

\*\*\*\*\*September 1, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, September 1, 2016. Present are: Commissioner Holland and Commissioner Graeber, Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Tamara Copeland, Human Resources Director; Megan Waters, Community Corrections Director; Stacy Driscoll, Register of Deeds; Jennifer Anderson, Payroll Manager; Hallie Hughes, HR Generalist; David Lutgen, Public Works Director; Joe Herring, Herring Survey; Debra Snider, Attorney at Law; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Janet Klasinski announced the Kansas Association of Counties conference held in Overland Park on November 15-17.

Commissioner Holland indicated he is agreeable to have Commissioner-Elect Doug Smith attend the pre-conference workshop.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to elect Commissioner Bixby as the voting delegate.***

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

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

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

Commissioner Holland recommended holding two sessions on Thursday, September 8th.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to hold two sessions on Thursday, September 8, 2016 approving the agenda for September 5, 2016 as amended.***

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

Commissioner Holland announced the Commission received a letter of resignation from Pat Hurley.

David Van Parys briefed the Board about LCPA meeting regarding the Tonganoxie Industrial Park indicating they are close to reaching an agreement about the ownership of the park between the city or the Port Authority.

Tamara Copeland presented the quarterly report for Human Resources indicating turnover is trending high at 13.79% but is hopeful this will turn around with the better benefits package.

Ms. Copeland indicated their budget is on track and the worker's compensation claims are lower than last year. She commented the incident reports are high for this time of the year however, she commended Public Works for following up with ways to prevent accidents from happening the next time.

Ms. Copeland indicated the Department of Labor has finalized changes to the Fair Labor Standards which is a new rule going into effect December 1, 2016 that will change the exempt salary threshold from its current level of \$23,600.00 to \$47,476.00. She reviewed personnel indicating this will affect three county employees.

Ms. Copeland followed up with other updates to include completion of entering the new pay plan wages for the Sheriff's Department, County wide implementation of the pay plan effective on January 25, 2017, completion of 2016/2017 open enrollment insurance, implementation of a new dress code and anticipation of dividends from KERIT in the amount of \$79,443.00.

Ms. Copeland indicated she received a request from a department head asking to have a Halloween decorating contest and asked if employees could dress up for the holiday.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve employees to participate in decorating and dressing up for Halloween.***

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

Commissioner Graeber asked where the KERIT dividends are deposited.

Ms. Copeland explained last year they went back into benefits.

A motion was made by Commissioner Bixby split the dividends with half into a contingency fund and half into benefits.

Commissioner Holland he would like to second the motion, however he has concerns about what the fund could be used for.

Commissioner Bixby withdrew his motion.

With Mr. Hurley's resignation, Ms. Copeland requested authority to process personnel actions that do not require budget authority.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to authorize Tamara Copeland to process and sign personnel actions within budget authority.***

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

Ms. Copeland requested an executive session to discuss personnel matters in order to protect the privacy of those individuals for a period of 15 minutes. She requested the three Commissioners, Roger Marrs, herself and Deb Snider.

Mr. Van Parys suggested monthly department head meetings and will draft a memo to that effect.

It was the consensus of the board to hold a department head/elected officials meeting on Wednesday, September 14, 2016 at 8:30 a.m.

***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.***

Ms. Copeland requested an executive session to discuss non-personnel issues to protect the privacy of those individuals.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland in order to protect the privacy interests of the individuals to be discussed to enter executive session to discuss non-elected personnel with the Board to return to open session at 10:30 a.m. in the commission board room present would be the three Commissioners, Roger Marrs, Tamara Copeland and Deb Snider.***

Commissioner Graeber indicated Mr. Marrs is not available today.

Ms. Copeland indicated someone would need to legally represent the County.

Mr. Van Parys indicated he has been instructed not to discuss this matter.

Commissioner Bixby asked Deb Snider is she was representing Ms. Copeland.

Commissioner Graeber indicated Ms. Snider cannot represent the County.

Commissioner Bixby indicated that's not what he is intending but asked Ms. Snider is she felt this would be a productive meeting and possibly would have to table a decision until legal counsel is available.

Ms. Snider replied she would be at the Board's discretion.

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

The Commission returned at 10:30 a.m. no official action taken.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber that in order to protect the privacy interests of the individuals to be discussed that the Board enter an executive session to discuss non-elected personnel with the Board to return to open session at 10:46 a.m. in the commission room present would be the three Commissioners, Tamara Copeland, Deb Snider and David Van Parys.***

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

The Commission returned at 10:46 a.m. no official action taken.

At the request of Human Resources Director, Tamara Copeland the following minutes are verbatim beginning at 10:46 a.m.

**Commissioner Holland:** Before I make a motion I would like to make a statement.

In efforts to be transparent and in order to address some serious issues within the County, I am going to be making a motion to approve a 5 year contract for our HR Director that I hope will be seconded, and passed in order to allow HR Director to continue to identify and address sensitive critical issues needing to be fixed within the county.

Some of these issues have been addressed, however it has created some high level officials to turn on her publicly try to discredit her. She has endured repeated attacks from these officials because of her efforts to address non-compliant issues as she is trying to bring a level of fairness, equality, and compliance back to this County. No one should have to endure what she has gone through.

And in spite of the efforts of those who are trying to harm her reputation with false allegations, she and her staff have successfully integrated a new Payroll system, implemented new IRS reporting requirements, added new benefits for employees, added more holiday time for employees, conducted a pay plan study, and implemented a new pay plan that benefits all employees and I really want to tell you that it is for all employees. Anything that you hear you should really go to HR and let them explain it. She accomplished this and kept costs to a minimum due to gaining support from numerous department heads and elected officials.

I would say that is excellent work under very stressful conditions and I commend her for her strength and conviction to do what is right even when pressured to back off. I have personally witnessed these numerous accomplishments she has achieved in just this one year and I have personally witnessed the endless sacrifices she makes to do what is right and what is best for this County and the County

employees. For these reasons she needs our protection from those that may still want to try to fire her in the next several years because of the work she is doing for the County and the County employees as the HR Director.

I now welcome anyone that would like to speak before I make my motion. Is there anyone that would like to speak, which one, Hallie do you want to go first?

**Hallie Hughes:** Good morning, Commissioners, I would like to thank you in advance for allowing me to say a few words about our Human Resource Director, Tamara Copeland. I have never worked with such a committed individual who works strategically with a diverse group of individuals, identifying and responding to the County's changing needs. She provides leadership, guidance, implementation and equitable administration of policies and procedures, thus fostering a positive work environment. Although she has faced many trials and tribulations during her first year as the Human Resource Director of Leavenworth County, she has always responded professionally with facts and evidence to guide the employees in the right direction. I believe that there are many employees and department heads that appreciate all that Tamara has done and is doing for Leavenworth County and its employees to help make this a better place to work and grow as a company. Thank you.

**Commissioner Holland:** Jennifer?

**Jennifer Anderson:** Good morning Commissioners, I would also like to thank you for allowing me to speak this morning. I have been a Leavenworth County employee for 16 years and for 14 of those years I have worked in the Human Resources Department as the Payroll Manager. The past year and a half in the Human Resources Department has been very challenging and many times overwhelming. The former Director retired during the same time a new payroll system was being implemented, new ACA reporting regulations were going into effect, and a long time two person department became a much needed four person department. Tamara Copeland was hired as the Human Resources Director during a very difficult time of many changes and from the moment Tamara walked in the door on her first day, she has been nothing but supportive and positive to me and the rest of our team. Tamara has been my supervisor now for the past 15 months and in that time I have been a witness to Tamara's many interactions with employees and department heads. She handles every situation with tact and professionalism. Although there are times when she is faced with resistance, she always remains professional and treats everyone and every issue with fairness and equality. Tamara takes pride in her work and is very dedicated and loyal to Leavenworth County and the employees. She has accomplished some great things in a small amount of time, such as getting approval for the new pay plan and reducing the out of pocket premium for a family insurance plan. In the short time that I have worked for Tamara, I can honestly say that I have nothing but the utmost respect for her and admire her high level of ethics and morals. Tamara is a valuable asset to Leavenworth County and I am proud to be her employee and work in such a great department. Thank you.

**Commissioner Holland:** Anyone else wishing to speak:

**Deb Snider:** If I may please chairman.

**Commissioner Holland:** ok

**Deb Snider:** Good morning Mr. Chairman, Commissioners Graeber and Bixby. My name is Debra Snider and I'm an attorney that practices here in Leavenworth County and as everyone is aware of Tamara Copeland is my client. But what I come to discuss with you this morning is the importance of having a Human Resources Director who is knowledgeable about the law and policies that are required of her position and the enforcement of those laws and policies. I have been an instructor for Human Resources management, business ethics and ethics at the master's level in an MBA program in North

Kansas City. The reason I was chosen to teach that course in Human Resource management is because it is so strongly law driven. It is generally perceived as being an absolute mine field of problems because there are so many competing laws and interests that a Human Resources Director must successfully navigate. I could tell you that based on what I heard this morning, the information and background that I have on Ms. Copeland and the discussions that I have heard here today that you have in Ms. Copeland an individual who can successfully do that. That is a benefit not only to the employees of this County but to the County itself because when you have an individual who knows, understands and enforces the laws and policies and rules required of that position, you have a County that is protected from unnecessary litigation and legal problems. That is what I wanted to let you know today that not only do I represent her but I do have some basis in background for making the statements that I'm making and I encourage the Board to accept her employment contract as stated previously and thank you so much for giving me the opportunity to speak to you this morning.

**Commissioner Holland:** Dennis, did you wish to speak?

**Commissioner Bixby:** Yeah, Tamara, it's been a year. You remember me; I'm the guy that didn't want to hire you. I thought you had family and stuff that would be a little too close, a little too influential and I was pleasantly surprised. I have driven by here night after night and I've seen the light on in your window and you're still crunching numbers or whatever it is you do. You pulled the team together even though one of them was a member of our staff at the time and I hated you for it, but we got Becky and so we wouldn't have done that. You're a team player, my hats off to you and what most people don't know and I probably shouldn't say but I'm going to anyway and that is you uncovered a paycheck fraud situation before it really got going. Hats off to you and you're going to do great wherever you go but I hope you don't go. I hope you stay right here.

**Commissioner Holland:** Ok, do you wish to speak?

**Commissioner Graeber:** You want me to be the bad guy now?

**Commissioner Bixby:** You don't have to be.

**Commissioner Holland:** Well, you don't have be.

**Commissioner Graeber:** I have said publicly that I am very supportive of Tamara's work. I would support a one year contract I have no problem with that. I cannot support the five year contract because of some of the conditions contained therein and the liability for Leavenworth County under that contract. Therefore, I will vote no.

**Commissioner Holland:** Ok, I want to finish my speech. I now call on my fellow Commissioners to do the right thing for the betterment of our County and County employees. I make a motion to approve the HR Director's contract. Is there any more discussion and if I have a second?

**Commissioner Bixby:** Second.

**Commissioner Holland:** Voting.

**Commissioner Bixby:** Aye.

**Commissioner Holland:** Aye.

**Commissioner Graeber:** No.

**Commissioner Holland:** Motion carries, 2-1. Congratulations Tamara.

**Commissioner Bixby:** And to your whole team.

**Tamara Copeland:** They're awesome.

**Commissioner Holland:** Anything you need to say or would like to say?

**Tamara Copeland:** We will submit the proposed language as discussed.

**Commissioner Holland:** Ok.

**Tamara Copeland:** I did have one final statement to make if I could be given an opportunity to speak.

**Commissioner Holland:** Ok, you can.

**Tamara Copeland:** I would like to inform you of a matter that is continuing to create issues within the County. Every County employee has the right to expect to come to work and be treated with respect and dignity. No County employee should ever be bullied or intimidated by another employee or to have to endure false allegations especially ones that are willfully leveled against them with intent to harm and inflict pain or to damage one's reputation. As the HR Director I am charged with addressing these issues. I often have to enforce County policies and address sensitive topics. This may require confronting individuals and addressing noncompliance behavior. This is never pleasant and it is always difficult. However it is my job to make sure that we treat all employees fairly. I approach this with professionalism, facts and evidence and compassion. I try very hard to educate people as part of this process and the goal is to always gain compliance. It's not to hurt anyone, it's not to make anyone feel bad it's just to make sure we're all doing the right thing. As many of you know I have been working hard to create a cultural change that's transparent, compliant, accountable, consistent, and employee friendly. There are always a few that have difficulty with change especially if they are accustomed to not following established policies and procedures and this sometimes creates pockets of resistance and dissent and sometimes they become very vocal. That is the case here. Recently, I had to address such a situation with one of our elected officials. There was a noncompliance issue that I was addressing and compliance was eventually achieved. However, the elected official was upset and began making false accusations in an email to me and eventually two others for which I appropriately responded to by email with guidance, facts, and refuted the false allegations. The elected official continued to repeat the false allegation and I reminded them that they were false, offensive, and violates our County policies. I provided the elected official with the violations and policies. I cannot follow normal County procedures for handling this respectful in the workplace issue as she is an elected official. I did notify my chain of command to include Commissioners and the Deputy County Counselor. I advised them that I have a situation of being the victim of a repeated attacks on my character by the elected official making what I deem to be false allegations against me and my staff and told her in writing that it needs to stop, that she need to stop making the false and offensive statements. I continued to work with the Deputy Counselor and the Administrator to help address the situation. Our Deputy Counselor spoke to the elected official and addressed the respectful workplace concern with that elected official. After the elected official was spoken to by the Deputy Counselor, the elected official was heard repeating the false accusations to multiple people and now elements of this are on her Facebook page on one of the postings. In efforts to be transparent and forthcoming I want to publically address the false allegations being repeatedly made against me when she has been told they are false as I feel my integrity, my reputation is being harmed and due to her status we cannot do anything about it. The statements being repeated are: "Tamara attended a democratic fund raiser for Kelly Kultala and that Tamara got significant increases in pay for employees who attended that democratic fundraiser." This is not an accurate statement and I can prove it. I sent the

pay plan information out to each department head for review on May 23rd. The first instruction on that page asked the Department Heads to review the information I provided that includes the pay plan analysis, pay plan schedule, and a worksheet and to get back with me if they saw any issues. This gave the Department Heads an opportunity to get with me and ask clarifying questions about the process, any proposed wages or address any issues or concerns that they may have as part of that process. This elected official did not contact me on that. Kelly Kultala had not filed to run for County Treasurer until approximately June 1<sup>st</sup>. I presented the pay plan to the Commissioners on July 14<sup>th</sup> and the motion passed 3-0. I am a long time registered democrat and I went to a meet and greet for Kelly Kultala. I have the invitation which the date states it's Saturday, July 30<sup>th</sup>. Quite a few of my family members were in attendance.

**Commissioner Graeber:** Chairman, I just don't think this appropriate for our meeting.

**Commissioner Holland:** She has the floor and I think it is appropriate.

**Tamara Copeland:** This is the only place that I can address this forum.

**Commissioner Graeber:** I don't agree.

**Tamara Copeland:** Many of my family members were in attendance including my sister who is the Register of Deeds. My husband was also present and he's a republican. The same pay plan presented on July 14<sup>th</sup> is the same pay plan presented in detail to the three Commissioners on August 4<sup>th</sup> that was again passed 2-0. At this Board meeting I addressed the employee's new wage amounts with the percent increases and provided a statistical analysis of the breakdown. I also addressed in great detail several key people that this elected official was making allegations about. I also explained in detail the worksheets used and how each level and step was created. I have since provided the elected official with a copy of the materials used in that presentation that explains how the rates were created. She has had the facts since August 4<sup>th</sup>. I have offered her a one on one to explain the process in detail. She has not accepted this offer, yet she continues to make false allegations. As you can see by the timeline, the allegations being made against me are false. I am here today to set the record straight. This elected official has been given multiple opportunities to gain a better understanding of the pay plan and she has not taken advantage of any of those opportunities, nor did she come to the pay plan presentation on August 4<sup>th</sup> or July 14<sup>th</sup>, yet she tries to smear my integrity, my reputation, my educational background, and my years of experience by making false accusations and offensive accusations against me. I can prove her allegations to false even after she has been officially addressed by me and the Deputy Counselor in our official roles. I also want to state that every Leavenworth County Employee as the HR Director that we have policies in place to protect employees from harassment and hostile work environment and in most cases this process works and I have seen this past year. Every employee should be able to expect to come to work and be free from harassment, repeated hostility, bullying, intimidation, and threats and if they experience this we do have a process in place to protect them. In my case the normal County procedure will not work. Therefore, I am using this forum which is the only forum left for me to use because we cannot address this through the normal process because this is an elected official and I am asking that elected official to stop making the accusations and to make a public apology for the false information put out there and it is still on her Facebook page. I would also like to state that I am here to make Leavenworth County a great place to work and I'm working hard for the County and its employees. I am trying to create a culture that is transparent, compliant, accountable, consistent, and one that values its employees equally and treats them fairly. I am trying to create new and better benefits for employees and I'm trying to maintain costs for the County. I have tackled many issues this first year and I have helped and assisted many departments and employees. The HR Department is trying to continue what my predecessor started which is to raise the bar for accountability, compliance, fairness, and equality for all employees. This is a major shift in the cultural environment and the HR Department is undertaking it and it has its ups and

downs and it can be very difficult but I and my staff, Jennifer Anderson and Hallie Hughes, who are the best, we are up for this challenge. It takes courage and conviction to get up here and publically address these embarrassing allegations but I have no choice as I have to stand up for what is right for all employees to include myself. Otherwise I cannot do my job as a HR Director. Does anyone have any questions?

**Commissioner Bixby:** I'll give you a minute.

**Commissioner Graeber:** Chairman, may I say one thing.

**Commissioner Holland:** Yes.

**Commissioner Graeber:** Tamara, I in no way question your goals, your honesty, your commitment. I will say that. My only objection to the statement this morning, I thought it was inappropriate for the meeting, but that's fine.

**Commissioner Bixby:** My question was going to be...I'm the guy that brought social media to the County because I thought it was a good thing and I still think it could be a good thing. At the same time we adopted that we also adopted a social media policy and it wasn't just for employees it was also for elected officials. Part of it is so that someone like me, an elected official couldn't get on that site and say, on the official County site and say look at me, look what I did and campaign on it. That wasn't what that was for. But also we've had other people before us that didn't behave well on social media and they said things that were hurtful, some were untrue, some were true, whatever. But if you have copies of anyone, anyone that is saying something that violates the Leavenworth County's social media policy then I would ask you do your best to get copies of that and to submit it to the Commission for further review.

**Commissioner Holland:** One question I'd like to ask, of all these allegations you've made and I don't doubt that they're not true, I mean I believe they are true. I've been kind of the brunt of some of her social media problems and what I haven't heard is why we haven't referenced her name.

**Deb Snider:** I can speak to that Mr. Chairman. I have advised my client not say names.

**Commissioner Holland:** Ok

**Commissioner Graeber:** Wise advice.

**Deb Snider:** Thank you.

**Commissioner Bixby:** And I think we've been advised by our counsel in certain legal situations that we should not list the name.

**Commissioner Holland:** This is an elected official though.

**Commissioner Bixby:** Hold on. I don't think it takes a lot of imagination to find out who this is.

**Commissioner Holland:** No, I'm sure it doesn't.

**Commissioner Bixby:** What I am saying is if you find and you have actual print document of what was said on Facebook or whatever the social media site is and you wish to bring it forward the Commission will review it and that time if it's appropriate we will release the name, we'll question the person and we'll do whatever we need to do to uphold the standard that this Commission set forth with social media.



**Tamara Copeland:** Thank you Commissioner.

**Commissioner Holland:** Are we finished here with this issue?

**Deb Snider:** I believe we are Mr. Chairman. Thank you.

**Commissioner Holland:** Thank you for coming forward.

The minutes verbatim ended at 11:11 a.m.

Mr. Van Parys requested an executive session to protect the privacy interest of the person to be discussed to discuss non-elected personnel to resume session in this office at 11:20 a.m.

*A motion was made by Commissioner Graeber seconded by Commissioner Bixby to enter an executive session to protect the privacy interest of the person to be discussed to discuss non-elected personnel to resume session in this office at 11:20 a.m.*

*Motion passed, 3-0.*

The Commission returned at 11:20 a.m. no official action was taken.

Mr. Van Parys indicated during the construction of County Road 1 a right of way was obtained on Harmon Farms in which now Public Works is requesting an additional 7 feet of right way which would be the standard.

David Lutgen commented when it was condemned for County Road 1 only 33 feet of right of way was acquired. Mr. Lutgen indicated 40 foot is required and is requesting an additional 7 foot for the plat.

Mr. Van Parys commented the construction design was done by Kansas Turnpike Authority standards which require the 33 feet rather than the 40 feet.

Joe Herring indicated the applicant does not want to dedicate the additional 7 feet.

*A motion was made by Commissioner Graeber seconded by Commissioner Bixby to grant a variance of the platting process for the dedication of 40 foot right of way to 33 foot of right of way on Harmon Farms subdivision.*

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

Mr. Van Parys requested an executive session in order to protect attorney/client privileges to discuss potential litigation to reconvene in the office of the Board at 11:45 a.m. to be present would be the three Commissioners and David Van Parys.

*A motion was made by Commissioner Bixby and seconded by Commissioner Holland to enter an executive session in order to protect attorney/client privileges to discuss potential litigation to reconvene in the office of the Board at 11:45 a.m. to be present would be the three Commissioners and David Van Parys.*

*Motion passed, 3-0.*

The Commission returned at 11:43 a.m. no official action taken.

Mr. Van Parys indicated he will assist with reviewing briefing reports and agenda items.

PUBLIC COMMENT:

There were no public comments.

The Board adjourned at 11:48 a.m.

Final Approved

\*\*\*\*\*September 8, 2016 SESSION I\*\*\*\*\*

The Board of County Commissioners met in two sessions on Thursday, September 8, 2016. Present are: Commissioner Holland and Commissioner Graeber, Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Tim Vandall, Lansing City Administrator; David Lutgen, Public Works Director; Tamara Copeland, Human Resources Director; Jennifer Anderson, Payroll Manager; Hallie Hughes, Human Resources Generalist; Darrell Lamer, Resident; Emily Ditty, Resident; Brian Reilly, Resident; Rick Darrow, Resident; Carl Langley, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Tamara Copeland requested the Board to post the minutes from September 1<sup>st</sup> in its entirety to preserve the accuracy of the information presented and to be transparent to the public and the employees.

*A motion was made by Commissioner Holland and seconded by Commissioner Bixby to publish the board minutes from September 1, 2016 as recorded without any redactions.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the agenda for September 12, 2016.*

*Motion passed, 3-0.*

Lansing City Administrator, Tim Vandall, spoke on behalf of the city of Lansing requesting Leavenworth County to include sidewalks on the south side of Eisenhower Road in the design plan as an add alternate so it could be bid in the project. He indicated if the project comes in over budget, Leavenworth County would not be under any obligation to construct the sidewalks.

Commissioner Holland asked if Leavenworth County has to develop McIntyre Road east of K-7 to certain standards would the city of Lansing consider lowering the speed limit.

Mr. Vandall indicated the consensus of the city council has been to maintain the design standards as they are now.

Commissioner Bixby asked why the urgency to get a sidewalk on Eisenhower Road.

Mr. Vandall indicated the intersection at Desoto Road and Eisenhower Road is slated to be improved in 2019 that will be an internal improvement by the city of Lansing.

Commissioner Bixby commented it may be better to wait until the 2018 MARC call for projects and put in for a sidewalk when the intersection project is listed.

David Lutgen indicated the design plan for Leavenworth County is to grade for a future sidewalk and is in favor of adding it as an alternate.

It was the consensus of the Board to add a sidewalk as an add alternate to the design on Eisenhower Road.

Commissioner Graeber asked how Mt. Olivet Road is progressing.

Mr. Lutgen indicated the geotech reports are in and will discuss further on Monday.

Commissioner Holland inquired about a design change on 207<sup>th</sup> Street.

Mr. Lutgen indicated there have been no design changes on the 207<sup>th</sup> Street.

Commissioner Holland requested a work session to distribute county administrator duties and to discuss the need to refill the position or consider reclassifying the position to a director of financial operations.

*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.*

Commissioner Holland received a call from Water District #5 requesting Leavenworth County respond to an agreement on purchase of water.

Mr. Lutgen indicated they were allowed to install a meter on a Water District #5 line but the arrangement changed and they have discontinued use.

David Van Parys indicated there was a proposed agreement and will reach an agreement about the usage of water.

The Board adjourned Session I at 9:46 a.m.

\*\*\*\*\*September 8, 2016 SESSION II\*\*\*\*\*

The Board of County Commissioners met in two sessions on Thursday, September 8, 2016. Present are: Commissioner Holland and Commissioner Graeber, Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; David Lutgen, Public Works Director; Tamara Copeland, Human Resources Director; Darrell Lamer, Resident; Emily Ditty, Resident; Brian Reilly, Resident; Rick Darrow, Resident; Carl Langley, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

David Van Parys presented a proposed draft resolution to the Board along with copies of the Kansas state statutes with respects to what constitutes a legal fence and a partition fence. Mr. Van Parys indicated a partition fence is a fence between two properties that are enclosed which generally involve the keeping of livestock and a legal fence involves three strands of barbed wire.

Mr. Van Parys indicated the proposal would allow the Board to impose stricter standards to what constitutes a legal fence.

Commissioner Bixby commented he felt this is was not a County problem indicating if someone is going to own livestock they need to be responsible for them.

Commissioner Graeber commented the regulations should not apply to every fence in the county.

Resident, Carl Langley felt the county doesn't need to be involved in farm fences indicating the neighbors need to work it out.

Commissioner Graeber asked how the County would enforce the regulations.

Mr. Van Parys replied the regulations would be enforced by the parties involved through District Court.

Commissioner Holland suggested the Commission look over the draft and make a final approval or denial on Thursday, September 15<sup>th</sup>.

Mr. Van Parys received a complaint via email regarding Grinter Farm indicating he has spoken with the Sheriff and Planning and Zoning to work with the owners on resolving issues.

Commissioner Bixby felt the owners have done what they can do about parking and we need to promote the opportunities we have to bring business into Leavenworth County.

Commissioner Holland agreed with Commissioner Bixby but expressed his concern over the traffic and safety issues.

Darrell Lamer lives on Woodend Road and commented the dust and traffic are continuous. He requested a local traffic only sign on Woodend Road and divert the traffic to 24/40.

Mr. Van Parys indicated an email has been sent to department heads and elected officials informing them of a meeting on Wednesday, September 14<sup>th</sup> at 8:30 a.m. to discuss recent changes in County administration.

Brian Reilly presented pictures of the traffic from the past weekend going to Grinter Farm and spoke about the safety issue concerning traffic.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to authorize Public Works to place barricades and local traffic only signs in and around Grinter Farm for safety purposes.***

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

Commissioner Holland indicated he has received phone calls from the public regarding the Leavenworth County Treasurer posting pictures of the public and particularly children on her Facebook page without their permission and promoting her re-election.

Commissioner Bixby commented pictures in a public area is not an issue, however pictures of young children cannot be taken without a signed release from a parent.

Tamara Copeland indicated she was not sure if taking pictures and posting them on Facebook violated the social media policy.

Commissioner Graeber indicated he would meet with the Leavenworth County Treasurer to remove the pictures from Facebook.

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

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

Mr. Van Parys requested an executive session for the purpose to protect attorney/client privilege to discuss potential litigation to return to open session in this office at 11:15 a.m., present would be the three Commissioners and David Van Parys.

***A motion was made by Commissioner Graeber seconded by Commissioner Bixby to enter executive session for the purpose to protect attorney/client privilege to discuss potential litigation to return to open session in this office at 11:15 a.m. Present would be the three Commissioners and David Van Parys.***

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

The Commission returned at 11:15 a.m., no official action taken.

PUBLIC COMMENT:

There were no public comments.

The Session II adjourned at 11:17 a.m.

\*\*\*\*\*September 12, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, September 12, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; David Lutgen, Public Works Director; Tamara Copeland, Human Resources Director; Tammy Saldivar, Transfer Station Director; John Forslund, P.E.; Trevor Huhn, Buildings and Ground; Tim Vandall, Tonganoxie City Administrator; Clay and Stephanie Cobb, Residents; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Commissioner Holland indicated the Board received a request by the Tonganoxie city library to put a survey box in the lobby at the Annex.

Commissioner Holland indicated an inquiry was received from the Leavenworth County Annex about Halloween attire. Commissioner Holland commented the Board agreed to that and it included County wide employees.

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the minutes from September 8, 2016 Session I as amended.***

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

***A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the minutes from September 8, 2016 Session II.***

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

Andrew Demaranville requested an additional entrance to his property indicating he has a large lateral field and where he wants to put an additional building he would have to drive over the lateral field.

David Lutgen expressed concern if the lateral field fails this takes away the option to move it.

A motion was made by Commissioner Bixby to table this matter to research what has been done in the past.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to agenda the additional entrance for Monday, September 19<sup>th</sup>.***

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

Tammy Saldivar requested approval to award bid to Baler Service Company for a cardboard baler in the amount of \$75,059.00.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to award bid to Baler Service Company for a cardboard baler in the amount of \$75,059.00 without the oil heater and cooler.***

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

Trevor Huhn indicated the elevator will be rewired so it will be on the emergency generator.

Mr. Huhn requested authority to award bid to Heritage Tractor for a John Deere 1575 mower in the amount of \$39,860.00.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to award bid to Heritage Tractor for a John Deere mower in the amount of \$39,860.00.***

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

John Forslund presented a briefing report on 147<sup>th</sup> Street sales tax project indicating condemnation proceedings are set for September 28<sup>th</sup> at 10:00 a.m. He indicated it will be late January to mid- February to advertise and a notice to proceed date in April.

Commissioner Graeber commented about over building McIntyre Road but keep the speed limit to 35 miles per hour. He felt it should be built as other County secondary roads.

Commissioner Bixby indicated he will support the road build as designed.

Mr. Forslund indicated negotiations with property owners along McIntyre Road have begun but no one has signed their right of way agreements. Final plans will be done by the end of November followed by property acquisitions and utility relocations.

Mr. Forslund briefed the Board on the Eisenhower Road sales tax project indicating the traffic volume at the intersection of 20<sup>th</sup> Street and Eisenhower Road does not warrant a traffic light. He indicated a proposal was sent to the city engineer suggesting to construct the intersection and install conduits, wiring and base plates for the lights but let the city install the lights if the traffic volume increases.

Mr. Forslund indicated the MARC funding for the Eisenhower Road project has created issues such as an environmental review of the two mile corridor with KDOT doing the review for their portion of the project. Mr. Forslund commented the problem is what to do about the other half of the project. Another issue is the caveat that KDOT can only spend 10% of the County's portion of the project and they spend their 10% on construction management fees. Mr. Forslund indicated it typically costs KDOT 15% to 18% to their share of the management. The design team is suggesting splitting the project into a KDOT portion and a County portion.

Mr. Forslund asked the Board if he could direct the design team to go with the non-lighted intersection and instead of a roundabout along with the installation of the conduit for future lighting.

Commissioner Bixby commented he would be in favor of a stop sign with the option for future electronic signals.

Commissioner Graeber asked if a flashing red light could be placed on top of the stop sign.

Mr. Lutgen indicated it would be similar to the way it is currently.

Mr. Lutgen indicated dust control was applied to the K-32 detour in August.

Mr. Lutgen stated 1700 feet of base rock has been laid on 207<sup>th</sup> Street and culvert installation and grading is continuing.

On Bridge E-20 the bridge deck has been poured and the railing is being formed.

The construction drawings have been submitted for review on 179<sup>th</sup> Street and the drawings have been sent to the utility companies.



Mr. Lutgen stated the geotech reports have been completed on Mt. Olivet Road on both sites and requested approval to issue RFP for a design build road repair.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve an RFP for a design build on Mt. Olivet Road.***

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

Mr. Lutgen requested authorization to purchase two motor graders under MoDot contract. The buyback on the existing graders expires in January 2017 so orders are needed to have delivery in January 2017.

Commissioner Bixby recommended looking into a refurbished motor grader purchase and to bring it back Thursday.

Mr. Lutgen requested authority to dispose of surplus property and vehicles on Purplewave.

***A motion was made by Commissioner Graeber seconded by Commissioner Holland to authorize Public Works to proceed with the disposal of surplus property and vehicles.***

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

Mr. Lutgen spoke about KTA replacing 182<sup>nd</sup> bridge over I-70 next year. They have agreed to construct a new bridge in line with 182<sup>nd</sup> Street on both sides of the interstate. Leavenworth County would be responsible for extending the 182<sup>nd</sup> Street to the new bridge and for realigning Metro to connect with 182<sup>nd</sup> Street. KTA has prepared an agreement for the County outlining the responsibilities of each party for this project.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the Chairman to sign the agreement with KTA for the 182<sup>nd</sup> Street bridge.***

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

Mr. Lutgen requested approval to solicit bids for the mill and overlay of the streets within Ginger Creek subdivision. The estimated cost is \$75,000 to use funds from the road seal account.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to authorize solicitation for bids for Ginger Creek subdivision.***

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

Mr. Lutgen requested approval to issue RFP for the survey and design of Stillwell Road from 158<sup>th</sup> to 170<sup>th</sup> Street and funds are available in the Sherman Township RIF account to pay for the survey and design.

Commissioner Bixby inquired as to how much easement would be required.

Mr. Lutgen indicated the standard is 80 feet which would be 40 feet on each side.

Commissioner Holland asked if the County would have to pay for easements.

Commissioner Bixby asked why the PRP policy could not be applied to other road systems that need improvement indicating the County could ask property owners to donate their easements.

Mr. Lutgen commented the PRP program is a property owner initiated program therefore with other projects the County would have to initiate it by asking property owners for easements.

***A motion was made by Commissioner Graeber for approval to issue RFP for the survey and design of Stillwell Road from 158<sup>th</sup> and 170<sup>th</sup> Street and Hollingsworth Road from 147<sup>th</sup> to 155<sup>th</sup> Street.***

Mr. Lutgen indicated Hollingsworth Road between 147<sup>th</sup> and 155<sup>th</sup> Street is a similar situation as Stillwell Road with the funds coming from the Fairmount Township RIF account.

***The motion was seconded by Commissioner Bixby.***

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

Commissioner Holland mentioned he would like to see the complete audit and have a presentation by Berberich and Trahan with regards to the audit.

Commissioner Graeber suggested checking with the County Clerk to see if the audit has been completed.

Commissioner Holland commented he would like to see the contract with Berberich and Trahan.

Tamara Copeland requested an executive session to discuss personnel issues of non-elected personnel for a period of 15 minutes, present would be the three Commissioners, David Van Parys and Tamara Copeland.

The Board recessed for 5 minutes at 10:39 a.m.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber in order to protect the privacy interests of the individuals to be discussed the Board enter into executive session to discuss non-elected personnel with the Board to return to open session at 11:05 a.m. in the Board commission room. Present would be: The three Commissioners, Tamara Copeland and David Van Parys.***

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

The Commissioner returned at 11:05 a.m. no official action taken.

Mr. Van Parys stated an appropriate motion would be to direct Human Resources Department to process a personnel action showing resignation of Mr. Roger Marris effective September 1, 2016 make inquiry to any services provided by him between that date and today's date credit and pay out the appropriate accumulated leave balance and authorize David Van Parys to contact Mr. Marris with respect to continue in contractual services regarding tax collection.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to direct Human Resources Department to process a personnel action showing resignation of Mr. Roger Marris effective September 1, 2016 make inquiry to any services provided by him between that date and today's date credit and pay out the appropriate accumulated leave balance and authorize David Van Parys to contact Mr. Marris with respect to continue in contractual services regarding tax collection.***

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

Mr. Van Parys indicated he was contacted by the Kansas Attorney General's Office with respect to an allegation of violation of the Kansas Open Meetings Act. He indicated as a result of the investigation a proposed consent order has been issued which he suggested to formally adopt the consent order as proposed to resolve the matter.

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to formally adopt the consent order proposed by the Kansas Attorney General's Office.*

*Motion passed, 3-0.*

Mr. Van Parys indicated in recognition of the violation the Board has taken remedial action resulting in each Commissioner attending a one hour of training on the Kansas Open Meetings Act and refrain from future violations.

PUBLIC COMMENT:

Clay Cobb started to speak about the violations.

Commissioner Holland indicated he has been informed by legal counsel that they cannot speak about the issue in open session.

Mr. Cobb indicated he would skip past that part and commented that he sees no change in the pattern and the this forum misuses its power for personal benefit and those that support them. He also commented the Board attacks those that stand up or question them.

The Board adjourned at 11:10 a.m.

\*\*\*\*\*September 15, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, September 15, 2016. Present are: Commissioner Holland and Commissioner Graeber, Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jamie Miller, EMS Director; Larry Malbrough, Information Systems Director; Dave Breuer, Mayor of Basehor; Joe Herring, Herring Survey; Doug Smith, Commissioner – Elect; John Matthews, Resident; Joann Aaron, Resident; Louis Klemp, Resident; Carl Langley, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Jamie Miller presented a memorandum agreement between Munson Army Health Center, US Army Garrison and Leavenworth County EMS for emergency medical services on Fort Leavenworth.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the agreement and have the chairman sign and date the same.***

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

***A motion was made by Commissioner Bixby to approve the September 1, 2016 meeting minutes.***

Commissioner Graeber asked if the contract approved for Ms. Copeland is available under the open records act.

Tamara Copeland indicated it has been approved and the contract is housed in the Human Resources Office as all employment contracts are.

***The motion was seconded by Commissioner Graeber.***

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

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

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

David Lutgen presented the costs to refurbish two motor graders compared to buying new ones. He indicated the costs show it would be cost effective to purchase new ones with the buyback.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to purchase two new motor graders and allow trade in value to be accepted.***

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

Tamara Copeland requested an executive session for 15 minutes to discuss personnel actions to protect the privacy of the individual being discussed to include the three Commissioners, David Van Parys, Larry Malbrough and Tamara Copeland.

David Van Parys stated a proper motion in the interest of protecting the privacy interest of the person to be discussed the Board enters into executive session to discuss non-elected personnel and to resume open session at 9:35 a.m. Present would be the three Commissioners, David Van Parys, Larry Malbrough and Tamara Copeland.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber in the interest of protecting the privacy interest of the person to be discussed the Board enters into executive session to***

*discuss non-elected personnel and to resume open session at 9:35 a.m. Present would be the three Commissioners, David Van Parys, Larry Malbrough and Tamara Copeland.*

*Motion passed, 3-0.*

The Commissioner returned at 9:35 a.m. no official action taken.

Tamara Copeland recommended to make motion to approve several personnel actions to transfer employee from the County Counselor department to the IT department that includes annual transfers of \$10,000.00 each from District Court and County Attorney's Office in which funds will be transferred to the IT fund instead of the Count Counselor's fund and allow the IT Director to hire an IT help desk technician and to allow flexibility with documents those personnel actions once they meet with the individual.

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve several personnel actions to transfer employee from the County Counselor department to the IT department that includes annual transfers of \$10,000.00 each from District Court and County Attorney's Office in which funds will be transferred to the IT fund instead of the Count Counselor's fund and allow the IT Director to hire an IT help desk technician and to allow flexibility with documents those personnel actions once they meet with the individual.*

*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 September 19, 2016.*

*Motion passed, 3-0.*

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

*Motion passed, 3-0.*

Mr. Van Parys asked the Board to consider a contract for tax related legal services to complete the remaining tax work due this year to begin today through December 31, 2016.

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the contract for Roger Marrs to complete tax work commencing September 15, 2016 to December 31, 2016.*

*Motion passed, 3-0.*

Mr. Van Parys indicated he conducted further research into the authority of the Board to impose greater restrictions on barbed wire fences and electric fences finding the standards would apply entirely in the unincorporated areas of the county applying to fences constructed after this date if imposed.

Commissioner Graeber asked if this would require property owners that have a barbed wire fence but do not have livestock to have to improve or add more to the fencing or would it strictly apply to those that have livestock.

Mr. Van Parys stated it would be universal but if a property owner currently has a three strand barbed wire fence and do not have livestock then they would not be required to add or improve.

Commissioner Bixby commented about out of state property owners that rent their property out that may not be aware the fence is not being maintained but is still liable indicating this may be unenforceable.

Carl Langley commented it should be left to the courts to decide if there are issues.

Doug Smith commented he didn't see how the County would enforce the resolution indicating it's between the neighbors and the court system.

Louis Klemp stated to let the courts solve the problem.

Joann Herron questioned the maintenance of the fence since her neighbors do not have livestock.

Mr. Van Parys indicated if the Board takes no action the current existing fence law in place.

Commissioner Holland indicated to leave the standards as it is.

Mr. Van Parys commented in the absence of any actions the State standards remain in effect.

The Board recessed at 10:28 a.m. for 5 minutes.

Commissioner Holland discussed the duties of the County Administrator indicating the County Counselor will address public information duties, Human Resources will address any personnel issues and department heads will bring issues to the Board for approval that is outside of their budget or any major changes.

Commissioner Holland mentioned he would like to discuss an option to hire a financial director instead of a county administrator.

Commissioner Graeber indicated he would like time to review the job descriptions.

Commissioner Holland stated the matter would be put on the agenda for next Thursday.

Commissioner Bixby indicated Leavenworth County is the only organization this size that does not have a consent agenda.

#### PUBLIC COMMENT:

Mayor Dave Breuer recommended the County takes the time to consider what they need and to get someone well versed in county management.

Louis Klemp stated the Board needs to get the opinions of the department heads and elected officials.

Doug Smith expressed his support for a county administrator.

Mr. Van Parys presented the fence viewing report that has been certified by the viewers for the properties owned by Mr. Gray and Mr. Domann. He asked the Board to review the findings and address them Monday.

Mr. Van Parys indicated he has received another fence viewing between the Wetzel and Phillips properties and asked the Board to assign staff for the viewing.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to designate David Van Parys, Mark Buchanan and Jeff Culbertson for fence viewing.***

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

Mr. Van Parys inquired about a claim presented to the Board regarding an individual who claimed to hit an object in the road allegedly from a county road grader.

Commissioner Holland requested Mr. Van Parys to resubmit the claim for the Board's review.

The Board adjourned at 11:19 a.m.

Final Approved

\*\*\*\*\*September 19, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, September 19, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Andrew Demaranville, 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 minutes from September 15, 2016.***

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

Commissioner Bixby indicated there was an illegal rodeo on the Haro property over the weekend. He indicated there were trespassing issues this time and wants to agenda this item for Thursday for discussion with the Sheriff's Department, Planning and Zoning and the County Counselor.

Commissioner Holland spoke to the Register of Deeds and indicated Planning and Zoning could draw up a contract and be held at Planning and Zoning for a second culvert on 19321 174<sup>th</sup> Street.

Jeff Joseph indicated the contract would go into a file in the system that can be accessed by Public Works.

Commissioner Bixby indicated the contract would need to note that it's the owner's responsibility to replace the culvert if something happens to it.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to grant Andrew Demaranville an additional entrance to 19321 174<sup>th</sup> St. Tonganoxie, KS and have Public Works and Planning and Zoning work together to get the second culvert recorded for future owners.***

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

Commissioner Graeber inquired about an email regarding the Transfer Station hours of operation.

Commissioner Holland commented their refuse truck has to leave at a certain time to get where it's being dumped. He indicated Tammy Saldivar emailed the individual to answer his questions.

David Van Parys indicated he submitted a fence viewing report with post findings. He indicated if the Board accepts the findings a board order will be issued and recorded in the Register of Deeds that will serve as binding order for both parties.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to accept the findings and issue appropriate legal actions.***

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

Mr. Van Parys indicated he will brief the Board on Thursday regarding 147<sup>th</sup> Street property acquisitions.

PUBLIC COMMENT:

There were no public comments.

The Board adjourned at 9:33 a.m.



\*\*\*\*\*September 22, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, September 22, 2016. Present are: Commissioner Holland and Commissioner Graeber, Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Doug Smith, Commissioner-Elect; Janet Klasinski, County Clerk; Helen Klinkenburg, Deputy County Clerk; Linda Scheer, County Clerk's Office; Debbie Cox, Accounts Payable; Janice Van Parys, County Treasurer; Jennifer Schermbeck, Deputy County Treasurer; Tamara Copeland, Human Resources Director; Jennifer Anderson, Payroll Manager; Hallie Hughes, Human Resource Generalist; Stacy Driscoll, Register of Deeds; Melissa Peters, Deputy Register of Deeds; Andy Dedeke, Leavenworth County Sheriff; Jeff Joseph, Planning and Zoning Director; David Lutgen, Public Works Director; Fran Keppler, Noxious Weed Director; Tammy Saldivar, Solid Waste Director; Larry Malbrough, Information Systems Director; Linda Lobb, Council on Aging Director; Megan Waters, Community Corrections Director; Lucas Schmalbeck, Juvenile Justice Director; Bob Weber, County Appraiser; Jamie Miller, EMS Director; Chuck Magaha, Emergency Management Director; Dave Breuer, Mayor of Basehor; Joe Herring, Herring Survey; Don Navinsky, Resident; Clayton and Stephanie Cobb, Residents; Joann Aaron, Resident; Dean Oroke, Resident; Julie Downes, Resident; John Matthews, Resident; Louis Klemp, Resident; Dan Butler, Resident; John Richmeier, Leavenworth Times

#### ADMINISTRATIVE BUSINESS:

Commissioner Holland discussed moving the pay plan implementation date to December 14, 2016 indicating it has come to his attention that parts of the pay plan are in danger of being dismantled early in the year before the scheduled effective date.

Commissioner Holland indicated existing funds from KERIT dividends and County personal savings are available to cover the early implementation.

***A motion was made by Commissioner Holland to approve the early implementation of the pay plan to be effective December 14, 2016 pay day.***

***The motion was seconded by Commissioner Bixby for discussion.***

Commissioner Bixby commented this was done for the Sheriff's Department and is having positive effects.

Janet Klasinski indicated there are funds available from the county administrator position and the deputy county counselor position.

Commissioner Graeber commented that Commissioner Holland keeps bringing things up without giving the other Commissioners the opportunity to review them.

Commissioner Bixby stated the Board had already approved it and doesn't see a problem with moving up the effective date.

Louis Klemp commented if the Board doesn't stick to the pay plan it's worthless.

Don Navinsky asked about the KERIT refund and if the County has received the check to not count on funds unless the County has already received them.

Tamara Copeland indicated the KERIT check will be issued within the next few weeks. She indicated \$39,443.00 will be available through the KERIT dividends also through slippage and shrinkage there are more than sufficient funds available to start the pay plan early.

Commissioner Graeber reiterated it is the responsibility of the Chairman to give notice that this was going to be discussed and the Commission should have been given a chance to review it.

*Motion passed, 3-0.*

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the September 19, 2016 meeting minutes.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Bixby and seconded by Commissioner Graeber for approval of the agenda for the week of September 26, 2016.*

*Motion passed, 3-0.*

Commissioners Holland and Bixby will be attending the MARC meetings on Tuesday, September 27, 2016.

Ms. Copeland mentioned the leave exemption requested would have to be discussed in executive session.

Commissioner Graeber stated the Commission hasn't done that in the past.

Ms. Copeland indicated the discussion regarding personnel is confidential.

Commissioner Holland opened discussion to the department heads and elected officials regarding the county administrator position versus a financial director position.

Commissioner Graeber commented he checked with the Kansas Association of Counties and there is not a county in Kansas that has a financial director.

Commissioner Bixby stated Johnson County and Wyandotte Unified Government has a financial director.

Commissioner Holland indicated the voters have voted down twice the county administrator position and the track record is poor with the two choices that have been made thus far.

Sheriff Andy Dedeke spoke that he is for a professional, competent and open leadership for Leavenworth County. He indicated he didn't know if that would either way constitute a county administrator or a financial director but it needs to be at the will of the people. He felt there is no urgency taking action now and recommended to wait until a new Board is in place. He felt we need short term and long term strategic planning and recommended the possibility of expanding the Board to a five member commission.

Ms. Klasinski commented when she looks at the position of a CFO she sees someone in charge of a private company or a profit company and after reading the job description she didn't see anywhere it in that talks about working with the County Clerk on financial issues. She indicated it is important not to put so much emphasis on one person but to make it a team effort.

Commissioner Holland indicated he had no intentions of the position not working with the Clerk's office and can change the job description to meet the County's needs.

Doug Smith stated he supports a county administrator position indicating an administrator should have a financial background. He encouraged the Board to wait until after the first of the year to fill the position and if the Board decides to fill it to not enter a long term contract.

Mr. Klemp commented the job of the Board is policy and budget. He indicted the Board should put this on the ballot.

Don Navinsky stated there is no comradery in the Courthouse anymore and advised to wait until the new Commission takes ahold.

Clayton Cobb commented the County needs to seek a skilled generalist, not a specialist.

Ms. Copeland commented that Leavenworth County needs a unified oversight that can help enhance what Leavenworth County already does.

Commissioner Graeber indicated after hearing from everyone it seems we are talking about a “hybrid” in which one person would be overseeing doing both administrator and financial.

Commissioner Bixby reiterated Leavenworth County needs long range planning.

Don Navinsky commented long range planning is for the roads and buildings indicating roads should be a major concern.

Chuck Magaha commented that whoever is hired for the position must be a team player for all county employees not just the Commission. He also mentioned strategic planning is important for the community as a whole.

***A motion was made by Commissioner Holland to incorporate both qualities of a county administrator and financial director and meet with the needed department heads to develop a job description.***

Commissioner Bixby suggested writing down what the person needs to be and come back with it Monday.

***The motion was seconded by Commissioner Bixby.***

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

Commissioner Bixby discussed an illegal business conducted at the Haro property.

Julie Downes indicated her neighbors, Matt and Kathy Brown, had people driving in their yard and hiding on their property when officers arrived. She indicated there was underage drinking and the property owner, Aurelio Haro is getting more aggressive.

Commissioner Bixby presented an email from Matt and Kathy Brown describing the incident and read from the incident report from the Leavenworth Sheriff’s Department.

David Van Parys has been in contact with the County Attorney’s Office and upon submission of a Sheriff’s report it will be reviewed.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to have the Chairman sign and date the OCB’s.***

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

Mr. Van Parys requested the Board to adopt a Board Order for the recent fence viewing findings.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve Board Order 3.***

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

Mr. Van Parys indicated he attended a study session with the Port Authority regarding the industrial parks.

Mr. Van Parys stated a motion that in order to protect the privacy interests of the individuals discussed the Board enters an executive session to discuss non-elected personnel, present would be the three Commissioners, Tamara Copeland and Larry Malbrough resuming in open session at 11:20 a.m.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber in order to protect the privacy interests of the individuals discussed the Board enter an executive session to discuss non-elected personnel, present would be the three Commissioners, Tamara Copeland and Larry Malbrough resuming in open session at 11:20 a.m.***

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

The Commission returned at 11:20 a.m. no official action taken.

***A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the three exceptions to the county policy addressing leave accumulation.***

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

PUBLIC COMMENT:

Dan Butler commented on the McIntyre Road project and asked if traffic would be limited to residential or open to commercial traffic.

Commissioner Holland indicated Mr. Butler should address this concern with the Lansing City Council.

Mr. Van Parys stated a motion that in order to protect the privacy interests of the individuals discussed the Board enters an executive session to discuss non-elected personnel, present would be the three Commissioners and Tamara Copeland resuming in open session at 12:00 p.m.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber that in order to protect the privacy interests of the individuals discussed the Board enter an executive session to discuss non-elected personnel, present would be the three Commissioners and Tamara Copeland resuming in open session at 12:00 p.m.***

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

The Commissioner returned at 11:52 a.m. no official action taken.

The Board adjourned at 11:52 a.m.

\*\*\*\*\*September 26, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, September 26, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Janet Van Parys, County Treasurer; Jennifer Schermbeck, Deputy County Treasurer; Stacy Driscoll, Register of Deeds; Melissa Peters, Register of Deeds Deputy; Tamara Copeland, Human Resources Director; Doug Smith, Commissioner-Elect; John Matthews, Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

*A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the minutes from September 22, 2016.*

*Motion passed, 3-0.*

Janet Klasinski indicated Greg Kaaz has resigned from the board of the Leavenworth County Port Authority. She presented a certificate of appointment to appoint Blaine Weeks.

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to appoint Blaine Weeks to the Leavenworth County Port Authority.*

*Motion passed, 3-0.*

Commissioner Bixby asked to issue a letter of appreciation to Greg Kaaz for his service.

Commissioner Bixby commented he would like the Haro matter on the agenda for Thursday.

David Van Parys indicated he would contact the County Attorney's Office and the Sheriff's Department for availability.

Commissioner Holland opened discussions regarding a job description for the county administrator and financial director.

Various elected officials and department heads gave input on the qualifications needed such as education, communication, and financial background, working relationship with County Clerk, County Treasurer and all department heads and long term goal setting.

Commissioner Graeber suggested getting all the suggestions in a written form to review.

PUBLIC COMMENT:

Louis Klemp spoke about a rumors going around about Commissioner Graeber resigning.

Commissioner Graeber stated he is not resigning.

Mr. Van Parys requested an executive session stating the motion as interest in preserving attorney/client privilege the board enter executive session to discuss pending litigation present would be the three Commissioners and David Van Parys to resume session the this room at 10:25 a.m.

*The motion was made by Commissioner Graeber and seconded by Commissioner Holland to enter executive session to preserve the attorney/client privileges to discuss pending litigation present would be the three Commissioners and David Van Parys to resume session in this room at 10:25 a.m.*

*Motion passed, 3-0.*

The Commission returned at 10:25 a.m. no official action taken.

At the request of Commissioner Holland the following minutes are verbatim.

**Tamara Copeland:** Good morning Commissioners, Tamara Copeland, HR Director. I want to spotlight some of things that Mr. Klemp was addressing. It seems to be a problem here at Leavenworth County with the rumor control. I have also been contacted several times this past weekend and there are many citizens of Leavenworth County wondering why the daily work of the HR Director and the HR Department is ending up on the front page of the newspaper. I state this because I have been contacted by several parties. I'd like to respectfully take this opportunity to educate the employees and the public about what we do in the HR Department. As the Director I'm charged with carrying out the directives listed in my position description which includes administering oversight and revision of the county pay plan and ensuring policies are followed consistently from one department to another with other tasks assigned by this commission that are also within the scope of my HR duties. I am expected to carry out these assigned duties to ensure personnel policies are enforced fairly and equally across departments and that employees are treated with respect, fairness, equality and dignity. This has become a public issue because I've rocked the boat. I have been addressing and enforcing our established policies and procedures fairly across departments which I am required to do as part of my position description. For those few that choose not to follow established policies, I have to follow the chain of command to resolve those issues which is to bring them forward before this Commission. This has not set well with a few officials. They'd have you believe that the things I am doing are wrong or outside the scope of my position. This is simply not true. In their efforts to deflect the attention off of themselves, they are trying to redirect the attention on to me by making false statements and untrue accusations as we have seen in the paper over the last several weeks. In the past, others have faced these same tactics by these few individuals so this is not a new issue it's just been made more public. I believe these individuals will continue to deflect on to me by getting false information out into the public to create doubt and to try to humiliate me until I back down or quietly go away. I will continue to protect, address, and enforce the rights of County employees in accordance with our established County policies and procedures for which my job description tells me I must do. The HR department will continue to do this with professionalism, tact, respect despite the vicious attacks and false allegations that we continue to endure just for doing our job. The HR Department has already helped resolve many personnel issues brought forward by employees who are actually brave enough to come forward and trust us to help them with their issues because that's a difficult thing to do. We accomplished this by enforcing the personnel policies fairly across the board with all departments. We will continue to do this because this is our job description and it is important that the public and the employees understand that we are here to assist them in all HR activities and if something is unpopular we will not falter on what we will continue to do. We will follow the policies as we were told to do. It's important the employees know that they have that ability to come to HR to address issues. When we address those issues it should be respected by others that when we come to them and ask them for their assistance and cooperation in getting into compliance, that they work with us to do that because it's in the best interest of Leavenworth County. That is all I want to say, do you have any questions?

**Commissioner Graeber:** Thank you.

**Commissioner Holland:** Thank you.

**Commissioner Bixby:** Thank you Tamara.

**Commissioner Holland:** I wish to make a statement. Mr. Smith I would like for you to come to the podium. I've got some questions to ask on the article. I have read the article in the Leavenworth Times containing statements made by Mr. Smith and I would like to ask him some follow-up questions. Do you recall coming before the Commission with the former Public Works Director to request wage increases for your staff due to high turnover?

**Doug Smith:** Yes I do.

**Commissioner Holland:** Do you also remember in the budget process that we asked you and the former Public Works Director which would you rather have a building or a wage increase?

**Doug Smith:** I said wage increase.

**Commissioner Holland:** That's not how I remember it. Mr. Spickelmier...

**Doug Smith:** I believe Dennis Bixby, I told it to Dennis Bixby and he said that I quickly responded to wages for the employees.

**Commissioner Holland:** And I remember that the Public Works Director requested the building.

**Doug Smith:** That is incorrect.

**Commissioner Holland:** Well that's incorrect on your part. Are you aware...?

**Doug Smith:** You denied the pay increase.

**Commissioner Holland:** Are you aware that the wage study as the part of the meeting you proposed wages based on study that your department conducted, correct?

**Doug Smith:** That is correct.

**Commissioner Holland:** Are you aware that the study was provided to the HR Director to use as part of the pay plan analysis?

**Doug Smith:** Yes, but it wasn't adopted like the Sheriff's Department was.

**Commissioner Holland:** Are you aware that some of the proposed wages assigned to the Public Works staff in the current pay plan are higher than what you presented to the Commission in yours?

**Doug Smith:** That is correct but I had no input or say on it because I got 11 years of experience, some people got 30 years of experience. I've been there 34 years and are you aware that I never said that I was going to dismantle part of the pay plan but yet it shows up in the paper that Doug Smith said he's going to dismantle part of the pay plan and I wasn't aware of one Commissioner had that much authority.

**Commissioner Holland:** Are you aware that some the proposed wage, or Doug, you've made the statement that raises were not fair and equitable; did you request an open records request to obtain the entire pay plan?

**Doug Smith:** I got the first one; I do not have the latest and the greatest.

**Commissioner Holland:** Where did you get it?

**Doug Smith:** I received it somewhere.

**Commissioner Holland:** And where was that from?

**Doug Smith:** I received it from somebody.

**Commissioner Holland:** So you didn't receive it from...

**Doug Smith:** I received a copy.

**Commissioner Holland:** So someone made a copy and you didn't really have the true facts.

**Doug Smith:** It was the first pay plan that was the Board approved.

**Commissioner Holland:** So you, what you're saying you're refusing to tell us where you got the pay plan. You didn't get it from Tamara Copeland.

**Doug Smith:** No, I did not.

**Commissioner Holland:** Do you think the Sheriff's pay plan is a fair and equitable one?

**Doug Smith:** I do.

**Commissioner Holland:** And do you know that the County wide pay plan included the Sheriff's staff and that it matched up with the Sheriff's study within cents. This is a good indicator that the data is solid.

**Doug Smith:** The Sheriff did his own and presented it and it got approved. I believe the one that the former department head created was solid also, of Public Works.

**Commissioner Holland:** Do you know the County wide pay plan included the Sheriff's staff and that it matched up with the Sheriff's study within cents. This is a good indicator. Prior to making your statements in the paper regarding your concerns about the pay plan, did you reach out to try to communicate your concerns to HR Director to try and get a better understanding of how the pay plan was put together?

**Doug Smith:** I thought the HR Director should have reached out to me during this pay plan. I've been there 34 years, longer than anybody; I know what people's jobs duties are. I know what their history is on personnel, yet I was not involved one bit in this pay plan.

**Commissioner Holland:** It is my understanding that prior to your public statements the HR Director reached out to you to address your concerns and to personally explain the pay plan and you did not respond.

**Doug Smith:** I have never received an email from the HR Director. The HR Director emailed the department head.



**Commissioner Holland:** Tamara, would you like to respond to that?

**Tamara Copeland:** I did, it was a little bit ago I heard the rumor that Mr. Smith was upset about certain things in the pay plan and I reached out to his department head which is the chain of command and the appropriate way to handle it and said I would be more than happy to sit down with Mr. Smith and the Public Works Director to address any concerns, issues and/or explain what was going on because we did incorporate the Public Works Directors former pay plan and it was part of the analysis process for this pay plan and it was a combination of that that came out to the wages that they were but if there were some issues we would be more than happy to speak with him about it. I also spoke personally...

**Commissioner Holland:** Has he ever reached out to you on anything?

**Tamara Copeland:** The only time he talked to me was when I was out at Public Works for the open enrollment and we were discussing his personal pay and that there may be an item we need to look at which I simply had (inaudible) look issues.

**Commissioner Holland:** It also appears to me that you have not done your homework to get all the facts before you speak against another County official that has now again put false information out into the public for which this Commission must respond to in order to protect the employee from these false allegations. Also, did you know that the pay plan the County was following was developed by an outside source as you recommended at a significant cost to the taxpayers. That has failed to meet your needs which is why we requested a new plan. It is true that our HR Director played a large part in development of the new pay plan. This Commission tasked the current HR Director to update and revise the plan to provide a structured, fair, equitable pay matrix and plan for County employees. By her doing this it saves the County money. Her level of formal education, training and years of experience at the State and County level makes her highly qualified to conduct compensation wage studies, administer oversight and revision of the County pay plan, maintain a market base structure which saves the County money. These items are all duties listed in the HR Director's position description. Your remarks inferred that she has done something wrong when in fact she has done exactly what she is supposed to be doing to meet the requirements of the position description. Is this how you will treat department heads when you are Commissioner by publically trying to discredit them without the facts? If the public doesn't understand why the HR Director needs protecting maybe they will now. Regarding the statement you made about some employees getting large wage increases and some only getting small increases, if you would have spoken with the HR Director or attended the Commission meetings when the pay plan was discussed, she could have explained this process to you as she has explained it several times to this Commission. She explained the worksheet used and that she gave every department head an opportunity to review their proposed changes and if they saw errors or had any issues, concerns, or questions they were to contact her.

Several department heads met with the HR Director to ask questions and help develop this pay plan. These department heads provided wage studies they conducted that were included in the development of the pay plan to include the Public Works Department. It is also my understanding that all department heads will be asked to review the plan again for accuracy as part of the implementation process. The next topic I want to bring closure on is the contract that this Commission offered the HR Director in which I myself personally asked for this length of contract, she did not. A few are saying this contract is not in the best interests of the County. I assure you that it is in the best interest of the County and its employees. This Commission has tasked our HR Director with the monumental job of facilitating a cultural change within Leavenworth County and to ensure employees follow established County policies and procedures. In an effort she has met resistance from few officials how do not want the policies and these few now only and covertly work against her as we see playing out in the paper. She had to endure several attacks on her character by these individuals who are trying to deflect others from the real issues being addressed. What she has had to endure absolutely disgusts me. We felt the only way she can successfully continue to do this overwhelming task is if she does not fear those that would see her terminated for doing her job. This contract provides her a level of protection she needs to allow her to fulfill these tasks that this Commission has given her. We do this because it is unfair of us to ask county employees to do their job, and if in doing so, they jeopardize their employment. We hope that the future commission sees our HR Director not for the false allegations that a few high level officials and I want to reiterate that high level officials would have you believe but for the outstanding work she has already done and will continue to do to effect positive change for the benefit of Leavenworth County and its employees. This will take trust by the public and employees but I cannot emphasize enough just how important this is. Now it is my hope that these two issues are closed and we don't have to come back to them ever again. Thank you for your information that you given me.

**Doug Smith:** Ok, thank you.

**Commissioner Holland:** Is there any other issues with the....

**Doug Smith:** I've got one question Commissioner being I still have the podium. So you are saying if we have employee that feels threatened and withdraws from a job because they feel threatened by another applicant the HR Director will handle that for us.

**Commissioner Holland:** It's possible, it's possible.

**Doug Smith:** This is hypothetical situation.

**Commissioner Holland:** Yes.

**Doug Smith:** Ok, thank you.

**Commissioner Bixby:** If I may Chairman, I also voted for this five year contract and I appreciate what Tamara has been doing for us. She came on in a time when there were a lot of new things going on.

**Doug Smith:** Commissioner, have I spoke against the five year contract?

**Commissioner Bixby:** Do you mind if I explain.

**Doug Smith:** Well, you're shooting all this information at me like I'm out there waiving signs about it.

**Commissioner Bixby:** Doug, I did not even mention your name. I asked the Commissioner if I could speak.

**Commissioner Holland:** I think you're out of order Doug.

**Doug Smith:** Well, I apologize.

**Commissioner Bixby:** Ok, please go ahead and have a seat. I did support the five year contract and I did that primarily because Tamara came in at a time when a lot of the reporting had gone from once a year to twelve times a year and with about five times more detail than what we used to have to do. She had a huge backload and I would come by here after a meeting or whatever and I would see the light on in her window and would sometimes come up early to go to the gym or whatever and I would see the light on in her window and I knew that she was in here working and I would get emails from her at 6:30 in the morning and I would get others at 9:00 at night and I know she's in here still cranking out, trying to get caught up and we've done our best to kind of help with that get some more staff and that sort of thing. When I saw that she was coming under attack, one of the things I do wish and that is with the new coordinator position that we're looking at that if that person is really doing their job they would quash or do their best to quash rumor innuendo whatever you want to call it because it's not productive to County business and it wastes a lot of energy and we're better than that, I think as a whole. Maybe in a few months I won't care so much, I doubt that but I live here too. I know a lot of people here and I know their good side and I know their bad side. We've all got more bad side that we want to care to admit but let's try to look for the good in people. This idea of trying to one up somebody because they'll look foolish. Well heck I look foolish ok. Four years ago I looked out and I saw the people I got elected with and I thought I'm a member of the dream team, you know. I was happy much the way you probably are Doug. I was happy I like the people I work with even though one of them was a Democrat and it was just a good time and it discourages me when I see somebody trying to make points or make a hand gesture behind somebody's back or you know whatever. Can't we just grow up? Can't we just do our jobs, can't we go home at night and try to look for one good thing in that person that you may hate. I bet you've got a lot more things in common with them than things you don't have in common with now. Try to find something good in each person. Now I'm going to step down from the pulpit but can we do that? Can we?

**Commissioner Graeber:** I feel like I've got to open my big mouth and say something. You all know that I did not support the five year contract. At the time that vote was taken I complimented Tamara Copeland, said that she was doing an excellent job. My problem was the term of the contract and in essence the golden parachute in there. I didn't support it then I don't support it now but I still say I think she's doing an excellent job but I can say that and not support the contract.

**Commissioner Holland:** I agree, I agree.

**Commissioner Bixby:** That's why we've got three Commissioners. We often times agree on everything. I think if you look at this we got more votes that are three zero than anything else. Occasionally it's two to one. Sometimes I'm the one, sometimes I'm the two but we always do it we get by with it we move on and we still are able, I think to have a good relationship. I would like to see that. You guys are free to disagree but at the end of the day, move on. Don't keep score, just move on, let tackle something else.

**Commissioner Holland:** Anything else?

**Commissioner Graeber:** No.

**Commissioner Holland:** This meeting is adjourned.

The Board adjourned at 10:51 a.m.

\*\*\*\*\*September 29, 2016\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, September 29, 2016. Present are: Commissioner Holland and Commissioner Graeber, Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Andy Dedeke, Leavenworth County Sheriff; Jim Sherley, Undersheriff; Eric Thorne; Melissa Peters, Register of Deeds Deputy; Joe Herring, Herring Survey; John Matthews, Resident; Heather Mosbacher, Resident; Andrea Weishaubt, Resident; Julie Bramble; Brian Beaudette, Vertical Development; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Commissioner Holland addressed a letter from Dan Butler that attended a meeting and spoke about McIntyre Road. Commissioner Holland suggested sending a letter to Lansing City Council explaining the County Commission's position on the project.

Commissioner Graeber indicated he would arrange a meeting with Mr. Butler to hear more of the concerns from the residents along McIntyre Road.

Commissioner Holland indicated he was contacted by Lucas Schmalbeck about a new appointment on the Juvenile Corrections Advisory Board in lieu of Pat Hurley's resignation.

Commissioner Bixby indicated he would attend as the interim.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to appoint Commissioner Bixby as an interim to the Juvenile Corrections Advisory Board.***

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

Commissioner Bixby indicated MARC has awarded Leavenworth County dispatching equipment and software for multiple region 911 call centers in the amount of \$245,853.23 for the Leavenworth Sheriff's Department and \$130,347.73 for the Leavenworth Police Department totaling \$376,200.96.

Undersheriff Sherley explained that MARC has oversight of all the radio projects throughout the MARC region and the upgrade process has been in the works for some time.

Sheriff Dedeke commented this allows regions and agencies to communicate in the same manner in an event of emergencies or disasters.

Commissioner Bixby mentioned an illegal rodeo and the County Attorney had been made aware of the situation.

Sheriff Dedeke indicated his office responded to the property on Cantrell Road in which a criminal report was made and submitted to the County Attorney's Office for review.

Commissioner Bixby indicated MARC has a new Green Streets program grant that goes to design for environmental improvements, proper drainage and establishing trails and sidewalks. He indicated the engineers heading the program will be looking at the Eisenhower Road as their first project to visit.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the September 26, 2016 meeting minutes.***

Commissioner Graeber commented he has not seen minutes where written statements can be included in the minutes but added as exhibits and marked.

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for approval of the agenda for the week of October 3, 2016 as amended.***

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

Jeff Joseph presented case number DEV-16-076/077 requesting approval of a preliminary and final plat for Lakeside Ridge, a three lot subdivision on 171<sup>st</sup> Street.

Commissioner Holland asked about the waiver for the use of private septic systems within the subdivision.

Mr. Joseph explained if the subdivision is closer to the city there is a requirement they have to connect to public sewer but in most cases there is not a public sewer available. He indicated in those cases the applicant asks for a waiver.

***A motion was made by Commissioner Bixby and seconded by Commissioner Graeber approving the preliminary and final plat for Lakeside Ridge; subject to all conditions.***

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

Mr. Joseph presented case number DEV-16-086, a special use permit for a new communication tower located on the northeast corner of 175<sup>th</sup> and Dempsey Road.

Commissioner Holland indicated according to federal law if it does not impact Leavenworth County and it meets all the standards the Board cannot do anything about it and has to approve it.

Heather Mosbacher spoke against the cell tower and asked why the commission doesn't have the voting authority.

Commissioner Bixby explained the federal government has taken the voting authority away from county commissioners. He indicated they can still vote on it but either way it wouldn't make a difference.

Ms. Mosbacher indicated the tower would be 250 feet tall and is very close to Tonganoxie Road.

David Van Parys commented the communications industry lobbied Congress to adopt a law that ties the County's hands.

***A motion was made by Commissioner Bixby and seconded by Commissioner Holland to table case number DEV-16-086 for 30 days to allow opponents to seek legal counsel.***

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

PUBLIC COMMENT:

There were no public comments.

Mr. Van Parys requested an executive session stating the motion as for the purpose of protecting attorney/client privileges to discuss potential litigation to return to open session in this room at 10:15 a.m. present would be the three Commissioners and David Van Parys.

*A motion was made by Commissioner Bixby seconded by Commissioner Graeber for the purpose of protecting attorney/client privileges to discuss potential litigation enter an executive session to return to open session in this room at 10:15 a.m. present would be the three Commissioners and David Van Parys.*

*Motion passed, 3-0.*

The Commission returned at 10:15 a.m. no official action taken.

Mr. Van Parys indicated the Court granted the Board's petition for eminent domain for the 147<sup>th</sup> Street project. He indicated the Court accepted the nominations for the three appraisers and the hearings will be conducted in mid to late October.

The Board adjourned at 10:22 a.m.

Final Approved