

*****March 3, 2016*****

The Board of County Commissioners met in regular session on Thursday, March 3, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Andy Dedeke, Leavenworth County Sheriff; James Sherley, Undersheriff; Thomas Johnson, Sheriff's Department; Mike Spickelmier, Public Works Director; Dave Lutgen, Public Works Deputy Director; Doug Smith, Road and Bridge; Dave Breuer, Mayor of Basehor, Lloyd Martley, Basehor Police Chief; Joe Herring, Herring Survey; Greg Kaaz, Kaaz Construction; John Matthews, Resident; Louis Klemp, Resident; Charles Frentrop, Resident; Debra Lowe, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Charles Frentrop spoke about the sign located on 158th St that reads LVCO 32. He indicated that semi-trucks are traveling on a bridge that only has a 15 ton weight limit.

Sheriff Dedeke commented that he has reached out to management of trucking companies and the caves but it comes down to the trucks traveling the shortest route.

Sheriff Dedeke indicated he will contact key players and get a study session put together to come up with a possible solution.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the February 29, 2016 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber for approval of the agenda for the week of March 7, 2016.

Motion passed, 3-0.

Commissioner Holland stated he felt that the Eisenhower Road project is too far along to change to a design build.

Greg Kaaz stated design build is flexible in regards to having it as a caveat in the contract that if federal funding is not granted then go out for bids.

David Van Parys indicated he would look into Mr. Kaaz's suggestion.

Mike Spickelmier stated 179th started as a PRP project but could not get 100% participation. A benefit district plan was presented as an option to the residents but they did not want to pay the costs that would be incurred.

Mr. Spickelmier indicated there could be a potential to shift the road and do a design to comply with safety standards and county standards.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to generate road improvement plans and generate legal descriptions for property acquisitions on 179th St. PRP project with the exception of the non-compliant resident.

Motion passed, 3-0.

Commissioner Bixby indicated a resident on Kansas Ave. and 166th is having an issue with drainage in a ditch.

Mr. Spickelmier indicated he gave a right of entry agreement to the homeowner to sign because the ditch is on private property.

Mr. Van Parys commented he reviewed the right of entry agreement and the homeowner needs to sign to grant temporary access to his property to fix the ditch.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to have the chairman sign and date the OCB's.

Motion passed, 3-0.

Andy Dedeker requested to accept the bid provided by Zeck Ford in the amount of \$192,682.00 for the purchase of seven 2016 SUV patrol vehicles and 100% is funded by vehicle depreciation. He indicated he will sell surplus vehicles on Purplewave.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to accept the bid provided by Zeck Ford in the amount of \$192,682.00 for seven vehicles.

Motion passed, 3-0.

Janet Klasinski presented a request from Lansing Memorial American Legion Post 411 for the amount of \$2,500.00 to sponsor teens during baseball season. She indicated this donation would come from the special parks and rec fund that is not a levied fund but comes from the sale of alcohol licenses.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve \$2,500.00 to the Lansing Memorial American Legion Post 411.

Motion passed, 3-0.

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

A motion made by Commissioner Graeber and seconded by Commissioner Bixby to go into Executive Session for 10 minutes to discuss potential litigation. Present: The three Commissioners, David Van Parys and Patrick Hurley. Executive session began at 11:32 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:42 a.m., no official action was taken.

Commissioner Graeber requested an executive session to discuss personnel.

A motion made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 5 minutes to discuss personnel. Present: The three Commissioners, David Van Parys and Patrick Hurley. Executive session began at 11:44 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:49 a.m., no official action was taken.

Mr. Van Parys requested an executive session to discuss property acquisition.

Commissioner Holland received a request from an individual to use the courthouse for photography.

Mr. Van Parys indicated the courthouse is a public building therefore the public may use it unless it is after hours and then will need to make other arrangements.

Pat Hurley indicated the legislature will hold hearing on March 9th and March 10th regarding the tax lid.

A motion made by Commissioner Graeber and seconded by Commissioner Bixby to go into Executive Session for 10 minutes to discuss property acquisition. Present: The three Commissioners, David Van Parys and Patrick Hurley. Executive session began at 12:06 p.m.

Motion passed, 3-0.

Commission returned from executive session at 12:16 p.m., no official action was taken.

The Board adjourned at 12:20 p.m.

Final Approved

*****March 7, 2016*****

The Board of County Commissioners met in regular session on Monday, March 7, 2016. Commissioner Holland, Commissioner Graeber and Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Fran Keppler, Noxious Weed Director; Andy Dedeke, Leavenworth County Sheriff; Captain Thomas Johnson, Sheriff's Department; Alan Pryor, Resident; Darrell Lamer, Resident; John Matthews, Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Adam Pryor indicated he has a new neighbor that burns pallets, shoots an automatic firearm at all hours of the day and night and races up and down the road on an ATV.

Sheriff Andy Dedeke stated he would speak with Mr. Pryor to try to resolve the matter.

ADMINISTRATIVE BUSINESS:

Commissioner Holland indicated Commissioner Bixby is on a conference call with Senator Moran regarding the Guantanamo Bay detainees.

Sheriff Dedeke requested an executive session for 15 minutes to discuss security.

A motion made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 15 minutes to discuss security. Present: The two Commissioners, Andy Dedeke, Thomas Johnson and Patrick Hurley. Executive session began at 9:13 a.m.

Motion passed, 2-0.

Commission returned from executive session at 9:28 a.m., no official action was taken.

A motion made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss security. Present: The two Commissioners, Andy Dedeke, Thomas Johnson and Patrick Hurley. Executive session began at 9:30 a.m.

Motion passed, 2-0.

Commission returned from executive session at 9:40 a.m., no official action was taken.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the March 3, 2016 meeting minutes.

Motion passed, 2-0.

Fran Keppler presented a bid from Murrfield Farms for \$141,639.00 for purchase of noxious weed chemicals.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the bid from Murrfield Farms in the amount of \$141,639.00.

Louis Klemp commented elected officials and department heads should not have to come back to the commission and ask to accept a bid when the money has been already approved in their budget.

Motion passed, 2-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to have the chairman sign and date the OCB's.

Motion passed, 2-0.

David Van Parys informed the BOCC he has circulated the MOU to the cities on the Eisenhower Road project and they have made a few changes, but all agree to the terms.

Mr. Van Parys indicated he will work on the concept of the design build for the Eisenhower Road project and present something to the BOCC on Thursday or Monday.

Commissioner Bixby will be attending the LCDC meeting Thursday.

Commissioner Bixby commented on the conference call held at 9:00 a.m. this morning regarding the Guantanamo Bay detainees indicating on the advice of counsel Leavenworth County will take appropriate action in opposition.

The Board adjourned at 10:15 a.m.

Final Approved

*****March 10, 2016*****

The Board of County Commissioners met in regular session on Thursday, March 10, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Jamie Miller, Health Department Director; Louis Klemp, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp commented on the PRP program and reiterated that 100% participation from residents is required and eminent domain will not be used by policy.

David Van Parys indicated there are other mechanisms to improve 179th St.

Commissioner Graeber asked Mr. Hurley and Mr. Van Parys to look into for any violations of the law.

ADMINISTRATIVE BUSINESS:

Jamie Miller presented an application for aid to local grants for the Health Department indicating these are annual grants.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to have the chairman sign and date the application for aid to local grants for the Health Department.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the March 7, 2016 meeting minutes.

Motion passed, 2-0, Commissioner Bixby abstaining.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber for approval of the agenda for the week of March 14, 2016.

Motion passed, 3-0.

Janet Klasinski indicated she represented the County at the legislation meeting on March 9 for SB316 and HB2609 indicating there was great representation from throughout the state.

Ms. Klasinski indicated the letters are ordered for the new Annex sign. She indicated she obtained permits from the city of Tonganoxie and they require the ground sign must be filled in between the posts with an additional cost of \$600.00.

A motion was made by Commissioner Graeber to allow Mr. Klemp to speak after public comment was closed.

Motion died for lack of second.

Mr. Van Parys requested permission from the Board to use the county email to send out information regarding contributions for relay for life for cancer research.

A motion was made by Commissioner Bixby and seconded Commissioner Graeber to approve Mr. Van Parys to use the county email to send out information for relay for life.

Motion passed, 3-0.

Mr. Van Parys indicated the city of Leavenworth approved the MOU for the Eisenhower Road sales tax project with one change. The city of Leavenworth will accept full maintenance responsibility upon the completion of the project on the four lane extension that will proceed west. The city of Lansing will meet March 17th on the MOU.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the MOU on the Eisenhower Road sales tax project.

Motion passed, 3-0.

Commissioner Holland commented on the request from Leavenworth Health Club for county employees to use their facility at a discounted rate.

Commissioner Bixby and Pat Hurley will visit the facility.

Commissioner Bixby requested an executive session for 10 minutes to discuss potential litigation.

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss potential litigation. Present: The three Commissioners, David Van Parys and Patrick Hurley. Executive session began at 10:06 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:16 a.m., no official action was taken.

Roger Marrs requested an executive session for 45 minutes to discuss pending litigation.

A motion made by Commissioner Bixby and seconded by Commissioner to go into Executive Session for 45 minutes to discuss pending litigation. Present: The three Commissioners, Roger Marrs, Kevin Fowler and Patrick Hurley. Executive session began at 10:20 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:05 a.m., no official action was taken.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to have the chairman sign and date the OCB's.

Motion passed, 3-0.

The Board adjourned at 11:14 a.m.

*****March 14, 2016*****

The Board of County Commissioners met in regular session on Monday, March 14, 2016. Commissioner Holland, Commissioner Graeber are present, Commissioner Bixby is absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Mike Spickelmier, Public Works Director; Trevor Huhn, Buildings and Grounds; Doug Smith, Road and Bridge; Tammy Saldivar, Solid Waste; John Forslund, P.E.; Joe Herring, Herring Survey; Chad Schimke, Resident; Lynn Looney, Resident; Louis Klemp; John Matthews, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp commented on the rules of the commission meetings.

ADMINISTRATIVE BUSINESS:

The approval of the minutes from March 10, 2016 was tabled until Thursday.

Public Works presented their monthly report.

Mike Spickelmier indicated County Road 18 will need to be resealed this summer with a different asphalt mix.

Bridge E-20 (Cemetery Road South of Easton over Dawson Creek), filled out paperwork with State, right of ways have been acquired.

Bridge SH-15 (Stillwell Road east of 198th Street), asking for authorization for consultant to design a reinforced concrete box to replace bridge.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to award contract to PfeifferKorn for \$8,000.00.

Motion passed, 2-0.

Mr. Spickelmier indicated the Kansas Turnpike Authority is currently replacing the bridges on the local roads over Interstate 70. He proposed a recommendation to enter a joint agreement with KTA with Leavenworth County being responsible for construction of the approaches and abutment of the new bridge along with removal of unneeded portions of roadway due to new alignment.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to start process to make joint agreement with KTA to realign the 182nd bridge while Leavenworth County constructs the connecting road network to the new structure.

Motion passed, 2-0.

John Forslund indicated the preliminary plans are being reviewed on 147th Street and proposals from appraisal firms are due at the end of the week. He indicated a public hearing for property owners will be April 6 at 6:00 p.m. at the Basehor Library.

Mr. Spickelmier requested the BOCC authorize Public Works to submit the application for MARC funding for the Eisenhower Road project.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to authorize Public Works to submit application for MARC funding for the Eisenhower Road project.

Motion passed, 2-0.

Mr. Forslund indicated Public Works met with design team on March 1 on the McIntyre Road project and final plans should be completed by November 2016.

Commissioner Holland requested Public Works to include the R cut discussion for the April monthly report.

Trevor Huhn requested authorization for replacement of carpet and paint in the County Attorney's office.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to authorize bids for the replacement of the 3rd floor Justice Center carpet and paint.

Motion passed, 2-0.

Mr. Spickelmier commented that the pressure reducing valve broke at the Justice Center last week causing water pressure to be lost. He indicated hard water is to blame for calcium build up around the valves which causes them to not function properly.

Mr. Spickelmier indicated he will submit for a water softener again in the 2017 budget.

Doug Smith requested approval to accept the bid from Hall Signs for spring sign material.

A motion was made by Commissioner Holland and seconded by Graeber to accept bid from Hall Sign in the amount of \$25,081.87 for sign material.

Motion passed, 2-0.

Mr. Smith requested the BOCC to accept the bid from Murphy Tractor for replacement of pad drum roller #81.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to accept bid from Murphy Tractor in the amount of \$145,804.00 for replacement of pad drum roller #81.

Motion passed, 2-0.

Mr. Smith requested to get rid of surplus equipment on Purplewave.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to put surplus equipment on Purplewave.

Motion passed, 2-0.

Mr. Spickelmier requested to accept bid for road oil from Vance Brothers with Flint Hills as alternate as needed for MC-3000.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to accept the road oil bid from Vance Brothers in the amount of \$1.75 per gallon with Flint Hills as alternate as needed for MC-3000.

Motion passed, 2-0.

Mr. Spickelmier requested approval of the 2016 Solid Waste Committee members list and the annual solid waste report be approved and adopted by the BOCC.

A motion was made by Commissioner Graeber second by Commissioner Holland to approve the 2016 Solid Waste Committee and operating plan.

Motion passed, 2-0.

Mr. Spickelmier indicated the County surveyor is on location at 207th St. and Public Works is cooperating with Rural Water District #5 in locating their lines.

Mr. Spickelmier met with prospective contractors for rock crushing. The proposals are due on March 24, 2016.

David Van Parys recommended either amending the PRP policy or using another mechanism for improvements on 179th Street.

A motion was made by Commissioner Graeber to cancel prior action on 179th Street as it did not comply with requirements of the PRP program.

Motion dies for lack of second.

A motion was made by Commissioner Holland to have a study session on this issue.

Motion dies for lack of second.

The Board recessed at 10:51 a.m. for 5 minutes.

Mr. Van Parys recommended the action on 179th Street be put on hold and a work session be scheduled.

A motion was made by Commissioner Graeber to cancel the prior action on 179th Street with exception of the survey work and schedule a work session.

Motion dies for lack of second.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to have the chairman sign and date the OCB's.

Motion passed, 2-0.

The Board adjourned at 11:18 a.m.

*****March 17, 2016*****

The Board of County Commissioners met in regular session on Thursday, March 17, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Sean Crittendon, Juvenile and Adult Services Director; Charles Raney, Leavenworth City Commissioner; John Matthews, Resident; Louis Klemp, Resident; Bill Peak, Resident; Joe Herring, Herring Survey; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Joe Herring asked about a refund on a tract split that had an oversight on the water line. The line is in a district that has to provide public water so it increased the plat fee.

David Van Parys requested Mr. Herring get a written report from Planning and Zoning.

John Sanders spoke on behalf of the Leavenworth Historical Museum Association requesting funding for a Children's Center.

Commissioner Bixby suggested Mr. Sanders make a request before budget hearings this year to be considered.

Louis Klemp commented Tonganoxie got County Road 1, a water tower and an Annex and they don't appreciate it and are constantly fighting with the system. He mentioned District Two should be the pulse of the County.

Bill Peak commented as former city council member for Tonganoxie, they are highly appreciative of the Annex and County Rd 1.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the March 10, 2016 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the March 14, 2016 meeting minutes.

Motion passed, 2-0, Commissioner Bixby abstaining.

Sean Crittendon presented a budget adjustment required by the State that reflects the funding reduction decision between Atchison County and Leavenworth County.

A motion was made by Commissioner Graeber seconded by Commissioner Bixby to approve budget adjustment report for the State and have the chairman sign and date the same.

Motion passed, 3-0.

Mr. Crittendon indicated there are two vacancies on the Juvenile Corrections Advisory Board. He indicated Pat Hurley fills one of the positions currently and will need to be reappointed or dealt with in another manner.

A motion was made by Commissioner Graeber seconded by Commissioner Bixby to appoint Commissioner Holland and reappoint Patrick Hurley to the Juvenile Corrections Advisory Board.

Motion passed, 3-0.

Pat Hurley presented a briefing report from the Register of Deeds indicating their department will be purchasing a plotter/scanner.

Commissioner Bixby requested to add discussion of a road improvement plan to the agenda for Thursday.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber for approval of the agenda for the week of March 21, 2016.

Motion passed, 3-0.

Commissioner Graeber updated the Board on the status of the Council on Aging building indicating the sidewalks and the curbing are complete other than the final asphaltting.

The Board adjourned at 10:01 a.m.

Final approved

*****March 21, 2016*****

The Board of County Commissioners met in regular session on Monday, March 21, 2016. Commissioner Holland, Commissioner Graeber, Commissioner Bixby are present. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Jeff Joseph Planning and Zoning Director; Krystal Davis, Assistant Planner; Tammy Saldivar, Solid Waste Director; Joe Herring, Herring Survey; Brendan Sheehan, Santa Fe Trails Bicycle Shop; Pat Barnhardt, Deborah Gregor, Barbara Adolphson and John Groves with Leavenworth County-cities Drug and Alcohol Abuse Council; Louis Klemp, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp inquired about the pay plan as to where it is.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the March 17, 2016 meeting minutes.

Motion passed, 3-0.

Planning and Zoning presented Case number DEV-16-021, the applicant is requesting a temporary special use permit to hold a cycling event and is requesting the waiver of the \$100.00 application fee.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the temporary special use permit and waiver of the application fee.

Commissioner Holland commented that he supports the event, however does not support waiving the application fee.

Motion passed, 2-1 Commissioner Holland voting nay to the waiver of the application fee.

Planning and Zoning presented Case number DEV-16-022, a request to extend the County Road 1 moratorium until April 30, 2017.

A motion was Commissioner Graeber and seconded by Commissioner Holland to table Case number DEV-16-022 until Monday.

Motion passed, 3-0.

David Van Parys presented the MOU on the Eisenhower Road project with agreement from the city of Leavenworth and city of Lansing.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve and execute the MOU and have the chairman sign and date the same.

Motion passed, 3-0.

Tammy Salidvar requested authorization to accept the low bid from CSTK in the amount of \$21,148.91 for a skid steer loader.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to accept low bid from CSTK in the amount of \$21,148.91 for a skid steer loader.

Motion passed, 3-0.

Pat Barnhardt with the Leavenworth County-Cities Drug and Alcohol Abuse Council requested funding from the alcohol fund for various programs.

Janet Klasinski indicated the money received for this fund is collected through a distribution process from liquor stores for example. The money then goes to the State which in turn distributes part of the money back to the County. This fund may only be expended for the purchase, establishment maintenance or expansion of programs or services whose principle purpose is alcoholism and drug abuse prevention and education. She indicated one third of the money goes to the alcohol fund, one third to the special parks and recreation fund and one third to the general fund.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve funding to Leavenworth County-Cities Drug and Alcohol Abuse Council.

Motion passed, 3-0.

The Board adjourned at 10:22 a.m.

Final Approved

*****March 24, 2016*****

The Board of County Commissioners met in regular session on Thursday, March 24, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Mike Spickelmier, Public Works Director; Dave Lutgen, Public Works Deputy Director; Jeff Joseph, Planning and Zoning Director; James Kraatz, Senior Planner; Jillian Ogden, Planner; Krystal Davis, Assistant Planner; Stephanie Sloop, Planning Coordinator; Dave Breuer, Mayor of Basehor; Joe Herring, Herring Survey; Larry Hahn, Hahn Survey; John Richmeier, Leavenworth Times

Residents: James Cunningham, Mary Ann Yoder, Garry Caldwell, Larry DeMoss, Ricardo Diaz, Stephanie and Gary Liebling; Troy McKittrick; George Henley; Louis Klemp, John Matthews

PUBLIC COMMENT:

Louis Klemp asked about the pay plan.

Commissioner Holland indicated the pay plan is done and the County Administrator is reviewing it.

Mr. Klemp requested a copy of the last three meetings.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the March 21, 2016 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber for approval of the agenda for the week of March 28, 2016.

Motion passed, 3-0.

Jillian Ogden presented case number DEV-16-009 a request to approve a 3 lot subdivision for Smith Farms, a replat of Risen Savior Subdivision.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve a final plat and replat of Lot 1, Risen Savior Subdivision, subject to all conditions.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-010 a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision regulations that would limit number of applications on the same parcel.

David Van Parys indicated he would like to revise the language of the amendment to tie the applicant to the parcel.

James Cunningham agreed with Mr. Van Parys indicating he has made several trips and attended several meetings on the same parcel that had several applicants. He suggested changing the language to include any applicant and leave it at 12 months instead of 6 months.

Stephanie Liebling also agreed with changing the language indicating she has been at the meetings five times on the same parcel. She also indicated the term “changed circumstances” in the current language is too broad and should be revisited.

A motion was made Commissioner Bixby and seconded by Commissioner Graeber to table case number DEV-16-010 until June 2, 2016 and send it back to the Planning Commission and Planning and Zoning.

Motion passed, 3-0.

James Kraatz presented case number DEV-16-005 a request to renew an existing special use permit for Chris’ Tree Service.

Mr. Kraatz indicated the applicant was dumping tree material at another parcel in the county and were informed they cannot dump at that site.

Commissioner Holland opened comment for public hearing.

Ricardo Diaz spoke in favor of the business and requested a special use permit for 10 years.

Commissioner Bixby indicated because of the previous problem with dumping he would be opposed to the 10 year permit.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the special use permit for Chris’ Tree Service subject to all conditions to include a 5 year permit.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Resolution 2016-6, a resolution issuing a special use permit for Chris’ Tree Service.

Motion passed, 3-0.

Krystal Davis presented case DEV-16-028 a request to waive fees typically associated with building a new single family residence and temporary dwelling unit. The applicant’s current residence is located approximately 20 feet from the FEMA FIRM Special Flood Hazard Area. It is not currently located in the flood zone but has flooded twice in the recent past. In 2008, the director of Planning and Zoning, Chris Dunn, issued a letter indicating the department issued building permits at no cost to the applicant for relocation of her residence, however the applicant did not build a new home at that time and permits have expired.

Commissioner Bixby indicated a condition he would require is that the temporary dwelling be anchored.

Mr. Klemp stated the old house would need to be removed and if the fees were waived that means the rest of the citizens would have to pay.

Commissioner Bixby asked if a public notice could be issued to certify to the public that the County will not honor promises made by Chris Dunn.

Commissioner Graeber commented that Chris Dunn was the director but did he have the authority to draft that letter.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to table case number DEV-16-028 until legal opinion is made with regards to letter by Chris Dunn.

Motion passed, 3-0.

Mr. Van Parys indicated the financial obligation is separate from the development agreement on the County One corridor. He indicated if the Board removed the moratorium the existing planning and zoning regulations would be in effect or the Board could allow the moratorium to expire.

Stephanie Sloop spoke to the Bass Club and they suggested June 25th as a date for the fishing derby. She indicated in the past it's been held at Lamborn Farms but the terrain is hard for the kids to navigate. Happy Hollow Lake was suggested as a location with plenty of parking and easier for the kids.

Commissioner Holland commented that Lamborn Farms will need to be notified that we are not using their facility and thank them for the years past.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the fishing derby for June 25th 8:00 a.m. to 11:00 a.m. at Happy Hollow Lake.

Motion passed, 3-0.

Commissioner Bixby indicated he wants to improve the PRP process by developing a survey to have potential projects be ranked by safety, connectivity, economic development and any other reason stated. He indicated we need to continue to look at land owner participation along with car count.

Mike Spickelmier indicated the last time we had a capital improvement modification was 2012. He indicated he would like to separate buildings from roads and have a specific plan for roads.

Mayor Dave Breuer commented he is very interested in roads and road improvement for growth of the community.

Pat Hurley indicated a ribbon cutting ceremony for EMS Station #4 will be March 28th at 6:00 p.m. at the Fairmount Township fire station.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to have the chairman sign and date the OCB's.

Motion passed, 3-0.

The Board adjourned at 11:28 a.m.

*****March 28, 2016*****

The Board of County Commissioners met in regular session on Monday, March 28, 2016. Commissioner Holland, Commissioner Graeber, Commissioner Bixby are 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; Chuck Magaha, Emergency Management Director; Lloyd Martley, Basehor Chief of Police; Dave Breuer, Mayor of Basehor; Joe Herring, Herring Survey; John Matthews; Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp commented on the applicant requesting to waive fees for a new residence. He indicated the permits have expired regardless of the letter from the former Planning and Zoning director.

Joe Herring reminded the Board of his clients that are requesting a refund on tract split. He indicated Mr. Kraatz from Planning and Zoning working on a report.

ADMINISTRATIVE BUSINESS:

Chuck Magaha has been asked to be deployed to Barber County, Kansas until Friday to assist in the large grassfire.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the March 24, 2016 meeting minutes.

Motion passed, 3-0.

Mike Spickelmier presented bids for fill dirt on the 207th Street project and requested the Board to accept price quotes and enter into an agreement with Mr. Garrison for the removal of fill dirt material in exchange for enlargement of the pond and chemical dust control associated with the hauling of fill material.

A motion was made by Commissioner Graeber

Commissioner Bixby indicated what is pulled out of the pond may not be usable.

Mr. Spickelmier indicated this is common and the dirt will be tested.

The motion was seconded by Commissioner Holland to accept the price quotes and direct Public Works to talk to Mr. Garrison, determine the quality of fill material and enter an agreement.

Motion passed, 3-0.

Mr. Spickelmier presented bids for pick-up trucks and SUV purchases from Marten Chevrolet and Zeck Ford and requested to award the lowest bid to Marten Chevrolet.

Commissioner Graeber indicated there was no information provided on the vehicles we are getting rid of such as mileage, age or condition they are in.

Commissioner Bixby raised concern about a vehicle that has low miles but doesn't have the right bed with hydraulics on it. He indicated we wouldn't get anywhere near what we paid for it.

It was the consensus of the board to table this matter until Monday, April 4, 2016.

Mayor Dave Breuer indicated he has been working with a developer on Falcon Lakes and presented an incentive program for property tax rebate. He indicated it would be a rebate program with a six year plan and three years participation with no general obligation bond by the city and no benefit district for the individuals that buy homes.

Mayor Breuer indicated the city council, school district and the library has voted for this program and requested the BOCC accept the concept of this program and allow the city attorney and county counselor could work together.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to express support for the concept of the rebate program and allow the city attorney and county counselor to work together.

Motion passed, 3-0.

Commissioner Graeber commented the County Appraiser should be involved in the meetings.

Commissioner Bixby indicated he received a call from Tim Smith with the Tonganoxie Township Fire Department on Hagwood Road and they are having a problem with dust getting in the regulators and asked for 300 foot of dust abatement to keep it down.

Mr. Spickelmier commented Public Works published the 2016 dust control form and will forward that on to them. He did receive proposals for the rock crushing bids and will work with the county administrator on how to proceed.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to have the chairman sign and date the OCB's.

Motion passed, 3-0.

The Board adjourned at 10:25 a.m.

*****March 31, 2016*****

The Board of County Commissioners met in regular session on Thursday, March 31, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Sean Crittendon, Director of Adult and Juvenile Service; John Matthews, 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 Bixby to approve the March 28, 2016 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby for approval of the agenda for the week of April 4, 2016.

Motion passed, 3-0.

Commissioner Graeber indicated the asphaltting and sidewalk have been completed at the Council on Aging.

Sean Crittendon presented a briefing report to accept a bid from Wirenuts for an upgrade to the security surveillance in the amount of \$18,607.85. The current equipment is 14 and 17 years old. He indicated funding is available in the amount of \$10,702.50 from the State and \$8,094 in equipment reserve.

Commissioner Bixby suggested tabling the decision until Monday to advise Atchison County of this expense.

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

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to have the chairman sign and date the OCB's.

Motion passed, 3-0.

Roger Marrs requested an executive session for 20 minutes to discuss pending litigation.

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 20 minutes to discuss pending litigation. Present: The three Commissioners, Roger Marrs, and Patrick Hurley. Executive session began at 9:22 a.m.

Motion passed, 3-0.

Commission returned from executive session at 9:42 a.m., no official action was taken.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to accept settlement agreement in regards to the lawsuit involving the Leavenworth County Treasurer and the Leavenworth County Commissioners and such be forwarded to the Judge for his approval and dismissal of the action.

Motion passed, 2-1 Holland voting nay

David Van Parys received information regarding the North Gateway Second Hotel Redevelopment Project Plan that the BOCC approved in 2011. He indicated the letter was just informational to inform that the project is moving forward.

Mr. Van Parys met with Jeff Joseph regarding the Miller property that is located within a flood zone. In 2005 the County issued permits for a new building and waived fees, no action was taken no home was built. In 2008, via an attorney, the property owner again asked a waiver of fees for a building permit and no home was built. In the most recent request the property owner is asking for a waiver of fees to build a new home located outside of the flood zone.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to deny the request for waiver of fees for 25941 Stranger Road parcel id #118-28-0-00-00-002.00.

Motion passed, 3-0.

The Board adjourned at 10:02 a.m.