

*****April 4, 2016*****

The Board of County Commissioners met in regular session on Monday, April 4, 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; John Forslund, P.E.; Jamie Miller, EMS Director; Chuck Magaha, Emergency Management Director; Charles Raney, Leavenworth City Commissioner; Ric Johnson, Wilson and Company; John Matthews; Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp commented on the lawsuit with the County Treasurer and asked about the costs incurred with attorney fees and court fees.

Pat Hurley indicated the County has not received the final bill.

Mr. Klemp inquired if the information would be made public once it is received.

David Van Parys indicated the bills and purchase orders are open records and a request can be made.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the March 31, 2016 meeting minutes.

Motion passed, 3-0.

Mr. Hurley indicated a letter was sent to the Atchison County Commissioners informing them of the purchase by Juvenile Justice. Atchison Commissioner Noll thanked us for advising them.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to award the bid from Wirenuts for security cameras for JDC in the amount of \$18,607.85.

Motion passed, 3-0.

Mike Spickelmier requested authorization to accept bids for pick-up trucks and SUV purchases that include vehicles for EMS and Emergency Management as a package.

Commissioner Bixby saw no reason to get rid of truck #54 but inquired if we pulled it out would it affect the bid.

Mr. Spickelmier indicated the dealer would honor the bid with the removal of the truck.

A motion was made Commissioner Graeber and seconded by Commissioner Bixby to retain trucks #54 and #97 and accept bid from Marten Chevrolet on the other vehicles.

Motion passed, 3-0.

Commissioner Holland inquired if Kim's vehicle needs to be fitted the same as his.

Chuck Magaha indicated Kim's vehicle has transmission issues and internal problems with the engine indicating he upgraded from the Explorer to the Expedition to pull more trailers.

Commissioner Bixby asked Pat Hurley to check with Council on Aging to see if they are interested in truck #53 to replace an older truck in their fleet indicating they could get a topper for the truck.

Mr. Spickelmier indicated truck #53 will bring more value on Purplewave without disassembling the hydraulic bed.

Mike Spickelmier introduced Ric Johnson with Wilson and Company indicating the design contract is ready to sign and move forward on the Eisenhower Road project.

Mr. Van Parys has reviewed the proposed agreement with Wilson and Company and found it to be legally acceptable.

A motion was made by Commissioner Bixby seconded by Commissioner Graeber to approve the contact with Wilson and Company and have the Chairman sign and date the same.

Motion passed, 3-0.

Mr. Spickelmier indicated Mr. Van Parys met with Bernie Shaner of Valbridge which is a property advisor for easement acquisition services on the 147th Street project. A public hearing is scheduled for April 19th at 6:00 p.m. at the Falcon Lakes Clubhouse to discuss easements.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to accept the proposal from Valbridge Property Advisors and have the Chairman sign and date the same.

Motion passed, 3-0.

The Board adjourned at 9:52 a.m.

*****April 7, 2016*****

The Board of County Commissioners met in regular session on Thursday, April 7, 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; Jeff Joseph, Planning and Zoning Director; Joe Herring, Herring Survey; John Matthews, Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp asked questions about the total for attorney fees for the County Treasurer's lawsuit, the consensus of the rules for public comment, the PRP program, MARC funding on the Eisenhower Road project, the pay plan and the 179th Street project. He commented that the minutes need to be made easier for the public to obtain.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the April 4, 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 April 11, 2016.

Motion passed, 3-0.

Jeff Joseph presented a request from Joe Herring regarding an application that was submitted on June 5, 2015 for a preliminary and final plat for Harman Farms and at the time paid the application fees for a total of \$1,225.00. He indicated the application was reviewed and processed but before it went to the Planning Commission, the applicant decided not to proceed with it. Mr. Herring is requesting a credit for future submittals and a refund of the remainder filing fees and would like to do a tract split instead of a plat.

David Van Parys indicated the problem with granting a refund is the work has already been done and the general public bears the cost.

Joe Herring spoke about the water supply issuing indicating there was a pre application meeting with Planning and Zoning about platting this property and a release from the moratorium was granted. He indicated the applicant submitted the plat and paid the fee and letter was then received from Planning and zoning indicating it is a class A subdivision and it is required to provide public water service. Mr. Herring stated this property is not in a water district nor has a water line that runs to it and would be a significant cost for large acre tracts and assumed the applicant would provide wells to the tracts.

Mr. Joseph disagreed indicating the request was for 8 lots on the subdivision and is adjacent to the city of Tonganoxie city limits.

Commissioner Bixby indicated he served on the Tonganoxie City Council and knows the problem Tonganoxie faces getting water to the Industrial Park area.

Mr. Van Parys indicated it's in everyone's best interest to see the property developed and because of particular circumstances that makes it prohibitive to have a public water supply then a well system should be considered by the Planning Commission and the BOCC.

Mr. Herring indicated he would check with the applicants and see which direction they would like to go and inform Planning and Zoning.

Commissioner Graeber commented that we are at a historical low rate for the issuance of bonds and inquired where we stand with the three road projects.

Mr. Van Parys indicated in order to proceed a schedule is needed showing the estimated cost and projected timeframe.

Commissioner Graeber asked Pat Hurley to meet with Mike Spickelmier to get a timeline.

The Board adjourned at 9:52 a.m.

After adjournment, Tamara Copeland requested an Executive Session with the three Commissioners for 15 minutes to discuss non- elected personnel.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to go back into regular session.

Motion passed, 3-0.

A motion made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 15 minutes to discuss non-elected personnel. Present: The three Commissioners and Tamara Copeland. Executive session began at 9:54 a.m.

Motion passed, 2-1 Graeber voting nay.

Commission returned from executive session at 10:09 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 non-elected personnel. Present: The three Commissioners and Tamara Copeland. Executive session began at 10:12 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:22 a.m., no official action was taken.

The Board recessed until 10:30 a.m.

A motion made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 20 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys and Tamara Copeland. Executive session began at 10:33 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:53 a.m., no official action was taken.

A motion made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 20 minutes to discuss non-elected personnel. Present: The three Commissioners and David Van Parys. Executive session began at 10:56 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:16 a.m., no official action was taken.

The Board adjourned 11:16 a.m.

Final Approved

*****April 11, 2016*****

The Board of County Commissioners met in regular session on Monday, April 11, 2016. Commissioner Graeber, Commissioner Bixby are present, Commissioner Holland absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Mike Spickelmier, Public Works Director; John Forslund, P.E.; Doug Smith, Road and Bridge; Dave Lutgen, Public Works Deputy Director; Joe Herring, Herring Survey; Chad Schimke, Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to appoint Commissioner Bixby as acting chairman.

Motion passed, 2-0.

PUBLIC COMMENT:

Louis Klemp commented his questions still have not been answered.

ADMINISTRATIVE BUSINESS:

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

Motion passed, 2-0.

Public Works indicated bridge E-20 is scheduled to be let by KDOT in May and is anticipated to be complete this year.

Mr. Spickelmier indicated the Eisenhower Road application has been submitted to MARC and suggested reaching out to the cities of Lansing and Leavenworth for letters of support. Mr. Spickelmier will draft a letter on behalf of the county.

John Forslund indicated a public hearing is scheduled for April 19, 2016 at 6:00 p.m. at Falcon Lakes to meet with the property owners on the 147th Street sales tax project. He indicated the design team and the land acquisition firm will be in attendance. He indicated a utility meeting is scheduled April 13, 2016 at 1:00 p.m. to discuss timelines with the different utility companies and construction bids should be open February 2017.

Mr. Forslund indicated an initial meeting with the design team is scheduled this afternoon on the Eisenhower Road project to discuss potential schedules.

Mr. Spickelmier commented now that they have received schedules from the consultants, he will prepare an expenditure projection to pass along to the bond counsel.

Mr. Spickelmier inquired of the Board if there is still interest in the R-cut on the McIntyre Road project indicating the earliest available funding from KDOT for access management would be 2019 fiscal year.

Commissioner Bixby felt the R-cut is a bad design and can't support it.

Mr. Spickelmier asked if the R-cut discussion could be removed from the Public Works monthly report and Commissioner Bixby indicated it could be removed.

Mr. Spickelmier indicated the mulch on the east side of the Courthouse has been replaced with rock.

Doug Smith met with a representative with the Leavenworth County Fair Board to discuss maintenance that needs to be done before the Fair. He indicated they will do the work based on the MOU with the Fair Board and the work will be completed within the next couple of weeks.

Commissioner Bixby suggested when the work is completed to draft a new MOU for any updates.

Mr. Spickelmier indicated Clean-Up Lansing was held Saturday, April 9 and was well received and attended.

Mr. Spickelmier indicated there has been conflicting information on the 207th Street PRP project regarding the water lines. He suggested having an evening meeting to invite Rural Water District #5 and the residents on 207th St.

Commissioner Bixby suggested waiting on a date since its Commissioner Holland's district.

On the 171st and Gilman project, Mr. Smith indicated the base rock didn't have enough moisture in it and Hamm's is redoing the rock to get it up to the moisture level needed. He indicated oil will be put down in May.

Mr. Spickelmier inquired which PRP project, McIntyre Road, west of County Road 5 or 179th Street should be designed first.

Commissioner Bixby indicated he would like the 179th Street project done.

Mr. Spickelmier indicated a meeting regarding rock crushing at the Tonganoxie Quarry is scheduled for April 18, 2016 at 2:00 p.m. where the selection committee will meet with the proposed vendor.

Mr. Spickelmier presented a briefing report regarding a speed limit on 195th Street between Amelia Earhart and Santa Fe Trail indicating he received an inquiry from a resident along this section of 195th Street asking what the speed limit for this section of roadway was posted at. The resident asked if Public Works could put a speed limit sign but it requires a regulatory action. It was determined by the geometry of the road and low volume it fits into the 40-45 mph range. It is recommended to set the speed limit at 40 mph.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve and execute Resolution 2016-7, a resolution of the Board of County Commissioners of Leavenworth County, Kansas, pursuant to the provision of K.S.A. 8-1560, establishing the maximum speed of 40 miles per hour for 195th Street from Amelia Earhart Drive (U.S. Highway 73/Kansas Highway 7) to Santa Fe Trail (County Route #14); repealing any prior resolution establishing the maximum speed limit for said segment of road/street.

Motion passed, 2-0.

Pat Hurley drafted a letter to the Atchison County Commissioners commending them as the winner of the 2016 Annual Kansas Hometown Showdown in which the Amelia Earhart Bridge will appear on the cover of the June 2016 edition of the League of Kansas Municipalities magazine.

Mr. Hurley indicated we do not have a final billing on the costs from the Leavenworth County Treasurer lawsuit.

***A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 20 minutes to discuss non-elected personnel. Present: The two Commissioners, David Van Parys, Pat Hurley and Tamara Copeland. Executive session began at 9:58 a.m.
Motion passed, 2-0.***

Commission returned from executive session at 10:18 a.m., no official action was taken.

***A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss non-elected personnel. Present: The two Commissioners, David Van Parys and Pat Hurley. Executive session began at 10:20 a.m.
Motion passed, 2-0.***

Commission returned from executive session at 10:30 a.m., no official action was taken.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to have the chairman sign and date the OCB's.
Motion passed, 2-0.***

The Board adjourned at 10:32 a.m.

Final Approved

*****April 14, 2016*****

The Board of County Commissioners met in regular session on Thursday, April 14, 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; Sean Crittendon, Department of Adult and Juvenile Services Director; Brigid McCaully, Business Manager for Department of Adult and Juvenile Services; John Matthews, Resident

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Sheriff Andy Dedeke asked for an exception to the leave policy for an employee who was unable to take time off because of her duties. He requested the leave be reinstated.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to reinstate leave for the employee.

Motion passed, 3-0.

Sean Crittendon asked for an exception to the leave policy for an employee who was unable to take time off because of her duties. He requested the leave to be reinstated.

A motion was made by Commissioner Graeber and second by Commissioner Bixby to reinstate leave for the employee.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the April 11, 2016 meeting minutes.

Motion passed, 2-0, Holland abstaining.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby for approval of the agenda for the week of April 18, 2016.

Motion passed, 3-0.

Pat Hurley presented a letter for signature by the Commission indicating full support from the cities of Leavenworth and Lansing for the Eisenhower Road project to KDOT for funding from MARC.

Commissioner Bixby suggested getting a letter of support from the Garrison Commander at Fort Leavenworth or Dick Gibson from the 27th Committee and the Basehor Chamber of Commerce.

A motion made by Commissioner Graeber and seconded by Commissioner Bixby to go into Executive Session for 20 minutes to discuss possible acquisition of real property. Present: The three Commissioners, David Van Parys, Pat Hurley and Mike Spickelmier. 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 Bixby and seconded by Commissioner Graeber to have the chairman sign and date the OCB's.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to recess for 5 minutes.

Motion passed, 3-0.

A motion made by Commissioner Holland and seconded by Commissioner Bixby to go into Executive Session for 15 minutes to discuss non-elected personnel. Present: The three Commissioners and Pat Hurley. Executive session began at 9:58 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:13 a.m., no official action was taken.

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss non-elected personnel. Present: The three Commissioners and Pat Hurley. Executive session began at 10:18 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:28 a.m., no official action was taken.

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 15 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys and Pat Hurley. Executive session began at 10:30 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:45 a.m., no official action was taken.

A motion made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss non-elected personnel. Present: The three Commissioners, Tamara Copeland and Pat Hurley. Executive session began at 10:50 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:00 a.m., no official action was taken.

A motion made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss non-elected personnel. Present: The three Commissioners and David Van Parys. Executive session began at 11:07 a.m.

Motion passed, 3-0.

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

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 5 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys and Mike Spickelmier. Executive session began at 11:21 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:26 a.m., no official action was taken.

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 7 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys and Mike Spickelmier. Executive session began at 11:29 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:36 a.m., no official action was taken.

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss non-elected personnel. Present: The three Commissioners and David Van Parys. Executive session began at 11:38 a.m.

Motion passed, 3-0.

Commission returned from executive session at 11:48 a.m., no official action was taken.

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys, Pat Hurley and Mike Spickelmier. Executive session began at 11:54 a.m.

Motion passed, 3-0.

Commission returned from executive session at 12:04 p.m., no official action was taken.

The Board adjourned 12:06 p.m.

*****April 18, 2016*****

The Board of County Commissioners met in regular session on Monday, April 18, 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; Jeff Joseph, Planning and Zoning Director; Nathan McCommon, Tonganoxie City Administrator; Stephanie Cobb, Resident; Clay Cobb, Resident; John Matthews, Resident; Louis Klemp, Resident; Jere Smith, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp reminded the BOCC that there can't be executive action taken in an executive session and he will notify the Attorney General's Office about what he believes to be violation of the KOMA by the County Commission.

Clay Cobb inquired about the termination of two employees without the proper Board procedure process.

ADMINISTRATIVE BUSINESS:

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

Motion passed, 3-0.

David Van Parys indicated the BOCC has previously discussed allowing the County Road 1 moratorium to expire at the end of April. He indicated the city of Tonganoxie is interested in continuing discussion with the County regarding the formulation of a development plan and extending the moratorium.

Commissioner Graeber commented he was concerned the moratorium held back development in that area.

Mr. Van Parys indicated in the absence of the moratorium the Planning and Zoning regulations still apply.

Commissioner Bixby commented that we have held back a certain level of rights to the property owners of that area and we haven't developed a plan in the last seven years.

Nathan McCommon indicated the Tonganoxie City Council shares the same view as the County and wants to see development.

Commissioner Graeber insisted that property owners continue to use their land as it is. He suggested Mr. Hurley and Mr. McCommon work on a joint meeting to discuss a plan.

Pat Hurley indicated today is the meeting with Hamm Quarry bid openings and Commissioner Bixby will be attending. Tomorrow is a MARC TTCP meeting and a representative will be nominated. There is a public hearing for the 147th easement acquisitions on 4-19 at 6:00 p.m. at Falcon Lakes.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to temporarily assign Commissioner Bixby to the TTCP committee as a representative.

Motion passed 2-0, Bixby abstaining.

Commissioner Bixby directed Mr. Hurley to draft letter to Ron Achelpohl and David warm to that effect.

Pursuant to a directive Mr. Van Parys received, he met with the individual addressed in an executive session and executed an agreement that will need to be ratified.

A motion made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 15 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys and Pat Hurley. Executive session began at 9:27 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 to approve the agreement drafted by Mr. Van Parys that sets forth terms and conditions the Board agreed to.

Motion dies for lack of second.

A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys and Pat Hurley. Executive session began at 9:50 a.m.

Motion passed, 3-0.

Commission returned from executive session at 10:00 a.m., no official action was taken.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to recess for 30 minutes. Began at 10:06

Motion passed, 3-0.

The Board reconvened at 10:36 a.m.

Commissioner Holland presented a permanent sanitary easement on Sewer District #3 and quit claim deed for signatures.

Mr. Van Parys indicated these actions deal with the former lagoon system on Sewer District #3 and a small line that is on the Evans property. The property owners are willing to accept the deed and grant the County a sanitary easement.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the easement and quit claim deed.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to draft a proclamation congratulating the city of Tonganoxie on their 150th anniversary.

Motion passed, 3-0.

Mr. Hurley presented personnel actions for the termination of two county employees.

A motion was made by Commissioner Bixby to approve personnel actions

Commissioner Bixby amended his motion to exclude employee names from the minutes on the personnel action and seconded by Commissioner Holland.

Commissioner Graeber expressed his displeasure with the decision.

Motion passed, 2-0, Graeber voting nay.

The Board adjourned at 10:47 a.m.

Final Approved

*****April 21, 2016*****

The Board of County Commissioners met in regular session on Thursday, April 21, 2016. Present are: Commissioner Holland and Commissioner Bixby, Commissioner Graeber absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; James Kraatz, Senior Planner; Tamara Copeland, Human Resources Director; Joe Herring, Herring Survey; John Matthews, Resident; Clay and Stephanie Cobb, Residents; Justin Falleaf, Resident; Ray Rummel, Resident; Robert Norris, Resident; John Richmier, Leavenworth Times

PUBLIC COMMENT:

Clayton Cobb expressed his disappointment with the County Commission over the termination of two County employees and indicated he has filed a complaint with the Attorney General about alleged violations of the State's open meetings law.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the April 18, 2016 meeting minutes.

Motion passed, 2-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland for approval of the agenda for the week of April 25, 2016.

Motion passed, 2-0.

Commissioner Holland indicated he was invited to a work session on April 29th concerning the purchase of land by LCDC.

Planning and Zoning presented Case Number DEV-16-031, a temporary special use permit for Festy Fest. The applicant is requesting a temporary permit for a two day music and camping event for Bandorbar.com members.

Commissioner Holland asked if there were any comments from the public.

Ray Rummel spoke in favor of the event and indicated he has not heard any complaints from any neighbors.

No one spoke against the permit.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve Case Number DEV-16-031, a temporary special use permit for Festy Fest, subject to all conditions.

Motion passed, 2-0.

Pat Hurley presented a proclamation recognizing the city of Tonganoxie for their 150th anniversary.

Commissioner Bixby suggested postponing signatures until Commissioner Graeber can review it.

Mr. Hurley indicated he is in the process of getting letters of support for the MARC funding on the Eisenhower Road project. He indicated the application has been submitted.

Mr. Hurley is working with the County Clerk on the 2017 budget process regarding the impact of the tax lid enacted by the legislature.

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

A motion 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 two Commissioners, David Van Parys and Pat Hurley. Executive session began at 9:39 a.m.

Motion passed, 2-0.

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

A motion made by Commissioner Holland and seconded by Commissioner Bixby to go into Executive Session for 15 minutes to discuss non- elected personnel. Present: The two Commissioners and Tamara Copeland. Executive session began at 9:58 a.m.

Motion passed, 2-0.

Commission returned from executive session at 10:13 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 non- elected personnel. Present: The two Commissioners, Roger Marrs and Tamara Copeland. Executive session began at 10:17 a.m.

Motion passed, 2-0.

Commission returned from executive session at 10:32 a.m., no official action was taken.

The Board adjourned 10:35 a.m.

*****April 25, 2016*****

The Board of County Commissioners met in regular session on Monday, April 25, 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; Jeff Joseph, Planning and Zoning Director; David Lutgen, Deputy Public Works Director; Nathan McCommon, Tonganoxie City Administrator; Chris Brewster, Tonganoxie City Planner; Joe Herring, Herring Survey; Harold Sommerfeldt, Resident; John Matthews, Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Harold Sommerfeldt asked about the amount of right of way needed for the PRP.

David Lutgen indicated he sent Mr. Sommerfeldt the old road records where it varies 40 to 50 feet. He indicated until a survey is done it would be hard to tell.

Commissioner Holland commented if a resident signs the original petition doesn't mean they are locked in to follow through with the program.

Louis Klemp indicated the decision to terminate two employees was not reflected in the minutes therefore the decision had to be made in executive session. He commented he has not had his questions directed to David Van Parys answered yet.

David Van Parys indicated he emailed the answers to Mr. Klemp and gave him a copy.

ADMINISTRATIVE BUSINESS:

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

Motion passed, 2-0, Graeber abstaining.

Nathan McCommon indicated the city of Tonganoxie requests the County Commissioners to extend the County Road 1 moratorium. It is a valuable tool that supports the existing use of the property and encourages staff to work on a development plan.

Mr. Van Parys indicated anyone who has any plan for development can seek relief from the moratorium and the current planning and zoning regulations still apply.

A motion was made by Commissioner Bixby seconded by Commissioner Graeber to extend County Road 1 moratorium until April 30, 2017.

Motion passed, 3-0.

Joe Herring indicated his clients were granted relief from the moratorium and are in the process of getting the property platted. He inquired if the city's development plan would affect his client's progress.

Mr. Van Parys reminded that a well system was approved for the lots and should be allowed to proceed through the planning process.

Commissioner Bixby asked how a potential annexation by the city of Tonganoxie would impact the lots.

Mr. Van Parys indicated if the city of Tonganoxie wished to annex the property they have to file an annexation plan and show ability to provide municipal services.

Mr. Herring asked if his clients should proceed as is.

Mr. Van Parys commented that no other action needs to be taken.

Bixby read a proclamation to the city of Tonganoxie celebrating their 150th anniversary.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to sign and approve the proclamation to the city of Tonganoxie.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to execute and adopt Resolution 2016-8, a resolution authorizing a moratorium on changes in the land use, zoning and subdivision development within a designated corridor around county road 1 in Leavenworth County.

Motion passed, 3-0.

Louis Klemp commented the BOCC needs to take action on the PRP process.

Commissioner Graeber commented that he felt the PRP rules are still in place and it takes 100% participation.

Mr. Van Parys indicated there are a number of options to the PRP process.

Dave Lutgen presented a briefing report for approval to hire McAfee Henderson for the construction inspection for replacement of bridge E-20.

A motion was made by Commissioner Bixby to approve McAfee Henderson

Commissioner Graeber asked what the total cost to the County for the bridge replacement.

Mr. Lutgen left the meeting to get total costs.

Pat Hurley presented a draft submitted by Wyandotte County for the Chief Elected Officials agreement that will be presented at the Workforce meeting tomorrow.

Commissioner Graeber indicated Commissioner Holland has put forth much effort into the Workforce and asked him to review the agreement and update the Commission on the outcome of the meeting.

Commissioner Holland and Commissioner Bixby will attend the MARC meeting on Tuesday, April 26, 2016.

Commissioner Holland will attend the LCPA meeting on Wednesday, April 27, 2016.

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.

Mr. Van Parys indicated he has been provided estimates of the sales tax projects and comment has been provided by the three consulting engineering firms. Any adjustments will be finalized this week and consultation with bond counsel and financial consultants to work toward a sales tax funding bond issue for July or August.

Mr. Lutgen returned with the costs for the replacement of bridge E-20 and indicated the cost share for the County would be \$304,000.00.

The motion was seconded by Commissioner Holland to approve McAfee Henderson to conduct the construction inspection.

Motion passed, 3-0.

The Board adjourned at 10:16 a.m. to review the bill for the remainder of the day.

Final Approved

*****April 28, 2016*****

The Board of County Commissioners met in regular session on Thursday, April 28, 2016. Present are: Commissioner Holland, Commissioner Bixby and Commissioner Graeber. Also present: Patrick Hurley, County Administrator; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; James Kraatz, Senior Planner; Krystal Davis, Assistant Planner; Nancy Theis, County Attorney's Office; Joe Herring, Herring Surveying; Larry Hahn, Hahn Surveying; Patrick Watkins, Attorney; Charlie Sedlock, Resident, Randy Weldon, Resident; Victor Castro, Resident; Louis Klemp, Resident; John Matthews, Resident; Jere Smith, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp questioned where the action for terminating two employees is located in the minutes.

Commissioner Graeber read from the minutes of April 18, 2016 that stated two personnel actions were presented and a motion was made to approve it, 2-1.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby for approval of the agenda for the week of May 2, 2016 as amended.

Motion passed, 3-0.

The BOCC discussed various options on how to look at a proposed pay plan with impending tax lid. A draft will be given to each commissioner to review.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the April 25, 2016 meeting minutes.

Motion passed, 3-0.

Nancy Theis requested an exemption to the leave policy for an employee that due to duties was unable to use annual leave.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the exemption of the leave policy.

Motion passed, 3-0.

Commissioner Graeber requested a map from Commissioner Bixby to show road projects he has identified with regards to modify the PRP list.

Commissioner Holland indicated the PRP list needs updated to show percentage of participation because some are still showing 0% when affidavits have been turned in.

Planning and Zoning presented case number DEV-16-026 & 027, a preliminary and final plat for Aufdemberge Subdivision. The applicant is requesting approval of a three lot subdivision.

Commissioner Bixby expressed concerned about sight distance for driveways. He requested a condition be added for Public Works to approve the location of the driveways.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve a preliminary and final plat for Aufdemberge Subdivision subject to all conditions with the additional condition that Public Works approves the location of the driveways.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-023 a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. The proposed change would allow the operator of a small limited business owner to have up to one employee that is not a family member that does not live on the same property as the owner.

Public hearing was opened and no one spoke for or against the amendment.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, allowing one employee for a small limited business.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Resolution 2016-9, a resolution to amend the Articles of the 2006 Zoning and Subdivision Regulations.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-011, a special use permit for a landscaping lawn care, lawn maintenance, snow removal and related business.

Public hearing was opened and no one spoke for or against the case.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve a special use permit for Integrity Tree Service, subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Resolution 2016-10, a resolution issuing a special use permit for a landscaping, lawn care, lawn maintenance, snow removal and related business.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-012, a special use permit for a contractor's yard.

Public hearing was opened and no one spoke for or against the case.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve a special use permit for Westland Construction, Inc., subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Resolution 2016-11, a resolution issuing a special use permit for a contractor's yard.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-017, special use permit for disposal of storage of waste materials, landfill, incinerator, transfer station and recycle centers for a materials recovery facility for Honey Creek Disposal Services, Inc. /Hamm Inc.

Public hearing opened for anyone speaking in favor of this case.

Patrick Watkins, an attorney representing the applicants spoke in favor indicating there have been enhancements to the facility including a state of the art materials recycling center. He requested a 20 year permit.

No one spoke against the case.

A motion was made by Commissioner Bixby to approve the special use permit for a 20 year period for storage of waste materials, landfill, and incinerator, transfer station and recycle centers, subject to all conditions.

Commissioner Graeber questioned a 20 year permit.

Jeff Joseph indicated such permits have been approved for cell towers because of the significant investment.

Charlie Sedlock of Hamm, Inc. indicated they have invested approximately 8 to 10 million dollars into the program and equipment.

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve Resolution 2016-12, issuing a special use permit for disposal or storage of waste materials for Honey Creek Disposal Service, Inc. /Hamm, Inc.
Motion passed, 3-0.***

Planning and Zoning presented case number DEV-16-037, the reappointment or appointment of three planning commissioners that have terms due to expire June 2016.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to reappoint Mark Denney, Chris Raymos and Jay Schwinn to the Planning Commission.
Motion passed, 3-0.***

Pat Hurley attended the KCATA meeting and viewed the system for para-transit with a company named Reveal based in Overland Park. He asked the representative from Reveal to evaluate the system at Council on Aging to discuss improvements to the transportation services.

Commissioner Graeber asked what we are doing about filling the position of Director of Public Works.

Mr. Hurley indicated David Lutgen is interim director. The position has been posted and is open until filled.

Commissioner Graeber expressed concern about the three sales tax projects and wants to see these projects continue to move forward.

Mr. Hurley indicated the three engineering firms for the projects are progressing rapidly.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve bills for the month of April.

Motion passed, 3-0.

The Board adjourned 10:46 a.m.

Final Approved