annex and would like to extend his contract for one month.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the extension of John Forslund's contract for one month.***

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

Mr. Spickelmier is coordinating a meeting between the Leavenworth County Commissioners and the city of Lansing to discuss the potential of an R-cut on off McIntyre Road on K-7. The meeting is scheduled for January 7, 2016 at 7:00 p.m. at Lansing City Council chambers.

The Board recessed at 10:12 a.m.

The Board reconvened at 10:18 a.m.

Roger Marrs requested an Executive Session for a period of 15 minutes to discuss attorney/client matters.

***A motion made by Commissioner Graeber and seconded by Commissioner Holland to go into Executive Session for 15 minutes to discuss attorney/client matters. Present: The three Commissioners, Pat Hurley and Roger Marrs. Executive Session began at 10:18 a.m.***

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

Commission returned from executive session at 10:33 a.m., no official action was taken.

***A motion made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 15 minutes to discuss attorney/client matters. Present: The three Commissioners, Pat Hurley and Roger Marrs. Executive Session began at 10:36 a.m.***

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

Commission returned from executive session at 10:51 a.m., no official action was taken.

The Board recessed at 10:53 a.m. to review bills for the remainder of the day.

\*\*\*\*\*December 24, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, December 24, 2015. Commissioner Bixby, Commissioner Graeber present, Commissioner Holland absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Tamara Copeland, Human Resources Director; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Bixby tabled the contingency tax and stabilization fund item until Monday.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the December 21, 2015 meeting minutes.***

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

Janet Klasinski presented a renewal cereal malt beverage for the business known as Lake Stop located at, 15621 158<sup>th</sup> Street, Bonner Springs, Kansas, to sell original unopened containers not for consumption on the premises.

Ms. Klasinski presented a Board Order approving transfer of \$12,725.00 from EMS fund to EMS equipment reserve.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve 2015-13, an order of the Board of County Commissioners of the County of Leavenworth, Kansas, transferring funds from the EMS fund to the EMS equipment reserve fund.***

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

Ms. Klasinski presented Resolution 2015-47 for the GAAP waiver.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve and execute resolution 2015-47.***

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

David Van Parys presented a report on the Council on Aging building indicating the owner is initiating repairs. Mr. Van Parys requested Trevor Huhn, Building and Grounds, to oversee that repairs are getting complete. The lease agreement automatically renewed for three years commencing January 1, 2016.

***A motion was made by Commissioner Bixby seconded by Commissioner Graeber to go into Executive Session for 5 minutes to discuss non-elected personnel. Present: Commissioner Bixby, Commissioner Graeber, Pat Hurley, David Van Parys and Becky Matzeder. Executive Session began at 9:26 a.m.***

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

Commission returned from executive session at 9:31 a.m., no official action was taken.

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

*Motion passed, 2-0.*

*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, 2-0.*

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the agenda for the week of December 28, 2015 as amended.*

*Motion passed, 2-0.*

The Board adjourned at 9:46 a.m.

Final Approved

\*\*\*\*\*December 28, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, December 28, 2015. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Tamara Copeland, Human Resources Director; Jamie Miller, Director of EMS; Janet Klasinski, County Clerk; Roger Marrs, Deputy County Counselor; Stacy Driscoll, Register of Deeds; Janice Van Parys, County Treasurer; Stephen Wagner, O'Donnell Professional Services, P.A.; Louis Klemp, Resident; John Richmeier, Leavenworth Times

**PUBLIC COMMENT:**

Louis Klemp thanked the BOCC for their vote on Sewer District #3.

**ADMINISTRATIVE BUSINESS:**

Tamara Copeland presented a resolution providing the guidelines and usage for the contingency tax and stabilization fund.

Commissioner Graeber indicated he does not support the establishment of this fund.

Commissioner Bixby commented the timing is not right for the fund and would like to see the pay plan first.

***A motion was made by Commissioner Holland to approve \$40,000 from KERIT refund into the contingency fund seconded by Commissioner Graeber for discussion purposes.***

Commissioner Holland commented the County could start the fund and leave the money there.

***Motion 2-1, Bixby and Graeber voting nay.***

Janet Klasinski presented end of the year budget amendments.

Ms. Klasinski presented a budget amendment for the Road and Bridge fund in the amount of \$50,000.00 in case of inclement weather and overtime is needed.

Ms. Klasinski presented a budget amendment for the Motor Vehicle fund in the amount of \$50,000.00 indicating revenue exceeded the amount budgeted but expenditures exceeded the amount budgeted as well.

Ms. Klasinski presented a budget amendment for the Sales Tax fund in the amount of \$160,000.00.

Commissioner Holland asked how do we amend the Motor Vehicle fund when the BOCC has no control over it.

Ms. Klasinski indicated since the BOCC signed the budget books and this was in the County funds, we put it through the budget amendment process.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to go into Executive Session for 15 minutes to discuss pending and potential litigation. Present: The three Commissioners, Pat Hurley and Roger Marrs. Executive session began 10:14 a.m.***

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

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

The Board recessed at 10:30 a.m.

The Board reconvened at 10:39 a.m.

Ms. Klasinski indicated when a bond payment is made money is transferred from the 170 account to the 304 account and under anticipated what the bond payment would be. She indicated the money is there and the payments were made.

Ms. Klasinski requested to move the amended budget proposal for fund 170 Special Sales Tax projects to \$3,158,117.00.

***A motion was made by Commissioner Graeber and seconded Commissioner Bixby to move the amended budget proposal for fund 170 Special Sales Tax projects to \$3,158,117.00.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the budget authority for Road and Bridge Fund in the amount of \$50,000.00.***

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

Ms. Klasinski presented budget amendments for the Sewer District funds. Sewer District #1 had pumps break down and needs \$8500.00 in budget authority, Sewer District #2 needs \$7500.00 in budget authority and Sewer District #3 needs \$1000.00 in budget authority.

***A motion was made by Commissioner Graeber seconded by Commissioner Holland to approve budget authority for Sewer District #1 in the amount of \$8500.00, Sewer District #2 in the amount of \$7500.00 and Sewer District #3 in the amount of \$1000.00.***

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

Roger Marrs indicated the Treasurer is not required to submit the motor vehicle budget but it is recommended.

Janice Van Parys, County Treasurer, formally advised the BOCC the motor vehicle budget would be amended by \$50,000.00.

Ms. Klasinski indicated the amended budget books would need the BOCC signatures for the approvals that were granted.

Jamie Miller presented a briefing report for replacement of ambulance 9119 indicating this was a trade-in, but had engine failure. The trade-in value is \$7,000.00 and the engine replacement would cost \$20,000.00. Mr. Miller recommended paying the trade-in of \$7,000.00, keep the truck to strip for parts then place on Purplewave for scrap.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to authorize Jamie Miller the budget authority in the amount of \$7,000.00 for the trade-in cost of ambulance 9119.***

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

David Van Parys indicated a contractor has been retained by the owners of the building to make repairs to Council on Aging. Trevor Huhn, Buildings and Grounds would need to follow progress. The lease has automatically renewed for a three year term.

The Board adjourned at 11:06 a.m.

Final Approved

\*\*\*\*\*December 31, 2015\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, December 31, 2015. Commissioner Bixby, Commissioner Holland present, Commissioner Graeber, absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Andy Dedeke, Leavenworth County Sheriff; Janet Klasinski, County Clerk; Don Brown, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Don Brown, Board of Directors for the animal welfare society indicated through donations, L.A.W.S. was able to purchase a van. Mr. Brown asked for a written endorsement from the BOCC for L.A.W.S. to be property tax exempt.

Janet Klasinski indicated the County tax I.D. number can not be used for the vehicle.

Commissioner Bixby tabled this item until Thursday to discuss the tax exemption.

ADMINISTRATIVE BUSINESS:

Commissioner Bixby indicated the minutes from December 24, 2015 will not be approved today due to Commissioner Graeber's absence.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the December 28, 2015 meeting minutes.***

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

Commissioner Bixby commented on the lack of signage at the new Leavenworth County Annex. He suggested adding this item to the agenda for Monday.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approval of the agenda for the week of January 4, 2016.***

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

Sheriff Dedeke presented an inmate healthcare contract that the Sheriff is obligated by Kansas statute to provide medical healthcare to inmates in his/her custody.

Sheriff Dedeke indicated the jail is currently using Advanced Correctional Healthcare and after sending out RFPs and researching five correctional healthcare companies, he recommended continuing with Advanced Correctional Healthcare.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve and sign the contract with Advanced Correctional Healthcare.***

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

Pat Hurley reminded the BOCC about the meeting with Lansing City Council on January 7, 2016 at 7:00 p.m. to discuss the R-cut on K-7 highway.

The Board adjourned at 9:38 a.m.