

\*\*\*\*\*May 2, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, May 2, 2016. Commissioner Holland and Commissioner Graeber, Commissioner Bixby by telephone. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Sean Crittendon, Director of Adult and Juvenile Services; Brigid McCaully, Business Manager; Bob Weber, County Appraiser; Jeff Culbertson, GIS Director; Tamara Copeland, Human Resources Director; Megan Waters, Community Corrections; Rhonda Berry, Community Corrections; John Matthews, Resident; Louis Klemp, Resident; James Berry, Resident; Lynn Looney, Resident; John Richmeier, Leavenworth Times

Due to conflicting meetings, Commissioner Bixby by telephone requested a change to the agenda to have Community Corrections present the budget discussion first.

ADMINISTRATIVE BUSINESS:

Sean Crittendon reported that the State has amended the current budget for 6 months for juvenile services. Mr. Crittendon indicated Senate Bill 367 passed which means there will be a shift of juvenile offenders from out of home placement back to the community. He indicated the District needs to decide how to proceed in allocating funds during the extension period.

Commissioner Graeber indicated we have an obligation to Atchison County to work with them.

Commissioner Holland requested an executive session for 30 minutes to discuss non-elected personnel.

David Van Parys indicated that not all individuals will be present in the room.

***A motion made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 30 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys, Pat Hurley, Tamara Copeland, Sean Crittendon, Brigid McCaully, Megan Waters and Rhonda Berry. Executive session began at 9:35 a.m.***

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

Commission returned from executive session at 10:05 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 three Commissioners, David Van Parys, Pat Hurley, Tamara Copeland, Sean Crittendon, Brigid McCaully, Megan Waters and Rhonda Berry. Executive session began at 10:08 a.m.***

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

Commission returned from executive session at 10:23 a.m., no official action was taken.

***A motion made by Commissioner Holland and seconded by Commissioner Bixby to go into Executive Session for 20 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys, Pat Hurley, Tamara Copeland, Sean Crittendon, Brigid McCaully, Megan Waters and Rhonda Berry. Executive session began at 10:26 a.m.***

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

Commission returned from executive session at 10:46 a.m., no official action was taken.

PUBLIC COMMENT:

Louis Klemp indicated he requested the minutes from the April 14<sup>th</sup> and 18<sup>th</sup> and the County Clerk could not find in the minutes where action was taken by the BOCC. He requested a written statement to that effect.

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the April 28, 2016 meeting minutes.*

*Motion passed, 3-0.*

Bob Weber presented the quarterly report for the appraiser's office indicating change of value notices were sent March 1<sup>st</sup>. He indicated 234 informal appeals were scheduled out of 30,700 parcels.

Mr. Weber indicated the field staff has started the annual re-inspection of 1/6<sup>th</sup> of the parcels in the county and are working 192 building permits received through the first quarter.

Jeff Culbertson presented the quarterly report for GIS indicating he is on the ortho photo task force for MARC to acquire new 2016 aerial photos for each city and county in the MARC region. The entire county was completed in March and all photos should be complete and delivered by end of August.

Mr. Culbertson indicated the Sheriff's new SunGard 911 software system has been installed and the GIS Department is nearly finished loading all the GIS map layers they need to make the system work.

Mr. Culbertson indicated election season is coming up and that usually sparks a greater demand for maps showing where all the registered voters live.

Mr. Van Parys indicated he will start the email correspondence approved earlier by the BOCC for Relay for Life contributions today.

The Board adjourned at 11:18 a.m.

\*\*\*\*\*May 5, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, May 5, 2016. Commissioner Holland and Commissioner Graeber, Commissioner Bixby by telephone. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Linda Lobb, Director of Council on Aging; Julie Stark, Council on Aging; Jamie Miller, EMS and Health Department Director; James Perry, Resident; Glenn and Rhonda Berry, Residents; John Matthews, Resident; Louis Klemp, John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp commented on several topics such as the PRP project on 179<sup>th</sup> Street, the lawsuit with the Leavenworth County Treasurer and the termination of two Leavenworth County employees.

ADMINISTRATIVE BUSINESS:

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the May 2, 2016 meeting minutes.*

*Motion passed, 3-0.*

Commissioner Graeber was contacted by Jerry Reilly who requested a meeting with BOCC to discuss the county's growth, challenges and what to do to bring in different businesses.

Commissioner Holland indicated he would be in favor of that and to make it a study session.

It was the consensus of the Board to schedule a work session with Jerry Reilly on May 12, 2016 at 10:00 a.m.

Commissioner Holland was contacted by the American Legion asking for a donation in the amount of \$4,500.00 for a baseball program.

David Van Parys recommended acquiring a formal letter from the American Legion asking for the request.

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve a \$4,500.00 donation to the American Legion for a baseball program.*

*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 May 9, 2016 as amended.*

*Motion passed, 3-0.*

Linda Lobb presented her quarterly report for the Council on Aging indicating she is having difficulty attracting applicants for transportation drivers.

Ms. Lobb indicated the Council on Aging applied for grants through the Fort Leavenworth Spouses Club and the Fort Leavenworth Thrift Shop. The Fort Leavenworth Theft Shop awarded \$3,000.00 for the Meals on Wheels program, \$3,000.00 for the Senior Express Transportation program and \$822.00 to purchase heavy duty shelving to store donations. The Fort Leavenworth Spouses Club awards funds for Shelf Stable Meals in the amount of \$800.00 and \$250.00 for the PALS program.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to accept the grants from the Fort Leavenworth Spouses Club and the Fort Leavenworth Thrift Shop.***

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

Ms. Lobb indicated the Council on Aging was allocated a portion of a trust from Ms. Lois Clark to be used in the Meals on Wheels and need approval to accept the funding from Ms. Lois Clark's trust.

***A motion was made by Commissioner Graeber seconded by Commissioner Holland to accept the funding from Ms. Lois Clark's trust.***

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

Ms. Lobb requested to appoint Bobby Spencer to the Wyandotte/Leavenworth Board.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to appoint Bobby Spencer to the Wyandotte/Leavenworth Board.***

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

Ms. Lobb indicated the VA increased the price of the meals for the Meals on Wheels program.

Julie Stark indicated a bid was received from Terry Booker to cater the meals at a lower cost.

Ms. Lobb commented the quality of the meals from the VA have been a concern and now would be a good time to switch.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to accept the bid from Terry Booker to provide service for the Meals on Wheels program.***

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

Mr. Van Parys recommended allowing the contract with the VA to run its course which will allow Mr. Booker to transition into production.

Ms. Stark presented a bid from Leavenworth Paper Supply for consumable supplies used for Meals on Wheels.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to accept bid from Leavenworth Paper Supply for consumable supplies.***

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

Commissioner Bixby exited the session to attend another meeting.

Jamie Miller presented the quarterly report for EMS indicating budget is on track.

Mr. Miller indicated with the opening of EMS station #4 in Basehor, it has reduced the movement of trucks from Tonganoxie and the North Districts by two thirds.

Mr. Miller indicated a proposal was presented to Mr. Hurley about renovations to the old Annex.

Pat Hurley indicated the proposal exceeds the amount that is left over from the building the new Annex and will be meeting with Mr. Miller and the County Clerk to look at other options.

Mr. Miller indicated EMS received the 2016 State Board of EMS license for service receiving 100%.

EMS participated in a full scale simulated terrorist attack on Fort Leavenworth on April 13. The simulation specified targets on the fort that turned into a mass casualty incident requiring multiple individuals needing medical treatment and transport. After the simulation, Mr. Miller was presented “The Department of the Army Commanders Award for Public Service”.

Mr. Miller presented the quarterly report for the Health Department indicating the budget is on track.

Mr. Miller indicated grants were submitted to the state on March 15 and is not anticipating any reduction in revenue.

Mr. Miller indicated Electronic Medical Records will be going live on May 13 with their system. He will have mandatory training for the entire staff May 11-12<sup>th</sup> with the vendor.

Mr. Hurley indicated at the last meeting the BOCC entered in an executive session and took no action at the time. He indicated two personnel were on administrative leave for two days. He suggested the two employees be reinstated to active status at this time.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to reinstate two employees that were on administrative leave to active status.***

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

Glenn Berry indicated his wife was put on administrative leave for two days. He indicated his wife is on several volunteer programs and has had people from several entities contact her assuming she has done something wrong causing her stress.

The Board adjourned at 10:07 a.m.

\*\*\*\*\*May 9, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, May 9, 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; David Lutgen, Deputy Director of Public Works; Doug Smith, Road and Bridge; John Forslund, P.E.; Fran Keppler, Noxious Weed; Tammy Saldivar, Solid Waste; Lucas Schmalbeck, Deputy Director Adult and Juvenile Services; Wayne Malnicof, County Surveyor; Tamara Copeland, Human Resources Director; Jennifer Anderson, Payroll; Sue Thayer, Appraiser's Office; Joe Herring, Herring Survey; Karen Ernzen, Realtor; John Matthews, Resident; Louis Klemp, Resident; Glenn Berry, Resident; Jane Gilbert, Resident; John Richmeier, Leavenworth Times

**PUBLIC COMMENT:**

Louis Klemp spoke about various road projects and costs to include 147<sup>th</sup> Street, McIntyre Road and County Road 1.

Jane Gilbert lives on 150<sup>th</sup> Street and indicated she turned in affidavits with 100% participation for the PRP but Public Works has no record of it.

Commissioner Holland indicated it will be brought up in the Public Works report this morning.

**ADMINISTRATIVE BUSINESS:**

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the May 9, 2016 meeting minutes.***

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

Wayne Malnicof presented a request from adjoining landowners to vacate a portion of Hannon Road in the town of Lowemont.

Mr. Malnicof indicated there are utilities in the existing right-of-way and will issue a utility easement so they do not have to be moved and the owners are not impacted. There will be no public right-of-way that the County will be liable for.

Commissioner Holland opened public hearing.

Karen Ernzen indicated she was informed this portion needed vacated in order to run a septic system to the second parcel.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to vacate Hannon Road in the town of Lowemont.***

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

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Board Order 2016-1.***

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

David Lutgen presented the Public Works monthly report.

Bridge E-20 is scheduled to be let by KDOT in late May and construction will start this summer.

John Forslund updated the BOCC on the 147<sup>th</sup> Street sales tax project indicating a public hearing was held on April 19, 2016. The residents were given tract maps of their property along with a schedule to meet with the appraisal firm. He indicated acquisition will be complete by the end of June, condemnation starts if necessary after acquisition, final plans will be complete by early December, will advertise and open bids in January to early February and award construction bids late February to early March.

Mr. Forslund updated the BOCC on the McIntyre Road sales tax project indicating he has met with the utility companies last week and discussed relocations. He requested proposals from five appraisal companies and two responses have been received. Mr. Forslund indicated he will meet with property owners by mid-August, acquisitions will be complete by mid-October, condemnation if necessary will start after acquisitions, advertisement for bids will begin in March 2017 and construction will be awarded by mid-May 2017.

Mr. Forslund updated the BOCC on the Eisenhower Road sales tax project indicating he met with Rural Water District #8 to discuss the pump house on south side of Eisenhower and he thinks we can work around it. He indicated he has reviewed the initial alignments of the project and the intersection at 20<sup>th</sup> Street is complicated with the turn lanes, realignment of New Lawrence Road and the housing on three of the four corners. He indicated final plans will be complete by August 2017, will advertise for bids in September 2017, will open bids October 2017 and construction will start November 2017.

Fran Keppler, Noxious Weeds, presented a monthly report indicating they continue to have a lot of chemical sales. She indicated all mowers are back and will be seen out. She commented there have been problems with the chainsaws and will be switching gas to the 93% octane.

Tammy Saldivar, Solid Waste, requested approval to appoint David Lutgen to Solid Waste Committee and appoint Kim Buchanan as the new Solid Waste Committee Chairperson.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to appoint David Lutgen to the Solid Waste Committee and appoint Kim Buchanan as the Solid Waste Committee Chairperson.***

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

Ms. Saldivar requested approval for a part time position at the transfer station to assist current staff with the increased work load. She indicated an increase in revenue will be used to fund the new part time position.

***A motion was made by Commissioner Bixby and second by Commissioner Graeber to approve a part time position at the transfer station.***

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

Mr. Lutgen indicated in the past the BOCC has approved applying chemical dust control to projects on the PRP list that have achieved 100% participation but have not yet started construction. He received a bid from Scotwood in the amount of \$13,674.00 to do 178<sup>th</sup> from Evans Road to Kansas Ave., McIntyre Road from 163<sup>rd</sup> to 170<sup>th</sup> and 163<sup>rd</sup> north of McIntyre.

Commissioner Bixby asked to consider adding a request from the Tonganoxie Township Fire Department for chemical dust control for 300 feet on Haigwood Road. The dust is getting into the oxygen equipment and creating maintenance issues.

Commissioner Graeber recommended getting a written request from the Tonganoxie Township Fire Department for the chemical dust control.

Mr. Lutgen inquired as to which PRP projects dust control needs to be applied to because he is concerned about the budget.

Commissioner Holland suggested as a Commission we need to distinguish what roads we want to do next year and dust control those roads only, not the ones scheduled for several years out.

Commissioner Holland asked if funding could be used from the one cent sales tax projects since it was agreed that secondary roads would be improved under that.

David Van Parys indicated it can be used and will be looking at issuing the bonds in July.

Commissioner Graeber asked if dust control qualifies for use of the money from the bonds.

Mr. Van Parys indicated if initial dust control is needed in anticipation of permanently improving the road the funding may be used.

Mr. Klemp asked how 179th Street can be done if there is not 100% participation.

Commissioner Bixby indicated easements were not required on 179<sup>th</sup> Street.

Mr. Klemp asked if the residents are then doing a benefit district or is the County paying for the road.

Commissioner Bixby indicated the County is paving a 28 foot wide stretch of road that was left unfinished.

Commissioner Bixby distributed a list of roads he felt would provide connectivity and development. He indicated a form could be used for each commissioner to identify roads in their district that needs improvement and then are surveyed with input from other agencies. The roads are then scored and the highest score gets paved first.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to apply chemical dust control on 178<sup>th</sup> from Evans road to Kansas Ave, McIntyre Road from 163<sup>rd</sup> to 170<sup>th</sup> and 163<sup>rd</sup> north of McIntyre, 150<sup>th</sup> Street, 179<sup>th</sup> Street and 300 feet in front of the Tonganoxie Township Fire Department.***

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

Mr. Lutgen indicated the County hired Pfefferkorn Engineering to design the replacement structure for SH-15. Public Works was planning to do the road realignment design in house but do to time constraints for KDOT funding with this project, Mr. Lutgen is requesting Pfefferkorn to complete the design of the entire project for an additional \$16,000.00.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the additional design of SH-15 to Pfefferkorn in the amount of \$16,000.00.***

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

Mr. Lutgen indicated County Road 1 is starting to rut, settle and crack. He recommended the road be overlaid from 24-40 to K-32 using funds from the existing sales tax.



***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the overlay of County Road 1 from 24-40 to K-32 using fund from the existing sales tax.***

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

Mr. Lutgen received a petition from residents along Stranger Road from Jarbalo Road west to 207<sup>th</sup> Street for the PRP program that had about 80% participation.

Commissioner Bixby requested a current car count on Stranger Road.

The Board did not wish to add this to the PRP list at this time.

Mr. Lutgen informed the Board that a portion of Mt. Olivet Road has been shut down because the road is starting to slide from the rain. He indicated it should be opened later today.

Mr. Lutgen received a bid from Zeck Ford for a new sign truck in the amount of \$72,264.00. He indicated \$69,407.00 is available in depreciation and leaves \$2,857.00 in which \$11,000.00 was budgeted.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to accept the bid for Zeck Ford in the amount of \$72,264.00 for a sign truck.***

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

***A motion made by Commissioner Holland and seconded by Commissioner Bixby to go into Executive Session for 30 minutes to discuss non-elected personnel and potential litigation. Present: The three Commissioners, David Van Parys, Pat Hurley, Tamara Copeland, Jennifer Anderson, Sue Thayer and Wayne Malnicof. Executive session began at 10:48 a.m.***

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

Commission returned from executive session at 11:18 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 and potential litigation. Present: The three Commissioners, David Van Parys, Pat Hurley, Tamara Copeland, Jennifer Anderson, Sue Thayer and Wayne Malnicof. Executive session began at 11:20 a.m.***

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

Commission returned from executive session at 11:35 a.m., no official action was taken.

Mr. Van Parys asked the Board to direct the Human Resources Director, County Administrator and County Counselor to prepare personnel actions subject to the discussion that was conducted to be presented to the Board for formal action on Thursday, May 12<sup>th</sup>.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland directing the Human Resources Director, County Administrator and County Counselor to prepare personnel actions subject to discussion conducted in executive session and present personnel actions for formal action on May 12<sup>th</sup>.***

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

Mr. Van Parys requested an executive session for 10 minutes to discuss potential litigation and non-elected personnel.

***A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 10 minutes to discuss non-elected personnel and potential litigation. Present: The three Commissioners, David Van Parys and Pat Hurley. Executive session began at 11:40 a.m.  
Motion passed, 3-0.***

Commission returned from executive session at 11:50 a.m., no official action was taken.

The Board adjourned at 12:07 p.m.

Final Approved

\*\*\*\*\*May 12, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, May 12, 2016. Present are: Commissioner Bixby and Commissioner Graeber, Commissioner Holland is absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Larry Malbrough, Information Systems Director; Chuck Magaha, Emergency Management Director; Tamara Copeland, Human Resources Director; Lucas Schmalbeck, Deputy Director of Adult and Juvenile Services; Megan Waters, Community Corrections; Denise Sullivan, Leavenworth County Extension Office; John Richmeier, Leavenworth Times

Residents: John Matthews, Louis Klemp, Glen Berry, Lynn Looney, Larry Theis, Darren Griffin, Harold Sommerfeldt

**PUBLIC COMMENT:**

Harold Sommerfeldt and Darren Griffin, residents that live on Stranger Road, spoke about a petition brought forward on Monday for Stranger Road trying to get on the PRP list. Mr. Sommerfeldt indicated there are four properties where the owners live out of town and is the process of obtaining their signatures. He inquired how the PRP process works.

Commissioner Bixby indicated the Board is looking at modifying the PRP policy and wanted to wait on adding Stranger Road.

Mr. Sommerfeldt asked if Stranger Road could be grandfathered since the process was started before any modifications to the policy.

Commissioner Bixby indicated other factors would be considered to the modification such as car count, public safety and economic development.

Louis Klemp spoke on various subjects.

Denise Sullivan with the Leavenworth County Extension Office shared information about the work they have done with Continuing Education Profession Development for Childcare Providers and other programs provided.

**ADMINISTRATIVE BUSINESS:**

Commissioner Graeber questioned a portion of the minutes from May 9, 2016 that discusses 179<sup>th</sup> Street inquiring how can 179<sup>th</sup> Street be paved if there is not 100% participation from landowners and can the Commission override the legal requirement.

Commissioner Bixby indicated it's a policy concern in which the policy was put in place by the Commission and no easements are required.

Pat Hurley reminded the Commission the minutes reflect what was said.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby for approval of the agenda for the week of May 16, 2016.***

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

Jeff Joseph presented the quarterly report for Planning and Zoning indicating the department is experiencing a high volume of applications.

Commissioner Bixby indicated a constituent contacted him about trying to sell his house but informed by Planning and Zoning that he does not have a valid building permit.

Mr. Joseph indicated it is a landlocked parcel and there is no frontage to the property. The property owner inquired if the property is buildable or not. Planning and Zoning sent them a letter stating they can get minor permits for improving the house, expanding the house or permits for a shed or barn. Mr. Joseph indicated by State law if the house burns down more than 51% then they would not be able to rebuild without a variance.

Commissioner Bixby indicated there is a contract on the house and the Zoning appeals process could take 90 days.

Mr. Joseph commented the original building permit was issued in 1999.

Commissioner Graeber commented the building permit was given by the Planning and Zoning Department for these people to build that house.

David Van Parys indicated he will work with Mr. Joseph on resolving the issue and present to the Board on Monday.

Larry Malbrough presented the quarterly report for Information Systems indicating the communications contract will expire in September that covers the internet circuits, connectivity to council on aging, health department, EMS and various other departments. He indicated he has contacted Time Warner and AT&T and Time Warner has not come back with a renewal proposal and time is running out if transition was to occur.

Commissioner Bixby suggested drafting a letter to Time Warner expressing concerns and courtesy copy the Kansas Corporation Commission.

Mr. Malbrough commented he would work with Mr. Van Parys and the Kansas Corporation Commission to resolve the matter.

Chuck Magaha presented the quarterly report for Emergency Management indicating the department is monitoring local flooding as a result of yesterday's storms.

Mr. Magaha commented his department participated with Ft. Leavenworth in a full scale exercise involving a terrorist scenario and the Statewide Incident Management Team exercise in Salina.

Mr. Magaha thanked the BOCC for allowing him to assist in the large fires in Harvey and Barber Counties. He indicated he was able to assist in obtaining federal funds with his experience with federal programs.

Commissioner Bixby commented he was in Manhattan for the Kansas County Commissioner's Association and was approached by several commissioners praising Mr. Magaha's work and assistance.

Mr. Van Parys requested to designate David Lutgen as county engineer for the purpose of signing subdivision plats.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby designating David Lutgen as acting County Engineer and Public Works Director.***

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

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the letter to Lamborn Farms thanking them for past service with the Fishing Derby.***

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

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve letters to appointees to the Planning and Zoning Commission.***

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

Commissioner Bixby indicated he will attend the LCDC and Platte County luncheon on June 3<sup>rd</sup>.

Tamara Copeland requested an executive session for 20 minutes to discuss non- elected personnel.

***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, Tamara Copeland and Megan Waters. Executive session began at 10:10 a.m.***

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

Commissioner Holland now present at 10:10 a.m.

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

Mr. Van Parys requested the Board to consider three separate motions, the first motion to approve a personnel action as submitted.

***A motion was made by Commissioner Bixby seconded by Commissioner Holland to approve a personnel action as submitted.***

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

Mr. Van Parys requested a second motion for the Board effective immediately the administrative separation of Juvenile Detention Center and Juvenile Services from Adult Community Corrections and City/County Probation.

***A motion was made by Commissioner Holland seconded by Commissioner Bixby to administratively separate the Juvenile Detention Center and Juvenile Services from Adult Community Corrections and City/County Probation.***

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

Mr. Van Parys requested a third motion for the Board to approve the employment agreement for Adult Community Corrections and City/County Probation Director agreement between the County and Megan Waters.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the employment agreement for Adult Community Corrections and City/County Probation Director agreement between the County and Megan Waters.***

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

Commissioner Bixby commented about an earlier statement regarding that he brought forth an email against something Del Sanders had said and Commissioner Holland had remarked that a Commissioner was responsible.

Commissioner Holland requested the minutes that reflect him stating it was a Commissioner that gave him the email.

Commissioner Bixby commented that he denies forwarding such an email and if he is wrong with regards to the Board Order paving 179<sup>th</sup> with the cemetery he will publically apologize to Mr. Klemp.

The Board adjourned at 10:34 a.m.

The Board went back into session at 10:35 a.m.

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

*Motion passed, 3-0.*

The Board adjourned 10:36 a.m.

Final Approved

\*\*\*\*\*May 16, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, May 9, 2016. Present are: Commissioner Graeber and Commissioner Bixby, Commissioner Holland is absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Linda Lobb, Council on Aging Director; Joe Herring, Herring Survey; John Matthews, Resident, Louis Klemp, Resident; Glen Berry, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp commented that there was nothing in the resolution on the 1 cent sales tax about 20% set aside to economic development and that should be corrected. He spoke about various subjects such as the pay plan, 207<sup>th</sup> Street, PRP program and 179<sup>th</sup> Street.

ADMINISTRATIVE BUSINESS:

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the May 9, 2016 meeting minutes.*

*Motion passed, 3-0.*

David Van Parys met with Jeff Joseph from Planning and Zoning about the property with the building permit issues indicating a formal variance is needed to resolve the matter.

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the May 12, 2016 meeting minutes as amended.*

*Motion passed, 2-0, Commissioner Holland abstaining*

Linda Lobb presented a budget revision from the State distributing \$20,000.00 to the Council on Aging.

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to accept the budget revision and have the Chairman sign and date the same.*

*Motion passed, 3-0.*

Mr. Van Parys requested an Executive Session for 30 minutes to discuss potential litigation.

*A motion made by Commissioner Bixby and seconded by Commissioner Graeber to go into Executive Session for 30 minutes to discuss potential litigation. Present: The three Commissioners, David Van Parys and Pat Hurley. Executive session began at 9:15 a.m.*

*Motion passed, 3-0.*

Commission returned from executive session at 9:45 a.m., no official action was taken.

The Board adjourned at 9:46 a.m.

\*\*\*\*\*May 19, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, May 19, 2016. Present are: Commissioner Holland, Commissioner Bixby and Commissioner Graeber. Also present: Patrick Hurley, County Administrator; Roger Marrs, Deputy County Counselor; Becky Matzeder, Executive Secretary; Stephanie Sloop, Planning Coordinator; Fran Keppler, Noxious Weeds; Tamara Copeland, Human Resources Director; David Lutgen, Deputy Director Public Works; Janet Klasinski, County Clerk; James Sherley, Undersheriff; Janice Van Parys, Leavenworth County Treasurer; Jennifer Schermbeck, Treasurer's Office; Stacy Driscoll, Register of Deeds; Joe Herring, Herring Survey; Dan Lynch, Lynch Realtors, Louis Klemp, Resident; John Matthews, Resident; Jim Bothwell, Resident; Glen Berry, Resident; John Richmeier, Leavenworth Times

**PUBLIC COMMENT:**

Jim Bothwell requested a variance for his property that he is trying to sell and was sent a letter by Planning and Zoning that stated his land is not buildable.

Dan Lynch maintained in 1998 the County issued a Board Order that states anything that was buildable shall remain buildable if a build permit was issued prior to August 1998.

Roger Marrs will work with Mr. Van Parys and present options that the Board has to resolve the issue.

Commissioner Bixby apologized to Louis Klemp for a disagreement they had on the 179<sup>th</sup> Street project. Commissioner Bixby had earlier commented the reason the road was not completed was because it had happened on his watch and he had found that to be not true.

**ADMINISTRATIVE BUSINESS:**

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the May 16, 2016 meeting minutes.***

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

Commissioner Holland indicated he was not present but was advised by an attorney he can still vote to approve the minutes.

Commissioner Bixby would like to add a PRP work session to the agenda for Thursday, May 26<sup>th</sup>.

Fran Keppler and Stephanie Sloop from the Safety Committee requested additional funds for Safety Day events in the amount of \$1,000.00.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve additional funding in the amount of \$1,000.00 for Safety Days.***

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

Tamara Copeland presented a 2016 Blue Cross and Blue Shield reporting user access agreement indicating it will provide access to Leavenworth County and its consulting firm, Hallier Reed statistical data to analyze insurance claim information in order to assess insurance needs. She indicated it would not violate any confidentiality policies and will not be any cost to the County.



***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the 2016 Blue Cross and Blue Shield reporting user access agreement and have the Chairman sign and date the same.***

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

Ms. Copeland indicated she has a pay plan draft in progress and asked authorization to work with department heads to look at their specific costs to reduce costs of the overall plan.

It was the consensus of the Board to allow Tamara Copeland to work with department heads.

Tamara Copeland requested an Executive Session for 15 minutes to discuss non-elected personnel to include the three Commissioners, Pat Hurley and Roger Marrs.

***A motion was 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, Roger Marrs, Pat Hurley and Tamara Copeland.***

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

Janet Klasinski took up a matter indicating she purchased metal security boxes for residents to drop ballots off after hours and asked if a 2 ft. by 2 ft. concrete pad could be poured by the south parking lot for the boxes to be secured to.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve a 2ft by 2 ft. concrete pad for ballot security boxes.***

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

Mr. Marrs suggested restating the motion for the executive session and to return to regular session at 11:08 a.m.

***A motion made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 15 minutes to return at 11:08 a.m. to discuss non-elected personnel. Present: The three Commissioners, Roger Marrs, Pat Hurley and Tamara Copeland. Executive session began at 10:52 a.m.***

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

Commission returned from executive session at 11:08 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 return at 11:27 a.m. to discuss non-elected personnel. Present: The three Commissioners, Roger Marrs, Pat Hurley and Tamara Copeland. Executive session began at 11:12 a.m.***

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

Commission returned from executive session at 11:27 a.m., no official action was taken.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to allow Tamara Copeland, Human Resources Director to proceed with a 3 month extension of a personnel action.***

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

The Board adjourned at 11:30 a.m.

The Board went back in session 11:30 a.m.

*A motion was made by Commissioner Bixby and seconded by Commissioner Holland for approval of the agenda for the week of May 23, 2016 as amended.*

*Motion passed, 3-0.*

The Board adjourned at 11:31 a.m.

Final Approved

\*\*\*\*\*May 23, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, May 23, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: Patrick Hurley, County Administrator; Roger Marrs, Deputy County Counselor; Becky Matzeder, Executive Secretary; John Forslund, P.E.; Joe Herring, Herring Survey; John Matthews, Resident; Louis Klemp, Resident; Glen Berry, Resident; John Richmeier, Leavenworth Times

Commissioner Holland presented a public comment notice that was adopted on February 16, 2015 that still shows three minutes for public comment.

Commissioner Bixby indicated a five minute rule had been adopted after that.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to modify the public comment policy to five minutes.***

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

PUBLIC COMMENT:

Louis Klemp asked several questions to include where the funding is coming from on 207<sup>th</sup> Street and 179<sup>th</sup> Street, what are the costs of the three sales tax projects and are there agreements with Basehor on the 147<sup>th</sup> Street project.

Glen Berry commented he didn't think the five minute rule needed a vote.

Joe Herring asked the Board to look at past letters issued by Planning and Zoning and honor them so the property owners do not have to deal with the hardship.

ADMINISTRATIVE BUSINESS:

***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 Graeber and seconded by Commissioner Bixby to approve the May 16, 2016 meeting minutes.***

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

John Forslund requested to award the contract to Valbridge Appraisals for the permanent and temporary easement acquisition assistance on the McIntyre Road sales tax project in the amount of \$49,650.00.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the contract with Valbridge Appraisals for the permanent and temporary easement acquisition assistance on the McIntyre Road sales tax project in the amount of \$49,650.00.***

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

Pat Hurley advised David Van Parys spoke with Mr. Bothwell about a variance for his property. It was agreeable Mr. Bothwell will apply for a variance and the Planning Commission will hold a special session in June.

Mr. Hurley indicated we now have a contract with Time Warner for service.

Commissioner Bixby reminded that Mr. Bothwell will be seeking a waiver of fees and he would be in favor of that.

The Board adjourned at 9:37 a.m. for the remainder of the day to review bills.

Final Approved

\*\*\*\*\*May 26, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, May 26, 2016. Present are: Commissioner Holland, Commissioner Bixby and Commissioner Graeber. Also present: Patrick Hurley, County Administrator; Roger Marrs, Deputy County Counselor; Becky Matzeder, Executive Secretary; Tamara Copeland, Human Resources Director; Wayne Malnicof, County Surveyor; David Lutgen, Deputy Director of Public Works; Doug Smith, Road and Bridges; Jeff Joseph, Planning and Zoning Director; James Kraatz, Senior Planner; Andy Dedeke, Leavenworth County Sheriff; Jamie Miller, Director of EMS; Lisa Rees, Realtor; Louis Klemp, Resident; John Matthews, Resident; Mark Peterson, Resident; Laura Snow, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Sheriff Andy Dedeke presented an amendment to the inmate food service contract indicating there will be a 2.4% increase that was planned for in the annual budget.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the amendment to the inmate food service contract.***

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

Jamie Miller presented a paramedic training EMT contract that will give EMS a three year contract with the employee after training.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the paramedic training contract.***

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

PUBLIC COMMENT:

Louis Klemp commented that all of his questions are not getting answered.

Commissioner Holland indicated the County has not signed an MOU with Basehor on 147<sup>th</sup> Street.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber for approval of the agenda for the week of May 30, 2016.***

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

Tamara Copeland presented the quarterly report for Human Resources indicating turnover for the first quarter is trending at higher than last year with departments being effected as EMS, Public Works, Sheriff and Council on Aging.

Also the budget is on track with lower worker's compensation claims.

The US Department of Labor is finalizing changes to the Fair Labor Standards Act that will affect which employees eligible for overtime pay. Leavenworth County has three employees this will affect.

Ms. Copeland is working with Hallier Reed and Reilly & Sons to obtain quotes for 2016/2017 health insurance. The 2016/2017 open enrollment period will be in August.

Ms. Copeland is working with department heads regarding the proposed pay plan.

Wayne Malnicof requested vacating a portion of A.D. Mackey Road.

No one spoke in favor or opposition.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to vacate a portion of A.D. Mackey Road on the north side of I-70.***

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

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Board Order 2016-2.***

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

Planning and Zoning presented Case Number DEV-16-032/033, a preliminary and final plat for Red Raider Ranch. Mr. Kraatz indicated from Rural Water District #5 indicating that they do not allow fire hydrants on their lines.

Jeff Joseph commented that in previous cases, property owners and the Fire Department have worked together to install fire suppression systems inside the home or other similar plans.

Lisa Rees, realtor, spoke for the property owners and requested a waiver to the fire hydrant requirement until building permit is issued on Lot 2 which would be disclosed to potential buyers.

Commissioner Holland tabled this matter until Planning and Zoning could meet with everyone to resolve the fire hydrant issue.

Planning and Zoning presented Case Number DEV-16-019, a Special Use Permit for Convention Center for Deer Ridge Estate to host weddings, family reunions, graduation parties and other gatherings. The applicant intends to construct a facility that resembles an equestrian stable.

The applicant, Mark Peterson, spoke in favor indicating he wants to change the use of the property from raising cattle to using it as a center for events.

No one spoke in opposition.

Mr. Joseph indicated the applicant is asking for a 10 year permit because of cost of the building.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber for approval of a Special Use Permit for Deer Ridge Estate Event Center for 10 years, 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 2016-13, issuing a special use permit for a convention/conference center.***

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

Planning and Zoning presented Case Number DEV-16-018 a special use permit for Deere Ridge Bed and Breakfast primarily associated with the event.

The applicant, Mark Peterson, spoke in favor indicating the bed and breakfast would be used in conjunction with the convention center.

No one spoke in opposition.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the Special Use Permit for a bed and breakfast for 10 years, 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 2016-14, issuing a special use permit for a bed and breakfast.***

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

Commissioner Bixby introduced Vernon Fields who is a Basehor City Councilman. He asked the Board to approve Mr. Fields as his alternate in place of Dave Breuer on the Board.

MARC will be notified of the change.

Jeff Joseph indicated Mr. Bothwell has applied for a variance and asked about the waiver of the fee.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to waive the fees for the variance for the Bothwell property.***

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

The Board recessed 10:46 a.m. for 10 minutes.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the May 23, 2016 meeting minutes.***

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

A work session was held related to the participatory road program.

Commissioner Bixby presented an example score card where the Commission or other department heads can score roads they feel need improvement based on safety, connectivity and economic development.

Commissioner Graeber indicated we need input from Jamie Miller and Andy Dedeke on which roads need improvement to allow their departments better serve the community.

David Lutgen indicated we should separate the PRP projects that are resident initiated from what the County wants to do.

Doug Smith stated we should consider contacting the cities to see if they have roads within a three mile area that they feel needs improvement and participate in the costs and funding of those improvements.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the bills for the month of May.***

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

The Board adjourned at 11:55 a.m.