

*****June 2, 2016 SESSION I*****

The Board of County Commissioners met in regular session on Thursday, June 2, 2016. Present are: Commissioner Holland, Commissioner Bixby and Commissioner Graeber. 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; Krystal Davis, Assistant Planner; Chuck Magaha, Emergency Management Director; Doug Smith, Road and Bridge; Rick Huhn, Chief of Leavenworth County Fire District #1; Joe Herring, Herring Survey; John Richmeier, Leavenworth Times

Residents: John Matthews, Louis Klemp, Glen Berry, Mary Ann Yoder, Larry DeMoss, Dan and Leslie Hubbel, William Ryan, Denny Smith, Doug and Patti Woodhead, James Cunningham, George Henley, Gary and Stephanie Liebling

PUBLIC COMMENT:

Louis Klemp spoke on various topics.

Commissioner Graeber requested a news release be prepared with updates to the three sales tax projects.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the May 26, 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 June 6, 2016.

Motion passed, 3-0.

Doug Smith indicated Public Works went out for quotes to a geotech firm to assess cause of road erosion on Mt. Olivet Road. Dave Lutgen will present the quotes to the Board on Monday, June 6. Mr. Smith said 171st and Gilman Road will be chip sealed today.

Chuck Magaha indicated the State of Kansas is in the process of assessing damages from flooding and Leavenworth County would need to reach damages in the amount of approximately \$247,000.00 and the State of Kansas as a whole would need to reach a \$4.1 million dollar threshold for the Governor to ask for federal assistance. Mr. Magaha is collecting information to receive that assistance but doesn't know how much damage other counties have incurred.

Session I adjourned at 9:20 a.m.

Session II began at 9:20 a.m.

Planning and Zoning presented case number DEV-16-043/044, consideration of a preliminary and final plat for Harman Farms. The applicant went before the Board of County Commission on April 7, 2016 and asked for a waiver to install wells instead of connecting to public water service. The Board acted in support of the waiver request.

David Van Parys commented it would be the seller's responsibility to disclose there is no public water service.

Joe Herring spoke in favor of the proposal indicating there are two wells on the property already and the realtor and the owners will disclose the use of a well for the lot.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve case number DEV-16-043/044 for preliminary and final plat for Harman Farms, subject to all conditions.
Motion passed, 3-0.***

Planning and Zoning presented case number DEV-16-010 for proposed amendment to the 2006 Leavenworth County Zoning and Subdivision regulations to change the time period for reapplication for a special use permits and amendments after denial by the Board of County Commission.

Mr. Van Parys indicated this addresses the timeframe for repeat filings of special use permits or rezoning on a single parcel.

James Cunningham spoke in favor of the amendment but suggested clarity on the term material change of circumstances and is in favor of the Board of County Commission reviewing the applications for a waiver before a public notice is required.

Stephanie Liebling spoke in favor of the change and indicated this reduces the burden of the land owner and residents.

Joe Herring spoke in opposition of the change commenting this puts more restrictions on the property owner and the one year waiting period is too long.

***A motion was made by Commissioner Graeber to approve case number DEV-16-010 to change Section 4 of both Article 22, special use permit and temporary use permits and Article 31, amendments.
Seconded by Commissioner Bixby for discussion***

Commissioner Bixby asked for clarification on the term material change circumstances.

Mr. Van Parys indicated a material change circumstances is a judgment issue that provides due process protection to the property owner and a material change could be change of ownership or change in surrounding area.

Motion passed, 2-1 Holland voting nay.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Resolution 2016-15, amending the articles of the 2006 Zoning and Subdivision Regulations.
Motion passed, 2-1, Holland voting nay.***

Planning and Zoning presented case number DEV-16-013, a request for rezoning from RR-2.5 to B-3. The applicant owns and operates an indoor and outdoor storage facility at this location and has existed since 1995.

Joe Herring spoke in favor of this rezoning indicating the applicant just wants to be compliant.

Louis Klemp commented the applicant should have to pay back taxes.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve DEV-16-013, rezoning RR-2.5 to B-3 at 16350 Springdale Road, subject to all conditions.
Motion passed, 3-0.***

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve and execute Resolution 2016-16, authorizing a rezoning from RR-2.5 to B-3 at 16350 Springdale Road.
Motion passed, 3-0.***

Planning and Zoning presented case number DEV-16-030, a request for a special use permit for the operation of a contractor's yard.

Joe Herring spoke in favor indicating the property was purchased by Mr. Smith who sold Whitestar Construction and the buyer needed a place to operate and store equipment. Mr. Smith is leasing a portion of his property to Whitestar Construction and the owner is requesting a waiver of the TIF.

No one spoke in opposition.

***A motion was made by Commissioner Graeber seconded by Commissioner Bixby to approve case number DEV-16-030, the special use permit for Whitestar Construction, subject to all conditions.
Motion passed, 3-0.***

***A motion was made by Commissioner Bixby seconded by Commissioner Graeber to approve and execute Resolution 2016-17, issuing a special use permit for a contractor's yard, Whitestar Construction.
Motion passed, 3-0.***

Planning and Zoning presented case number DEV-16-032/033, preliminary and final plat for Red Raider Ranch. This case was previously continued regarding a fire hydrant issue.

Rick Huhn indicated Rural Water District #5 is not interested in placing fire hydrants in that area.

Chuck Magaha indicated sprinkler systems in new home buildt could be an option.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve case number DEV-16-032/033, a preliminary and final plat for Red Raider Ranch.
Motion passed, 3-0.***

***A motion made by Commissioner Bixby and seconded by Commissioner Holland to go into Executive Session for 10 minutes to discuss potential litigation. Present: The three Commissioners, David Van Parys and Pat Hurley. Executive session began at 10:55 a.m.
Motion passed, 3-0.***

Mr. Van Parys restated the motion to include in order to protect attorney/client privilege that the Board enter Executive Session to reconvene in this office at 11:15 a.m.

Commission returned from executive session at 11:15 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, the Board to return at 11:30 a.m. Present: The three Commissioners and Pat Hurley. Executive session began at 11:20 a.m.
Motion passed, 3-0.***

Commission returned from executive session at 11:30 a.m., no official action was taken.

The Board adjourned at 11:36 a.m.

Final Approved

*****June 6, 2016*****

The Board of County Commissioners met in regular session on Monday, June 6, 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; Larry Malbrough, Director of Information Systems; Tamara Copeland, Human Resources Director; Jennifer Anderson, Payroll; Sue Thayer, Appraiser; Wayne Malnicof, County Surveyor; Joe Herring, Herring Survey; John Matthews, Resident; Louis Klemp, Resident; Glen Berry, Resident; Harold Sommerfeldt, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Commissioner Holland addressed Louis Klemp regarding his comments at Thursday's meeting.

Louis Klemp apologized to the Board, not to Commissioner Bixby.

Commissioner Holland suspended Louis Klemp's public comments.

Harold Sommerfeldt inquired if there was an update on the participatory road program.

Commissioner Bixby explained a scoring system discussed by the Board to address connectivity, economic development and safety.

Mr. Sommerfeldt encouraged the Board when making a decision on the PRP to consider the residents that live on roads that have participation.

Commissioner Graeber reminded that there has been no action taken on changing the PRP policy.

Glen Berry asked how the roads that are paved through the PRP will be maintained.

ADMINISTRATIVE BUSINESS:

David Lutgen indicated KDOT received bids for the construction of bridge E-20 with the low bid from LG Barcus & Sons with a bid of \$480,960.35. The County's portion of the construction and inspection is \$267,000.00.

A motion was made by Commissioner Graeber seconded by Commissioner Bixby to award contract to LG Barcus & Sons in the construction of bridge E-20.

Motion passed, 3-0.

Mr. Lutgen received a bid in the amount of \$9,500.00 from Alpha Omega Geotech to address the issues the east side of Mt. Olivet Road indicating the firm will do lab testing and borings.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to accept the bid from Alpha Omega Geotech in the amount of \$9,500.00.

Motion passed, 3-0.

David Van Parys will meet with Piper Jaffary on Friday regarding issuing additional bonds on the sales tax projects.

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

Motion passed, 3-0.

Larry Malbrough presented a five year service agreement from Time Warner Cable for various communications services.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to accept a five year service agreement from Time Warner Cable.

Motion passed, 3-0.

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.

Tamara Copeland requested an executive session for 30 minutes to include the three Commissioners, David Van Parys, Pat Hurley, Tamara Copeland, Wayne Malnicof, Sue Thayer and Jennifer Anderson.

A motion made by Commissioner Holland and seconded by Commissioner Graeber to go into Executive Session for 30 minutes to discuss non-elected personnel. Present: The three Commissioners, David Van Parys, Pat Hurley, Tamara Copeland, Wayne Malnicof, Sue Thayer and Jennifer Anderson.

Motion passed, 3-0.

Mr. Van Parys rephrased the motion to include to protect the privacy interest of the individuals to be discussed the Board enter into Executive Session to discuss non-elected personnel and to reconvene in this office at a specified time.

Commissioner Bixby indicated the Board will return at 10:30 a.m.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby that in order to protect the privacy interest of the individuals to be discussed to enter into Executive Session to discuss non-elected personnel, the Board to return at 10:30 a.m. Present: The three Commissioners, David Van Parys, Pat Hurley, Tamara Copeland, Wayne Malnicof, Sue Thayer and Jennifer Anderson.

Motion passed, 3-0.

David Van Parys exited the Executive Session at 9:56 a.m.

Roger Marrs entered the Executive Session at 9:57 a.m.

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

Ms. Copeland requested approval of a personnel action.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve a personnel action.

Motion passed, 3-0.

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

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber that in order to protect the privacy interest of the individuals to be discussed to enter into Executive Session to discuss non-elected personnel, the Board to return at 10:50 a.m. Present: The three Commissioners, Roger Marrs, Pat Hurley and Tamara Copeland.

Motion passed, 3-0.

Commissioner returned from executive session at 10:50 a.m., no official action was taken.

Ms. Copeland requested to allow 2 weeks paid administrative leave for an employee.

A motion was made by Commissioner Graeber seconded by Commissioner Bixby to allow 2 weeks paid administrative leave for an employee.

Motion passed, 3-0.

Pat Hurley presented a press release prepared by John Forslund regarding the sales tax road projects.

Commissioner Bixby indicated streetlights and sidewalks were not included in the Eisenhower road project.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the press release; omitting sidewalks and streetlights as to the press release only.

Motion passed, 3-0.

Commissioner Bixby will attend a MARC meeting Thursday morning at 9:00 a.m. due to a County's grant application not being fully completed.

The Board adjourned at 11:01 a.m.

*****June 9, 2016*****

The Board of County Commissioners met in regular session on Thursday, June 9, 2016. Present are: Commissioner Holland, Commissioner Bixby and Commissioner Graeber. 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; Melissa Johnson, Code Enforcement Officer; Chuck Magaha, Emergency Management Director; David Lutgen, Deputy Director Public Works; Tamara Copeland, Human Resources Director; Joe Herring, Herring Survey; David Frese, Tonganoxie Public Library Board Member; Amy Hutchens, Resident; John Matthews, Resident; Glen Berry, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Chuck Magaha indicated damage has been assessed in Leavenworth County from the flooding and it meets the \$247,000.00 threshold to be eligible for FEMA assistance. He presented a declaration of local disaster for Leavenworth County for approval.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the declaration of disaster and authorize application for federal assistance for funding.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve and execute Resolution 2016-18 and Proclamation.

Motion passed, 3-0.

Commissioner Holland indicated he asked Mr. Magaha to respond to a letter in the Leavenworth Times about the tornado sirens.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve a letter to the editor from Chuck Magaha.

Motion passed, 3-0.

David Lutgen presented a proposal from Alpha Omega Geotech in the amount of \$7,750.00 to perform the geotechnical work on the west side of Mt. Olivet Road.

A motion was made by Commissioner Bixby seconded by Commissioner Graeber to approve the proposal from Alpha Omega Geotech in the amount of \$7,750.00.

Motion passed, 3-0.

David Van Parys indicated the Board is not required to allow public comments at the commission meetings but are required to allow public comment on certain matters for public hearings such as special use permits.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the June 6, 2016 meeting minutes as amended.

Motion passed, 3-0.

A motion was made by Commissioner Bixby for approval of the agenda for the week of June 13, 2016 moving Public Comment to the end of the meeting.

Commissioner Graeber stated he does not support moving public comment to the end of the meeting indicating it's important for the taxpayers to come to the meetings and address concerns.

Commissioner Holland commented he does not wish to eliminate public comment but to move it to the end of the meetings so county employees don't have to sit through meetings and get back to work.

Motion was seconded by Commissioner Holland

Motion passed, 2-1 Commissioner Graeber voting nay.

Planning and Zoning presented case number DEV-16-062, a temporary special use permit for Alyssa's ATV ride, a fundraiser event for charities in memory of Alyssa Hutchens. A waiver of the fee has been requested.

The applicant, Amy Hutchens, apologized for not knowing a permit was needed and assured the riders will adhere to the route and ride single file and indicated the insurance policy will be issued today.

Commissioners Holland and Graeber voiced their concerns for the safety of the participants and the public.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the temporary special use permit for Alyssa's ATV ride; subject to all conditions and waiver of fee.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-064, a temporary special use permit for the Tonganoxie Library Run. A waiver of the fee has been requested.

The applicant, David Frese, indicated this is the largest fundraiser for the Tonganoxie Library Board to help with funding for materials and services.

A motion was made by commissioner Graeber and seconded by Commissioner Bixby to approve a temporary special use permit for the Tonganoxie Library Run; subject to all conditions and waiver of fee.

Motion passed, 3-0.

Tamara Copeland requested an executive session for 15 minutes to discuss non-elected personnel to include the three Commissioner, Pat Hurley and Tamara Copeland.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber that in order to protect the privacy of the employees the Board enter into Executive Session to discuss non- elected personnel to reconvene at 10:20 a.m. Present: The three Commissioners, Roger Marrs, Pat Hurley and Tamara Copeland. Executive session began at 10:05 a.m.

Motion passed, 3-0

Commission returned at 10:20 a.m.; no official action was taken.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve a personnel action.

Motion passed, 3-0.

Mr. Van Parys requested an executive session for 5 minutes for the purpose to protect attorney/client privileges to discuss potential litigation to reconvene at 10:40 a.m.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland that in order to protect attorney/client privileges enter into Executive Session to discuss potential litigation to reconvene at 10:40 a.m. Present: The three Commissioners, David Van Parys and Pat Hurley. Executive session began at 10:35 a.m.

Motion passed, 3-0.

Commission returned at 10:40 a.m.; no official action was taken.

PUBLIC COMMENT:

There were no public comments.

The Board adjourned at 10:42 a.m.

Final Approved

*****June 13, 2016*****

The Board of County Commissioners met in regular session on Monday, June 13, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: Patrick Hurley, County Administrator; Becky Matzeder, Executive Secretary; David Lutgen, Deputy Director of Public Works; Doug Smith, Road and Bridge; John Forslund, P.E.; Trevor Huhn, Buildings and Ground; Tammy Saldivar, Transfer Station; Sharon Scott, Resident; Kathy Cruden, Resident; Bev Hill, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the June 9, 2016 meeting minutes.

Motion passed, 3-0.

Public Works presented their monthly report.

John Forslund gave an update on the Leavenworth County sales tax projects starting with the 147th Street project indicating 29 property owners have signed easements and 9 property owners have expressed concerns about water wells. He suggested conducting a well investigation prior to construction.

Mr. Forslund indicated a meeting was held with Consolidated Water District and suggested putting the water lines in the County right of way and sign a memorandum of understanding with the water district.

Mr. Forslund gave an update on the McIntyre Road project indicating the field check plans are under review. The project is set for advertising an RFP in March 2017 and issuance of a construction notice by May 2017.

Mr. Forslund commented the design work is underway on the Eisenhower Road project.

Trevor Huhn advised that power was lost to the Health Department on Thursday as a result new power lines running from the transformer to the building were installed and power was returned on Saturday.

Mr. Huhn advised the striping for handicap parking at the new Annex is being resolved.

Tammy Saldivar indicated the part time employee started work at the Transfer Station.

David Lutgen indicated revenue continues to increase at the Transfer Station and Noxious Weed chemical sales are up.

Mr. Lutgen indicated construction on Bridge E-20 will begin next month and the first coat of chip and seal has been put down on 171st and Gilman Road.

Commissioner Bixby asked about the 179th Street project.

Mr. Lutgen indicated that design work has not started and the survey work is not completed.

Commissioner Bixby asked about the possibility of sending the 179th Street project out for bid.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to remove 179th Street from the PRP and put the project as a county road improvement project, complete dust abatement and solicit bid for chip and seal once design work is complete for the 7/10th of mile of 179th between Leavenworth Road and Donahoo Road.

Motion passed, 3-0.

A motion was made Commissioner Bixby and seconded by Commissioner Graeber to solicit bids for design for the 179th Street county road improvement project.

Motion passed, 3-0.

Mr. Lutgen indicated Alpha Omega Geotech will be starting 6/16 on Mt. Olivet Road to analyze the water table and conduct soil testing.

Mr. Lutgen requested authorization to advertise for rock salt bids.

A motion was made by Commissioner Graeber seconded by Commissioner Bixby to authorize Public Works to advertise for rock salt bids.

Motion passed, 3-0.

Mr. Lutgen presented an agreement with Hamm for the Tonganoxie quarry for rock crushing.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the Tonganoxie quarry agreement with Hamm for rock crushing.

Motion passed, 3-0.

PUBLIC COMMENT:

There were no public comments.

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.

Commissioner Bixby will be attending the Kansas STP committee meeting on Thursday to address scoring on an application for MARC funding on the Eisenhower Road project.

The Board adjourned at 10:22 a.m.

*****June 16, 2016*****

The Board of County Commissioners met in regular session on Thursday, June 16, 2016. Present are: Commissioner Holland and Commissioner Graeber, Commissioner Bixby is absent. Also present: Patrick Hurley, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Joe Herring, Herring Survey; John Matthews, Resident; Harold Somerfeldt, Resident; Darren Griffin, Resident

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the June 13, 2016 meeting minutes.

Motion passed, 2-0.

Sheriff Dedeke requested approval of the Edward Byrne Memorial Justice Assistance Grant in the amount of \$10,877.40 to be used for the purchase of equipment.

A motion was made by Commissioner Graeber seconded by Commissioner Holland to approve the Edward Byrne Memorial Justice Assistance Grant.

Motion passed, 2-0.

Commissioner Holland addressed a request from Commissioner Bixby to add an item to the agenda for Monday regarding proposed road improvements.

Commissioner Graeber indicated we need to look at the funding available.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland for approval of the agenda for the week of June 20, 2016 subject to modification.

Motion passed, 2-0.

Commissioner Holland indicated Commissioner Bixby is attending the Kansas STP Committee meeting addressing matters regarding the application for MARC funding on the Eisenhower Road sales tax project.

PUBLIC COMMENT:

Harold Somerfeldt and Darren Griffin submitted a PRP petition for Stranger Road that has 100% participation that consists of one mile and two thirds of the road.

Commissioner Holland indicated he will give the petition to Public Works to be considered.

Joe Herring asked the Board to reconsider putting Public Comment back to the beginning of the meetings.

David Van Parys requested an Executive Session not to exceed 10 minutes to commence at 9:24 a.m. for the purpose to protect economic interest of the County with regards to the possible acquisition of real estate to reconvene at 9:34 a.m. in the office of the Leavenworth County Commission.

A motion was made by Commissioner Graeber seconded by Commissioner Holland to enter into Executive Session for 10 minutes for the purpose to protect economic interest of the County with regards to the possible acquisition of real estate to reconvene at 9:34 a.m. in the office of the

Leavenworth County Commission. Present: The two Commissioners, David Van Parys and Pat Hurley.

Motion passed 2-0.

The Commission returned at 9:34 a.m. No official action taken.

Mr. Van Parys asked the Board to encourage other offices to appoint personnel as notary publics.

The Board adjourned at 9:39 a.m.

Final Approved

*****June 20, 2016*****

The Board of County Commissioners met in regular session on Monday, June 20, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: Patrick Hurley, County Administrator; Becky Matzeder, Executive Secretary; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the June 16, 2016 meeting minutes.

Motion passed, 2-0, Commissioner Bixby abstaining.

PUBLIC COMMENT:

There were no public comments.

Commissioner Bixby commented that an illegal rodeo was held this weekend in the southern part of the county that did not have a temporary special use permit indicating this has been an ongoing issue with this particular property.

Commissioner Bixby attended the Kansas STP committee meeting for MARC funding for Eisenhower road project. He indicated the project is ranked 18 on the list.

Commissioner Holland proposed to chip and seal McIntyre Road to Highway 5 now and blacktop at a later time to save funding for the secondary road projects.

Commissioner Graeber asked if the County had the authority to make a decision not to improve a road to the same standards.

The Commission discussed various options to expand the Leavenworth and Tonganoxie Industrial Parks.

The Board adjourned at 9:50 a.m.

*****June 23, 2016*****

The Board of County Commissioners met in regular session on Thursday, June 23, 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; Stephanie Sloop, Planning Coordinator; Krystal Davis, Assistant Planner, Melissa Johnson, Code Enforcement Officer; Tamara Copeland, Human Resources Director; Larry Dedeke, Mayor of Leavenworth; Paul Kramer, Leavenworth City Manager; Jason Ward, Mayor of Tonganoxie; Nathan McCommon, Tonganoxie City Administrator; Blaine Weeks, President of LCDC, Terry Andrews, Chairman of LCPA; Bill New, Vice Chairman of LCPA; Teresa Commerford, LCPA; Mike Reilly, Reilly & Sons; Greg Kaaz, Lexeco; Joe Herring, Herring Survey; Sam Davis, Black & Veatch; Tammy Miller, Resident; Kevin Kurre, Resident; Louis Klemp, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Kathy Brown and Julie Downs requested a meeting to discuss the Haro property and the events being held on this property.

Commissioner Holland indicated the Board will get back with them to schedule a meeting.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the June 20, 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 June 27, 2016.

Motion passed, 3-0.

Tamara Copeland requested approval of the Delta Dental Renewal Addendum that is an annual renewal of a three year contract indicating this year has a 5% increase which is the cap.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the Delta Dental Renewal Addendum 5% increase.

Motion passed, 3-0.

Ms. Copeland indicated she is working with Aflac on a flexible spending account for employees at the cost of \$600.00 a year.

Planning and Zoning presented case number DEV-16-020, consideration of an application for a special use permit for a motorsports metal that manufactures roll cages.

No one spoke in favor or opposition.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve DEV-16-020, a special use permit for a small limited business to manufacture roll cages, subject to all terms and conditions.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve Resolution 2016-19, a resolution issuing a special use permit for a small limited business.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-041, consideration of an application for a special use permit for a cell tower for New Cingular Wireless.

Sam Davis with Black and Veatch spoke in favor indicating adding antennae's will increase capacity for this area.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve DEV-16-041, a special use permit for a cell tower for radio, television, commercial satellite earth stations and microwave, subject to all terms and conditions.

Motion passed, 3-0.

No one spoke in opposition.

A revote was made and approved 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve DEV-16-041, a special use permit for a cell tower for radio, television, commercial satellite earth stations and microwave, subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve Resolution 2016-20, a resolution issuing a special use permit for a tower, radio, television, commercial satellite earth stations and microwave.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-068, consideration of an application for a temporary special use permit for a firework stand located on the southeast corner of McLouth Road and Hatchell Road.

No one spoke in favor or opposition.

A motion was made by Bixby seconded by Graeber to approve DEV-16-068, a temporary special use permit for a fireworks stand, subject to all terms and conditions.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-070, consideration of an application for a temporary special use permit for a firework stand located at the northwest corner of Mitchell Court and K-7 Highway.

No one spoke in favor or opposition.

A motion was made by Commissioner Bixby and seconded by Graeber to approve DEV-16-070, a temporary special use permit for a fireworks stand, subject to all terms and conditions.

Motion passed, 3-0.

Bill New, vice-chairman of the Leavenworth County Port Authority presented a potential economic development plan for the expansion of the Leavenworth and Tonganoxie Industrial Parks and requested funding from Leavenworth County in an amount up to ten million dollars.

Mr. New proposed cooperation between the cities and the county be established through two interlocal agreements.

Blaine Weeks, president of LCDC, spoke in support of the proposal indicating sites need to be available for companies looking for shovel ready and vertical ready property.

Larry Dedeke, mayor of Leavenworth, spoke in support of the proposal indicating it makes common sense to take advantage of an existing park and place another one next to it.

Paul Kramer, city manager of Leavenworth, spoke in support of the proposal indicating the city is looking at this proposal as a cost share project.

Teresa Commerford, Port Authority, spoke in support of the proposal commenting that market conditions indicate much improvement for merchants to expand or acquire property.

Jason Ward, mayor of Tonganoxie spoke in support of the proposal indicating the project needs to continue as a partnership and welcomes continued discussion.

Nathan McCommon, City Administrator for Tonganoxie, emphasized we have to respond to demand and the Tonganoxie property is promoted under the Kansas Department of Commerce website as a unique property for light industrial uses which is 1 of 11 in the state of Kansas.

Mr. New requested the Board to make a motion supporting this project up to \$10 million dollars and staff to negotiate interlocal agreements between the cities, county and port authority.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby that the County Commission express it's support, to include funding not to exceed \$10 million (dollars) for the development of industrial parks in the city of Leavenworth and the city of Tonganoxie, that development being overseen by the Leavenworth County Development Corporation and Port Authority. Further, that the LCDC and Port Authority submit a detailed plan for the development of those industrial parks to include a detailed study of the cost of those parks and the financing for the projects. Additionally that staff undertake the necessary procedures to include the cities of Leavenworth and Tonganoxie in the development of the parks through interlocal agreements.

David Van Parys has consulted with financial advisors and is working on how to provide funding for the industrial parks separate from the bonding authority the Board currently has authorized.

Motion passed, 3-0.

PUBLIC COMMENT:

Louis Klemp expressed support for the industrial parks but voiced concerns about finances.

The Board and Pat Hurley discussed potential dates to begin budget hearings.

The Board adjourned at 10:48 a.m.

*****June 27, 2016*****

The Board of County Commissioners met in regular session on Monday, June 27, 2016. Present are: Commissioner Graeber and Commissioner Bixby, Commissioner Holland arrived later. Also present: Patrick Hurley, County Administrator; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; James Kraatz, Senior Planner; Krystal Davis, Assistant Planner; Joe Herring, Herring Survey; Larry Hahn, Hahn Surveying; Mark Breuer, Schlagel & Associates; Kameron Kelly, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the June 23, 2016 meeting minutes.

Motion passed, 2-0.

David Lutgen presented a design proposal for 179th Street from Napier Engineering in the amount of \$23,000.00.

Commissioner Bixby tabled this matter until Thursday, July 7th in the absence of Commissioner Holland.

Mr. Lutgen indicated Public Works is being asked by Emergency Management to collect costs connected with the flooding this past spring. He indicated he would have to shut down normal day to day operations in order to accomplish this.

Commissioner Bixby suggested coordinating with Chuck Magaha to check with the State to see if the threshold amount has been met.

Commissioner Graeber thanked the Planning and Zoning department for the effort on the Fishing Derby on Saturday.

Planning and Zoning presented case number DEV-16-045/046, consideration of a preliminary and final plat for Crossing Deer located on the southeast corner of 174th and Evans Road.

Mark Breuer, Schagel and Associates, indicated they originally presented an 8 lot subdivision but exceeded county standards for the road. He requested approval of a 5 lot subdivision with 4 lots on 174th Street with a waiver to improvements to 174th Street.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to refer case back to the Planning Commission.

Motion passed, 2-0.

Planning and Zoning presented case number DEV-16-052/053, consideration of a preliminary and final plat for Rutgers Ridge Estates located on the northwest corner of Cantrell road and Linwood Road.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve case DEV-16-052/053, consideration of a preliminary and final plat for Rutgers Ridge Estates subject to all conditions.

Motion passed, 2-0.

Planning and Zoning presented case number DEV-16-055, consideration of replat of lot 1, Walnut Creek Estates, located at 16781 Cantrell Road.

Krystal Davis, Assistant Planner indicated in 1999 a previous property owner obtained a building permit for an accessory building for lot 1. In 2000, Planning and Zoning became aware of a residence on lot 1 and a letter was sent to the property owner informing them a home had been built without obtaining and paying for the appropriate building permit. The matter has never been resolved.

The current property owner, Kameron Kelly, indicated he was notified of the outstanding violation when he went to Planning and Zoning about the potential of dividing 2.5 acres from lot 1. He indicated he was not aware of the outstanding violation and fines and feels he should not have to pay them.

Commissioner Holland is now present.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to table this case for 30 days for Roger Marrs to research the matter.

Motion passed, 2-0.

Planning and Zoning presented case number DEV-16-056/057, consideration of a preliminary and final plat for Lazy Acres, located at corner of Leavenworth Road and K-7 highway.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve case DEV-16-56/057, approval of a 2 lot subdivision, subject to all conditions.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-079, an amendment to the development agreement on Hill Estates subdivision.

Jeff Joseph indicated an agreement was made between the developer of Hills Estates subdivision and Leavenworth County regarding the development of the subdivision on July 31, 2006. He indicated one of the conditions was to construct Bayside Drive prior to any building permits being issued and a surety bond in the amount of 100% of the cost of the improvements was also required prior to recording the subdivision plat. The plat was recorded and the developer of the subdivision failed to meet the requirements of constructing Bayside Drive or submitting a surety bond to the county. The current property owner is requesting changes to the development agreement so they develop the property.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the amendment to the development agreement for Hills Estates subdivision.

Motion passed, 3-0.

Kameron Kelly indicated he did not want to wait 30 days for a decision on his case and proposed to pay the fees from 1999 in the amount of \$2906.55.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the fine in the amount of \$2900.00 in the case of DEV-16-055.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the replat of lot 1, Walnut Creek Estates, located at 16781 Cantrell Road.

Motion passed, 3-0.

Commissioner Bixby recommended Mr. Joseph work with the Register of Deeds to draft a policy that would allow documents to be filed in the Deeds office that would point out issues with property for potential buyers.

PUBLIC COMMENT:

There were no public comments.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the design proposal on 179th Street from Napier Engineering in the amount of \$23,000.00.

Motion passed, 3-0.

The Board adjourned at 10:42 a.m.

Final Approved

*****June 30, 2016*****

The Board of County Commissioners met in regular session on Thursday, June 30, 2016. Present are:, Commissioner Graeber and Commissioner Bixby, Commissioner Holland is absent . Also present: Patrick Hurley, County Administrator; Becky Matzeder, Executive Secretary; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the June 27, 2016 meeting minutes.

Motion passed, 2-0.

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

Motion passed, 2-0.

Commissioner Bixby attended the MARC meeting on Wednesday indicating Fort Leavenworth received a grant to upgrade their 911 communication system.

Pat Hurley indicated Mike King with KDOT is stepping down as secretary.

Commissioner Graeber indicated he asked David Van Parys to present a projection showing funding needed for the industrial parks.

Commissioner Bixby received a call from a constituent about the transportation from Council on Aging indicating dispatch is not coordinating rides efficiently.

Mr. Hurley indicated he will get information from KCTA about para-transit for possible use with Council on Aging transportation.

Commissioner Bixby asked the status of the applications for county engineer.

Mr. Hurley indicated there are two applicants that are qualified and could be interviewed as early as next Thursday.

Mr. Hurley indicated he has completed budget hearing with department heads.

Commissioner Graeber mentioned a letter from Atchison County regarding a request that an Atchison County employee to co-chair the director position for juvenile services.

Commissioner Bixby indicated the lines of communication needs to remain open but doesn't see this as a workable solution.

A letter will be drafted to Atchison County indicating Leavenworth County is evaluating the situation.

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

Motion passed, 2-0.

PUBLIC COMMENT:

John Matthews asked when the second meeting for July 7 would start.

Commissioner Bixby indicated it will immediately follow the first session.

The Board adjourned at 9:48 a.m.

Final Approved