

*****October 3, 2016*****

The Board of County Commissioners met in regular session on Monday, October 3, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Commissioner –Elect Doug Smith; Tamara Copeland, Human Resources Director; Laura Elkins, Leavenworth Historical Society; John Matthews, Resident; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Commissioner Graeber asked about the outstanding claim regarding repairs to a vehicle.

David Van Parys indicated the claimant allegedly hit a piece of concrete in the road while a Leavenworth County motor grader was grading the road.

A motion was made by Commissioner Graeber to approve the claim less the sales tax.

Motion dies for a lack of a second.

Commissioner Holland indicated with the information and evidence given to him, he cannot approve the pay the claim.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to deny the claim based on insufficient evidence received.

Motion passed, 2-1 Commissioner Graeber voting nay.

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

Motion passed, 3-0.

Commissioner Holland returned public comment to the beginning of the meetings.

PUBLIC COMMENT:

Laura Elkins, representative of the Leavenworth Historical Society, thanked Commissioner Bixby for offering to cook breakfast for a fundraiser for the Reclaiming History campaign on October 19th from 7:30 a.m. to 9:30 a.m.

Ms. Elkins invited the Commission to a dedication at Mount Muncie Cemetery on October 21st at 1:00 p.m. of a headstone for photographer E.E. Henry who took the photos that are now the glass plates.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the minutes from September 29, 2016 as amended.

Motion passed, 3-0.

Commissioner Holland mentioned he liked the idea of a hybrid but to title the job as a financial administrator.

Commissioner Graeber indicated the County Clerk is statutorily responsible for the county budget and finances.

Janet Klasinski is now present.

Ms. Klasinski indicated the previous county administrator did receive a monthly report showing all budget percentages used per department along with revenue and expenditures.

Ms. Copeland indicated this person could take all that data and simplify that into a monthly report to the Commission.

Ms. Copeland indicated Human Resources will draft a job description to present to the Board on Monday, October 10.

Doug Smith mentioned it is important this person works with the legislature.

Commissioner Holland requested a 10 minute executive session to discuss attorney/client privileges.

Mr. Van Parys stated the motion in order to maintain attorney/client privileges to enter executive session with legal counsel to discuss legal matters to resume open session at 10:15 a.m. in this office to include three Commissioners, David Van Parys and Tamara Copeland.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby in order to maintain attorney/client privileges to enter executive session with legal counsel to discuss legal matters to resume open session at 10:15 a.m. in this office to include three Commissioners, David Van Parys and Tamara Copeland.

Motion passed, 3-0.

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

Ms. Copeland requested an executive session to discuss building safety and security.

A motion was made by Commissioner Bixby to enter executive session to return at 10:35 a.m. to include the three Commissioners, Tamara Copeland and Trevor Huhn.

Commissioner Bixby withdrew his motion.

Mr. Van Parys stated the motion as in order to preserve security and safety of both the public and employees of the County to enter executive session to discuss Courthouse security measures present would be the three Commissioners, Tamara Copeland, Trevor Huhn and David Van Parys to return to open session at 10:40 a.m. in this office.

A motion was made by Commissioner Bixby seconded by Commissioner Graeber in order to preserve security and safety of both the public and employees of the County to enter executive session to discuss Courthouse security measures present would be the three Commissioners, Tamara Copeland, Trevor Huhn and David Van Parys to return to open session at 10:40 a.m. in this office.

Motion passed, 3-0.

The Commission returned at 10:40 a.m.

A motion was made by Commissioner Graeber for Buildings and Ground to move forward.

Commissioner Bixby offered to reword the motion.

Commissioner Graeber withdrew his motion.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to authorize Buildings and Ground to make necessary security measures discussed in executive session not to exceed \$3,000.00.

Motion passed, 3-0.

The Board adjourned at 10:41 a.m.

Final Approved

*****October 6, 2016*****

The Board of County Commissioners met in regular session on Thursday, October 6, 2016. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Karen Lynn, Berberich and Trahan Managing Director; Tamara Copeland, Human Resources Director; Janet Klasinski, County Clerk; Linda Scheer, County Clerk's Office; Jennifer Anderson, Payroll Manager; Hallie Hughes, Human Resources Generalist; Melissa Peters, Deputy Register of Deeds; Joe Herring, Herring Survey; John Matthews, Resident; Bill and Susie Runnebaum, Residents; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the October 3 2016 meeting minutes as amended.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber for approval of the agenda for the week of October 10, 2016.

Motion passed, 3-0.

Karen Lynn, managing director of Berberich and Trahan, presented the audit for Leavenworth County indicating her responsibility is to perform an audit in accordance with generally accepted auditing standards and because Leavenworth County receives federal dollars to perform in accordance with government auditing standards, the provisions of the single audit act, uniform grant guidance and OMB's compliance supplement. Ms. Lynn indicated these guides and standards are required as they plan and perform the audit so a conclusion can be formed at the end as to whether the financial statements are free of material misstatement.

Ms. Lynn commented they look at financial information, documentation supporting financial statement amounts and accounting policies and practices and follow the Kansas Regulatory Basis of Accounting also looking at anything significant or unusual situations or transactions to ensure they are appropriate. She indicated they also look at anything that might include management judgement.

Ms. Lynn commented based on all the information, she was able to issue an unmodified opinion on regulatory basis indicating she would bring to the attention of the Commission if there were problems in the audit process and the information not provided to her that was requested which she found no issues in those areas.

Ms. Lynn indicated the single audit report are the conclusions and the reporting required for federal dollars noting there are some material weaknesses and significant deficiencies that were identified in the programs that were audited. She indicated the County Clerk has followed up with a corrective action plan.

Commissioner Holland inquired about the County Treasurer's special fund, local service capital equipment reserve fund and capital improvement reserve fund asking if a reason was given as to why these funds exceeded budget authority.

Ms. Lynn indicated there was nothing specific and as long as there was something other than ad valorem tax increase that caused the budget to overextend, budgets can be amended before the end of the year to reapprove of the different expenditure level.

Commissioner Holland asked who is responsible for ensuring we do not exceed budget authority.

Ms. Lynn responded that the department itself would have the first level of authority then the Commissioners.

Commissioner Holland indicated the audit reflects the Leavenworth County Treasurer was in violation of K.S.A. 8-145 and asked the auditor to explain the violation.

Ms. Lynn explained K.S.A. 8-145 requires the County Treasurer special fund yearend balance be transferred by June 1st as she understood it has never been done at Leavenworth County.

Commissioner Holland asked how the money gets transferred from the motor vehicle fund to the general fund.

Ms. Lynn indicated it is transferred by journal entry.

Commissioner Holland asked who is responsible for ensuring transfers between departments are done on an annual basis.

Ms. Lynn indicated depending on which funds are involved she assumed for many of them would be the County Clerk or the County Treasurer.

Commissioner Holland stated it was his understanding that only the Commission has the authority to authorize transfer back out of the general fund.

Ms. Lynn stated the Commission approves the budget and therefore that authorizes them to make the transfers but once the budget is approved things can occur in the budget without specific approval throughout the year because the approval of the budget authorizes them the initial approval.

Commissioner Bixby asked what additional work would be required to see what specifically happened with that transaction.

Ms. Lynn stated she would have to refer back to her work notes and look at the transactions related to that.

Commissioner Holland asked what the County Treasurer needs to do to get into compliance for next year.

Ms. Lynn indicated the lawsuit that was settled this year gave a specific ruling on how it should be handled and should follow that ruling.

Commissioner Holland stated there seems to be a lack of internal controls and asked if internal controls should be strengthened.

Ms. Lynn indicated the County needs to determine how the lawsuit relates to the standard and what that means in terms of what has to happen going forward and once that determination has been made following that and going forward is the best way to resolve the issue.

Commissioner Bixby asked if a routine audit uncovers any defects or misgivings or if a different audit would be required for that.

Ms. Lynn indicated this audit is not designed for them to look at every transaction and if there were specific areas the Commission believes a need to be looked into further then there are special procedures that can be performed.

Commissioner Bixby inquired about the status of the job description for the financial administrator position.

Tamara Copeland indicated there is a draft financial administrator job description for the Commissioners to review taking all the information from the work sessions and the standards and procedures that have to be followed in creating a position description that will be heard on Monday.

Commissioner Bixby presented a letter of appreciation for Greg Kaaz for his service on the Port Authority.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve the letter of appreciation to Greg Kaaz for his service on the Leavenworth County Port Authority Board.

Motion passed, 3-0.

Commissioner Bixby mentioned an invitation to the Veterans' day parade and they are asking for donation of two port-a-potties and the usage of the south parking lot of the Justice Center.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve donations of two port-a-potties and the usage of the south parking lot of the Justice Center for the Veteran's Day Parade.

Motion passed, 3-0.

Commissioner Holland shared a letter from Polsinelli law firm regarding the cell tower indicating Mr. Van Parys has asked for the allowance of the 30 days and didn't see an issue.

Commissioner Bixby stated at a public event he was accused of stealing gas from the County by using the county credit card indicating he has accidentally used the card twice and immediately paid restitution. He indicated at no time did Leavenworth County lose money or credit worthiness.

Commissioner Bixby indicated the County Treasurer made the accusations at a forum calling him a thief and will explore legal actions.

Planning and Zoning presented case number DEV-16-101 a temporary special use permit for denim and diamonds ball, a fundraising social event for the Lansing School District.

The applicant spoke about the fundraiser indicating the proceeds will benefit projects for the Lansing School District.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve case number DEV-16-101, a temporary special use permit for Denim and Diamonds Ball, subject to all conditions.

Motion passed, 3-0.

The Board adjourned at 10:07 a.m.

*****October 10, 2016*****

The Board of County Commissioners met in regular session on Monday, October 10, 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; John Forslund, P.E.; Trevor Huhn, Buildings and Grounds; Fran Keppler, Noxious Weeds Director; Tamara Copeland, Human Resources Director; Joe Herring, Herring Survey; Roger Brandt, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the minutes from October 6, 2016.

Motion passed, 3-0.

Commissioner Graeber indicated he will arrange a meeting with Dan Butler, a resident that lives on McIntyre Road to address concerns.

Commissioner Holland addressed a recall election against him indicating there are inaccurate statements being made and feels like it's not political but because he is addressing non-compliance issues with an elected official.

Commissioner Holland requested to have his statement attached to the minutes.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to attach Commissioner Holland's statement to the minutes.

Motion passed, 3-0.

Tamara Copeland presented a final draft that was given to the Board for review regarding the job description for a financial administrator.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve the job description for a financial administrator.

Motion passed, 3-0.

David Lutgen presented the Public Works monthly report indicating the County wide cleanup is scheduled for October 15 from 8:00 a.m. to 3:00 p.m. and requested approval to convert a part time position to a full time position effective October 12 for Solid Waste.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the part time position to a full time position for Solid Waste.

Motion passed, 3-0.

Fran Keppler indicated the new chipper should arrive in the next two weeks.

Ms. Keppler requested authorization to solicit bids for the purchase of replacement truck #204, a chipper truck indicating it has been approved in the 2017 budget but sending out bids now will allow for delivery in late January or early February.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve authorization to solicit for bids for replacement of chipper truck #204.

Motion passed, 3-0.

Ms. Keppler requested authorization to solicit for bids for the replacement of mower tractor #103 indicating it has been approved in the 2017 budget but sending out bids now will allow for delivery in late March or early April.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve authorization to solicit for bids for replacement of mower tractor #103.

Motion passed, 3-0.

Trevor Huhn requested authorization to purchase two roof top units in the jail from JF Denney in the amount of \$18,784.25.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to authorize purchase of two roof top units from JF Denney in the amount of \$18,784.25.

Motion passed, 3-0.

John Forslund updated the Board on the three sales tax road projects indicating the initial court hearing was held on September 28 for condemnation on 147th Street.

Mr. Forslund indicated Public Works has been getting emails and phone calls from residents expressing their dissatisfaction on McIntyre Road and are requesting additional information. He stated only 10% of property owners have signed right of way acquisitions

Mr. Forslund met with MARC official, staff from Leavenworth and Lansing and KDOT officials regarding the impacts of the MARC grant on the Eisenhower Road project indicating there are too many restrictions on the grant to make it cost effect for Leavenworth County to accept.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to return the MARC funding and make effort to show appreciation for their support.

Motion passed, 3-0.

Mr. Lutgen indicated the first half mile on 207th Street is chip and sealed stating if the weather cooperates they will get another coat on it.

Mr. Lutgen indicated the bridge deck and approaches are poured on Bridge E-20 and should be completed by the end of the month.

Mr. Lutgen commented he is working with the design consultants and one property owner on 179th Street to lessen the impact on this property.

Mr. Lutgen request approval to award bid for the mill and overlay of the streets within Ginger Creek Subdivision to Little Joe's Asphalt in the amount of \$54,140.00.

A motion was made by Commissioner Bixby seconded by Commissioner Graeber to award bid to Little Joe's Asphalt in the amount of \$54,140.00 for the mill and overlay for the streets of Ginger Creek Subdivision.

Motion passed, 3-0.

Mr. Lutgen requested approval to award the survey and design of Stillwell Road from 158th Street to 170th Street to Herring/Schulte in the amount of \$27,950.00.

A motion by Commissioner Bixby and seconded by Commissioner Graeber to award bid to Herring/Schulte for the survey and design of Stillwell Road from 158th Street to 170th Street.

Motion passed, 3-0.

Mr. Lutgen requested approval to award the survey and design of Hollingsworth Road from 147th Street to 155th Street to Herring/Schulte in the amount of \$17,995.00.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to award bid to Herring/Schulte for the survey and design of Hollingsworth Road from 147th Street to 155th Street.

Motion passed, 3-0.

Mr. Lutgen requested authorization to proceed with purchasing dump truck #92 indicating this was previously approved in the 2017 budget.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to authorize Public Works to purchase dump truck #92.

Motion passed, 3-0.

Mr. Lutgen indicated he received a request to install stop signs at the intersection of Hatchell Road and 182nd Street indicating Public Works conducted an engineering study and it met conditions.

A motion was made by Commissioner Graeber seconded by Commissioner Bixby to install stop signs at the intersection of Hatchell Road and 182nd Street.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve Resolution 2016-29, establishing the placement of stop signs on Hatchell Road at its intersections with 182nd Street, repealing any prior resolution governing signage at this location.

Motion passed, 3-0.

Mr. Lutgen requested authorization to award bid to Welborn Sales in the amount of \$92,987.45 for metal culverts.

A motion was made by Commissioner Bixby and seconded Commissioner Graeber to award bid to Welborn Sales in the amount of \$92,987.45 for the purchase of metal culverts.

Motion passed, 3-0.

Roger Brandt thanked the Commission for moving forward on Hollingsworth Rd.

The Board adjourned at 10:02 a.m.

The Board reconvened at 10:16 a.m. at the request of David Van Parys.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to return to open session for the purpose of conferring with legal counsel in an executive session.

Motion passed, 3-0.

Mr. Van Parys stated the motion as for the purpose to preserve attorney/client privilege regarding pending litigation to enter executive session present would be the three Commissioners and David Van Parys to resume open session at 10:25 a.m. in this room.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to enter executive session for the purpose to preserve attorney/client privilege regarding pending litigation present would be the three Commissioners and David Van Parys to resume open session at 10:25 a.m. in this room.

Motion passed, 3-0.

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

The Board adjourned at 10:25 a.m.

Final Approved

COMMISSIONER STATEMENT IN RESPONSE TO RECALL PETITION

I would like to address the matter of the recall petition as there are inaccurate facts being circulated in attempts to unseat me from my position. I would like to provide the **FACTS**.

FACT: In April, the BOCC was addressing a difficult situation involving allegations of employees' misconduct. The board conducted a series of executive sessions. I had been advised of how to enter into and conduct the executive sessions by our **County Counselor David Van Parys**.

I followed the guidance given to me by David Van Parys. So did the other **Commissioners as this has been the process for many years**. David did not inform us of any protocol changes. Our intent was never to conceal board actions from the public. The final board action regarding this matter was in open session on April 18th. I fully cooperated with the Kansas Attorney General's Office and answered questions regarding a complaint filed. I have accepted guidance on how to properly conduct executive sessions and **I have complied with all recommendations along with the other commissioners and this is a RESOLVED issue.**

FACT: I have had no prior complaints, I did as I was instructed to do by our County Counselor David Van Parys and I have always acted in the best interests of citizens of Leavenworth County.

FACT: The County Treasurer who is the spouse of our County Counselor has a strong connection to the recall committee and carrier members. I have attached her Facebook posts, postings to the Recall website, and relationships to prove my statement.

FACT: Because of this issue, it has now come to my attention that political opponents have begun the process of trying to recall me from this elected position. I have always tried to do what is best for Leavenworth County. For some time now, I've been addressing difficult and serious issues within the county to include County noncompliance issues, County Budgeting issues. I am trying to make things better by improving County operations, increasing employee wages and benefits while trying to keep costs to a minimum for the citizen of Leavenworth County. **These are the types of activities my position is charged with carrying out.**

As a part of this process, I have a responsibility and a **DUTY** to address issues of noncompliance, and excessive spending that is negatively impacting the County. As I stated, I have been addressing this for several years and it involves an elected official that does not want to follow established County policies. This is not political, it is my duty to bring an awareness to the public.

This official is:

- Exceeding approved budget authority and has significant increased spending,
- Her Increased budget reduces monies available to be transferred back to the County general fund to keep County costs down. **This is documented in the recent County audits and submitted budgets for the past several years.**
- Also, there are ongoing issues with this Official in following our **established County policies** that is creating serious issues for the County.

We have tried many times to address the issues with the official but it continues. This has created the current situation I am faced with and this is the forum for this discussion.

Should I just turn my head & ignore the problem? I am being called out because I am standing up. Is this what my constituents would want me to do?

I would hope not, this is why I need to take this opportunity to **set the record straight** and inform all the citizens of Leavenworth County of the real reason I am being targeted for this recall **as it is not for the reason stated in the petition it is because I am addressing serious issues.**

FACT: I have obtained the recall list of the persons who are allowed to carry the petition to recall me and it has been identified that **each of the "carriers" of the petition are all relatives or friends of Janice Van Parys** the County Treasurer.

FACT: The 6 petition carriers consist of Janice Van Parys's: 1. Sister 2. A daughter in law - who is also a county Treasurer employee 3. A cousin 4. Her best friend who was in her wedding 5. A spouse of another Co. Treasurer employee and, 6. A friend supporting her campaign. The three committee members are also listed as friends.

FACT: It has also been identified that one of the carriers of the petition who is Janice Van Parys COUSIN has publically posted **false information** regarding the recall. She states quote: **"Even our Attorney General gave our county the green light to get this guy out of office."** I believe this to be a false statement that is negatively influencing the public to take action based on this **false public statement**. I will be following up on this false statement.

The Attorney General to my knowledge **does not give green lights to get people out of office** nor encourages or participate in this type of a decision. If she meant the **County Attorney Todd Thompson**, then again, to my knowledge **he does not give green lights to get people out of office or encourage or participate in this type of a decision** as I would think that would be **unethical**. Also he was already quoted as saying in the LV Times: **"Thompson said his office is not advocating one way or another regarding a possible recall election"**.

I was advised by our **County Counselor David Van Parys** that this was a minor issue and it is my understanding that it is a **resolved issue and should not negatively impact us and should be dismissed if brought forward for a recall** so I was surprised the **County Attorney approved it based on David Van Parys assessment**. We have conflicting legal opinions.

Why is this happening?

FACT: The County Treasurer is upset with me because I am addressing **noncompliance issues and spending habits** occurring in her department that are negatively impacting the County. This is NOT a new issue it has been going on for 3 years. THIS IS A FACT ! Check it out!

My role as County Commissioner is to:

- Protect County resources,
- Be a good steward of county monies, and
- Ensure we are following established county policies and procedures.
- It is also my responsibility to hold county officials accountable for their actions.

Because I am actively addressing issues affecting these three areas, I am now being targeted by this official who does not want to comply or follow these principles. This individual states: that I am using my position for a **"political agenda"**. That is not accurate, I am doing my JOB!

Leavenworth County has issues needing to be addressed and I am taking a stand and trying to do the job I was elected to, by addressing these issues that negatively impact the welfare of Leavenworth County Operations and I am doing this by addressing these difficult and explosive issues by holding those County officials accountable to the public. This is what I was elected to do and will continue to do as long as I am in office!

I would like to end by commenting on what one of the recall Committee members Bill Corbett said: Quote: "Government as a whole needs to be checked". I couldn't agree more! This is **EXACTLY** what I am doing as there are spending issues and non-compliance issue within the County to include the County Treasurer's Department and I am trying to address them because it is **hurting the County** and I am being **ATTACKED** for my efforts of trying to do what is right for this County. That is what this is really all about and this **is the only forum** I have to address these County issues and I cannot discuss in executive session for Elected Officials! This is a political attack on me to deflect issues I've raised & it is up to Leavenworth CO. citizens to seek out the truth. You can request Open Records request from the County to obtain any of the information I have been addressing to see for yourself.

BECKY, I WOULD LIKE THIS STATEMENT ATTACHED TO TODAY'S MINUTES.

*****October 13, 2016*****

The Board of County Commissioners met in regular session on Thursday, October 13, 2016. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jamie Miller, EMS Director; Melissa Peters, Deputy Register of Deeds; Joe Herring, Herring Survey; John Matthews, Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp commented on several issues including the county credit cards and the Chairman's speech about his recall election indicating that it is not County business but personal business.

ADMINISTRATIVE BUSINESS:

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

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby for approval of the agenda for the week of October 17, 2016.

Motion passed, 3-0.

Jamie Miller requested authorization to have ambulance 9114 and 9115 remounted with new chassis at a lower cost than purchasing a new ambulance to replace 9114 in which funding has already been collected by the EMS department. Mr. Miller indicated this would increase the fleet from seven to eight ambulances.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve ambulances 9114 and 9115 to be remounted with new chassis and approve budget authority for \$86,058.00.

Motion passed, 3-0.

David Van Parys requested an executive session stating the motion as in order to preserve attorney/client privileges to enter an executive session to discuss potential litigation to resume at 10:00 a.m. in this office.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland in order to preserve attorney/client privileges to enter an executive session to discuss potential litigation to resume at 10:00 a.m. in this office.

Motion passed, 3-0.

The Commission returned at 10:00 a.m.; no official action taken.

Commissioner Holland requested an executive session.

Mr. Van Parys stated the motion as in order to protect the privacy interest of the individual or individuals being discussed to enter executive session to discuss non-elected personnel to resume at 10:17 a.m. in the room. Present would be the three Commissioners.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby in order to protect the privacy interest of the individual or individuals being discussed to enter executive session to discuss non-elected personnel to resume at 10:17 a.m. in the room. Present would be the three Commissioners.

Motion passed, 3-0.

The Commission returned at 10:17 a.m.; no official action taken.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to approve a letter of support to the Guidance Center for KDOT grant 5310.

Motion passed, 3-0.

The Board adjourned at 10:18 a.m.

Final Approved

*****October 17, 2016*****

The Board of County Commissioners met in regular session on Monday, October 17, 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; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the minutes from October 13, 2016.

Motion passed, 3-0.

David Lutgen requested approval to auction a Bandit Chipper and Tool Cat on Purplewave.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve a Bandit Chipper and Tool Cat on Purplewave.

Motion passed, 3-0.

Mr. Lutgen indicated a 90 inch culvert located on Happy Hollow Road east of the lake has rotted out and is beyond repair and requested approval to purchase a replacement.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the purchase of a culvert from Welborn Sales.

Motion passed, 3-0.

Commissioner Bixby reminded everyone about the fundraiser breakfast on Wednesday to help the Leavenworth Historical Society Reclaiming History campaign.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby in order to protect the privacy interests of the employee(s) involved move that the Board go into executive session to discuss non-elected personnel and to return to open session in this meeting room at 9:25 a.m. Present would be the three Commissioners and Tamara Copeland.

Motion passed, 3-0.

The Commission returned at 9:25 a.m.; no official action taken.

The Board adjourned at 9:25 a.m.

*****October 20, 2016*****

The Board of County Commissioners met in regular session on Thursday, October 20, 2016. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Tamara Copeland, Human Resources Director; Janet Klasinski, County Clerk; Jeff Joseph, Planning and Zoning Director; John Matthews, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

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

Motion passed, 3-0.

Commissioner Bixby indicated the fundraiser breakfast raised \$500.00 for the Leavenworth Historical Society and more donations are coming in.

David Van Parys requested the Board to add the assignment of funding for the Leavenworth Industrial Park to the agenda for October 27th.

Commissioner Graeber indicated on October 26th at 1:00 p.m. a class will be held for Kansas Open Meetings Act and Kansas Open Records Act in the BOCC meeting room.

Mr. Van Parys indicated that Todd Thompson, Janet Klasinski and himself will be conducting the class with the guidance of the Attorney General's office for all locally elected officials.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby for approval of the agenda for the week of October 24, 2016 as amended.

Motion passed, 3-0.

Commissioner Bixby asked if the matter discussed in executive session on Monday has been resolved.

Tamara Copeland indicated an update will be held in executive session.

Commissioner Holland mentioned a letter to the editor in the Leavenworth Times regarding the legal settlement with the Leavenworth County Treasurer and asked Mr. Van Parys if the settlement was public record for discussion.

Mr. Van Parys stated he was not involved in the settlement and did not know if a confidentiality agreement was in it or not.

Commissioner Bixby indicated there was not a confidentiality agreement.

Commissioner Holland asked Janet Klasinski if \$100,000.00 was transferred from the motor vehicle fund to the general fund in 2009 by former treasurer, Janice Young.

Janet Klasinski indicated she reviewed the transfer and it was made.

Commissioner Holland asked Ms. Klasinski if \$70,000.00 was transferred from the motor vehicle fund to the general fund in 2010 by Ms. Young.

Ms. Klasinski indicated the transfer was made.

Commissioner Holland asked Ms. Klasinski if \$70,000.00 was transferred from the motor vehicle fund to the general fund in 2011 by Ms. Young.

Ms. Klasinski indicated the transfer was made.

Commissioner Holland commented in 2012 he recalls that no transfer was made because the Commission allowed Ms. Young to keep the year-end balance to use toward the new Leavenworth County Annex.

Ms. Klasinski recalled the transfer did not occur because of a new system at the state level that had several issues from the start that required overtime from the employees and extra work from the County Treasurer.

Ms. Klasinski indicated the County asked the State for reimbursement for the overtime but did not receive the full amount from the State that was requested.

Commissioner Holland asked if any transfers were made in 2013 by Janice Van Parys.

Ms. Klasinski responded there were no transfers that she was aware of.

Commissioner Holland commented that in 2014, Ms. Van Parys made a \$38,000.00 transfer but was later taken back and repaid a second time after 2015 as part of the 2015 transfer.

Ms. Klasinski indicated that was correct.

Commissioner Holland asked in the 2014/2015 audit if the County Treasurer had a violation of K.S.A. 8-145 for not transferring the motor vehicle year-end fund in a timely manner.

Ms. Klasinski indicated it was written up as a violation in both audits.

Commissioner Holland asked in the 2015 audit if the County Treasurer had a violation of K.S.A. 79-2935 for exceeding her approved budget for County Treasurer motor vehicle special fund.

Commissioner Holland indicated Ms. Van Parys misquoted a statement about the pay plan quoting that she evidently she has not spent enough because according to the Human Resources Department her employees are underpaid.

Ms. Copeland responded that statement was incorrect.

Commissioner Holland quoted Ms. Van Parys who stated the BOCC are overspending due to approving an unprecedented five year contract and a non-independent pay plan costing the taxpayers approximately \$700,000.00 and a half mill increase and several lawsuits filed in the last year. Holland indicated the five year contract is not costing the County any additional money as long as the Human Resources director does her job and have issued several one and three year contract to employees.

Ms. Copeland indicated that was correct and that there have been 2 three year contracts and several 1 year contracts.

Ms. Copeland indicated she never stated the County Treasurer's office was underpaid and in fact after research found that only \$17,056.00 has been identified as an increase for 20 employees assigned to her department which breaks down to an average of \$853.00 per person per year and \$71.00 per month. She stated this is to get her staff on the pay plan at the closest hourly rate but there are 8 employees are earning more than the pay plan calls for so they will come on to the plan at the closest next step. She indicated there are 3 employees who will only get a 1% increase and only 5 employees getting more than the standard 2% increase due to not getting recent raises.

Ms. Copeland indicated Ms. Van Parys statement with the figures was not validated with her office and it was a misstatement indicating the overall cost of the pay plan may have been \$700,000.00 but is not costing the taxpayers any additional money. She indicated the departments were able to cover \$347,905.00 of that amount due to elimination of positions that had been vacate, reworking grant funds and reducing budget expenditures. She indicated two departments found ways to increase revenue which made up the rest of the amount.

Commissioner Holland indicated the half mill increase was to repair the roof of the Justice Center and is only for one year.

Commissioner Holland commented that he would appreciate if Ms. Van Parys would acknowledge her misstatements and apologize to the citizens of Leavenworth County, this Commission and the employees affected by her misstatements.

Commissioner Graeber suggested that a list that is said to be the misstatements be provided and afford the Treasurer an opportunity to respond to those statements.

Mr. Van Parys indicated on September 30th the BOCC considered an application for a special use permit for a cell tower on behalf of Vertical Development and granted the residents 30 days to seek legal counsel. Mr. Van Parys received correspondence from legal counsel for Vertical Development asking the BOCC rescind the 30 day continuance and immediately issue the special use permit.

Mr. Van Parys suggested the BOCC reconsider the matter on October 27 indicating Jeff Joseph will send notice to the property owners.

Commissioner Bixby commented he feels we need to give the residents a courtesy phone call to notify them the date is being moved up if they intend to hire legal counsel.

Mr. Van Parys indicated the 30 days technically expire on October 31.

Commissioner Bixby felt by taking away the extra four days constitutes an adverse impact to the county.

A motion was Commissioner Graeber and seconded by Commissioner Holland for discussion to set a review date of the special use permit for a cell tower to October 27.

Mr. Van Parys indicated he will contact the legal counsel for the applicant notifying them the matter will be reheard on October 31.

Motions withdrawn.

Mr. Van Parys indicated on October 27 at 2:00 p.m. a fence viewing will be conducted.

Mr. Van Parys indicated on October 27 he will bring before the BOCC several actions to approve the use of bond proceeds for the Leavenworth Industrial Park and initiate the issuance of a 2016 series A bond issue.

Ms. Copeland requested an executive session to discuss non-elected personnel.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland in order to protect the privacy interests of the employee(s) involved, the Board goes into executive session to discuss non-elected personnel and to return to open session in this meeting room at 10:15 a.m. Present would be the three Commissioners and Tamara Copeland.

Motion passed, 3-0.

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

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to approve letter of support for Council on Aging on federal grant U.S.C 49-5310.

Motion passed, 3-0.

The Board adjourned at 10:17 a.m.

*****October 24, 2016*****

The Board of County Commissioners met in regular session on Monday, October 24, 2016. Present are: Commissioner Holland, Commissioner Graeber and Commissioner Bixby. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Linda Lobb, Council on Aging Director; Tamara Copeland, Human Resource Director; Joe Herring, Herring Survey; Harold Sommerfeldt, Resident; Jere Smith, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Harold Sommerfeldt resubmitted a petition for the PRP program for Stranger Road from 207th Street to Jarablo Road indicating the petition is signing with the exception of one property that is in a trust.

Commissioner Bixby commented the Board did not vote to add this road to the PRP list.

Mr. Sommerfeldt asked the Board to consider adding his road on the PRP list.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to add Stranger Road from 207th Street to Jarablo Road to the PRP list.

Motion passed, 3-0.

ADMINISTRATIVE BUSINESS:

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

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve the minutes from October 20, 2016.

Motion passed, 3-0.

Linda Lobb requested the approval to pay the \$1500.00 to the Stove Factory Ballroom for the 2017 Meals-on-Wheels benefit fundraiser.

A motion was made by Graeber and seconded by Bixby to authorize Council on Aging to pay \$1500.00 to the Stove Factory Ballroom for the 2017 Meals-on-Wheels Benefit.

Motion passed, 3-0.

Ms. Lobb indicated Council on Aging will be leaving the KDOT 5311 program on January 1, 2017 and that there will be two vehicles that would need to be purchased or released back to KDOT. The purchase would come from depreciation fund.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the purchase of the vehicles for Council on Aging.

Motion passed, 3-0.

Tamara Copeland requested executive session to discuss non- elected personnel.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber that in order to protect the privacy interests of the employee(s) involved, the Board goes into executive session to

discuss non-elected personnel and to return to open session in this room at 10:00 a.m. present: the three Commissioners and Tamara Copeland.

Motion passed, 3-0

The Commission returned at 10:02 a.m.; no official action taken.

Ms. Copeland requested an executive session to discuss non-elected personnel for 15 minutes.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber that in order to protect the privacy interests of the employee(s) involved, the Board goes into executive session to discuss non-elected personnel and to return to open session in this room at 10:20 a.m. present: the three Commissioners and Tamara Copeland.

Motion passed, 3-0

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

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to get outside counsel to represent the Board in legal issues.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber that in order to protect the privacy interests of the employee(s) involved, the Board goes into executive session to discuss non-elected personnel and to return to open session in this room at 10:50 a.m. present: the three Commissioners, Tamara Copeland and one other employee as needed.

Motion passed, 3-0

The Commission returned at 10:49 a.m.; no official action taken.

A motion was made by Commissioner Bixby and seconded by Commissioner Holland to accept the personnel action presented by Tamara Copeland.

Motion passed, 3-0.

David Van Parys indicated he will attend a study session on the industrial parks tomorrow at 2:00 p.m. at the Leavenworth County Port Authority.

The Board adjourned at 10:52 a.m.

*****October 27, 2016*****

The Board of County Commissioners met in regular session on Thursday, October 27, 2016. Commissioner Bixby, Commissioner Graeber, Commissioner Holland present. Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; James Kraatz, Senior Planner; Krystal Davis, Planner; Michael Swan, Assistant Planner; Joe Herring, Herring Survey; Larry Hahn, Hahn Surveying; Kiann Spradlin, Attorney at Law; David Lutgen, Public Works Director; John Richmeier, Leavenworth Times

Residents: Mike Worrall, Casey Worrall, Cindy Campbell, Chad Hendrix, Carol Berglund, Ryan and Mary Ann Tackett, Steve and Mary Conley, Bill and Virginia Runnebaum, Clyde Cozad, John Waun

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

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

Motion passed, 3-0.

Commissioner Bixby requested to add discussion regarding a comprehensive road plan.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber for approval of the agenda for the week of October 31, 2016 as amended.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-092, a final plat for Rock Springs replat which is an approval of a 2 lot subdivision.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve case number DEV-16-092, final plat for Rock Springs Replat, subject to all conditions.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-089, a proposed amendment that would update the 2006 Leavenworth County Zoning and Subdivision Regulations in accordance with Kansas House Bill 2131 regarding wireless telecommunications infrastructure.

No one spoke in favor or opposition.

A motion was made by Commissioner Graeber and seconded Commissioner Bixby to approve case number DEV-16-089, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations with findings of facts.

Motion passed 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve Resolution 2016-30, a resolution of the Leavenworth County Kansas Board of County Commission to amend Article 19 of the 2006 Zoning and Subdivision Regulations.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-088, a special use permit renewal for a contractor's yard for Conley Sitework and Utilities.

James Kraatz indicated the applicant is asking for nine employees which is an increase of four and they are reducing the hours of operation. He indicated the Planning and Zoning staff are concerned about the growth of the business because the site is small with equipment and materials stored there and feel it should relocate to a commercial area.

No one spoke in favor or opposition.

Steve Conley, applicant, requested a ten year permit but would be satisfied with a five year permit. He indicated during the five years he is planning to locate another property to relocate.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve case number DEV-16-088, a special use permit for Conley Sitework and Utilities with a five year permit, subject to all other conditions.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber 2016-31, a resolution issuing a special use permit for a contractor's yard for Conley Sitework and Utilities.

Motion passed, 3-0.

Planning and zoning presented case number DEV-16-090 a special use permit renewal for CW Lawns.

Krystal Davis indicated the applicant is requesting the sale of firewood and an increase in the number of employees.

Commissioner Graeber asked if any of the original conditions of the special use permit have been violated.

Jeff Joseph indicated the office has received some complaints from one neighbor but the code enforcement officer could not find any violations. Mr. Joseph indicated there had been an issue with parking and the applicant removed the vehicles.

Commissioner Graeber mentioned trees were to be planted along the back property line.

Mr. Joseph stated the applicant planted trees but some have died.

Ms. Davis indicated the applicant is requesting four trailers instead of two in the event a trailer is in the shop for repair.

Commissioner Holland commented that it seems the business is growing and if the applicant has considered moving to a commercial area.

The applicant, Casey Worrall, indicated they are a seasonal operation and that it is growing. He indicated they are requesting three additional employees with two additional trailers and asking to sell firewood to keep the employees working during the winter. He also requested a ten year permit.

Clyde Cozad spoke in favor of the permit indicating the majority of the neighbors are supportive.

John Waun spoke in favor of the permit indicating he does not hear any noise from the business.

Kiann Spradlin, attorney for CW Lawns, indicated her client has complied with the conditions of the last permit and asked the Commission to take into consideration the credibility of the opposing neighbors.

Mary Ann Tackett spoke in opposition indicated this is an issue of the location of a business and the impact on the neighbors. She indicated she has put up metal and wood fencing to protect their home from the business. She stated the trees have died and she's been accused of killing those trees and is parking vehicles there. She indicated

Commissioner Graeber asked again if there were any noncompliance issues with the original terms of the permit.

Mr. Joseph indicated there was once issue with parking and the trees were replanted twice after the first ones died.

Ryan Tackett spoke in opposition indicating he applauds Mr. Worrall's business but it warrants a different location.

Commissioner Graeber stated they have an obligation to the business but also to protect the neighbors.

Mr. Worrall commented this is more of a personal dispute and has nothing to do with him running a business. He presented photos of the opposition climbing fences and they have painted the fence in bright colors.

Ms. Tackett commented she has observed violations of the permit on a daily basis and gets no feedback from Planning and Zoning.

Janet Klasinski now present.

Commissioner Bixby indicated he will be walking property lines this afternoon of both properties.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to table case until Monday, October 31.

Motion passed, 3-0.

David Van Parys presented a series of five resolutions that pertain to the financing for the Eisenhower Industrial Park, Tonganoxie Industrial Park and road projects.

Mr. Van Parys presented Resolution 2016-32, authorizing the issuance of general obligation bonds of the County to provide funds for an economic development contribution to use in the connection with the acquisition of property and certain improvements to such property all for economic development purposes by the city of Leavenworth and the Leavenworth County Port Authority. He indicated the purpose is to allow the County to use either general obligation bonds or existing bond proceed funds for the purpose of the proposed Eisenhower Industrial Park.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve Resolution 2016-32.

Motion passed, 3-0.

Mr. Van Parys presented Resolution 2016-33, providing for the development of land currently owned by the city of Tonganoxie for the purpose of an industrial park.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve Resolution 2016-33.

Motion passed, 3-0.

Mr. Van Parys presented Resolution 2016-34 allowing reallocation of certain bond funds to economic development projects specifically to the two industrial parks.

A motion was made by Commissioner Bixby and second by Commissioner Graeber to approve Resolution 2016-34.

Motion passed, 3-0.

Mr. Van Parys presented Resolution 2016-35 which is a follow up resolution which would allow the issuance of general obligation bonds of the County backed by sales tax and bank qualified for the improvements of the three road projects and secondary road projects.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve Resolution 2016-35.

Motion passed, 3-0.

Mr. Van Parys presented Resolution 2016-36 which would authorize the offering for sale a general obligation sales tax bond series 2016 of Leavenworth County Kansas for the issuance of nine million eight hundred thousand dollars in bonds to partially fund the road improvements previously identified.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve Resolution 2016-36.

Motion passed, 3-0.

Commissioner Bixby indicated he spoke with Becky Matzeder about attending a grant writing course through Kansas City Kansas Community College and requested to budget not to exceed \$1000.00 for a class.

Commissioner Bixby indicated Leavenworth County has full support from KCATA and various surrounding counties to reestablish transit in Leavenworth County as growth continues.

The Board adjourned at 10:58 a.m.

*****October 31, 2016*****

The Board of County Commissioners met in regular session on Monday, October 31, 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; Krystal Davis, Planner; Joe Herring, Herring Survey; Commissioner -Elect Doug Smith; Jamie Miller, EMS Director; Stacy Driscoll, Register of Deeds; David Lutgen, Public Works Director; Greg Kaaz, Lexeco; Curtis Holland, Attorney at Law; David Wolk, Resident; Dayle Reynolds, Resident; Dean Oroke, Resident; Ryan and Mary Ann Tackett, Resident; Casey Worrall, Resident; Cindy Campbell, Resident; Debra Fullington, Resident; Jeremiah Fullington, Resident

PUBLIC COMMENT:

David Wolk indicated he requested information from Vertical Development on the cell tower but never received it. He commented there are three homes that are less than 500 foot from the tower location and indicated the tower could be placed on a different location on the property that is 73 acres. Mr. Wolk also expressed concerns over property values of the homes located around the cell tower.

Commissioner Graeber clarified the County did not choose the site of the tower.

Curtis Holland, attorney for Vertical Development, indicated the site was selected by AT&T to improve service in their network commenting there is not a lot of room for movement of the tower. Mr. Holland stated his client has followed all of the rules of the application and fulfilled the requirements of the law.

Commissioner Graeber inquired about comment regarding the law being changed.

Mr. Holland indicated the last legislative session, the Kansas legislature passed a law which restricts what can be required for application information specifically telecommunication facilities.

David Van Parys stated the County is restricted from making inquiries regarding setback and location.

Mr. Wolk felt there are other locations on the proposed sites for the tower location.

Commissioner Holland closed the public comment portion of the meeting.

ADMINISTRATIVE BUSINESS:

Planning and Zoning presented case number DEV-16-086 special use permit for a new communication tower.

Jeremiah Fullington spoke in opposition of the cell tower indicated he is being treated for epilepsy and is concerned about continuing health issues.

Debra Fullington spoke in opposition and expressed concerned about the children and noise level. She indicated she has been in contact with Vertical Development and have not received any information.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve case number DEV-16-086 a special use permit for a cell tower, subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Bixby and seconded by Commissioner Graeber to approve Resolution 2016-37, issuing a special use permit for a communication tower.

Motion passed, 3-0.

Planning and Zoning presented case number DEV-16-090 a special use permit for CW Lawns.

Krystal Davis indicated several complaints have been received from one neighbor about screening and improper parking. She mentioned the code enforcement officer has investigated these complaints and found that on occasion vehicles were parked in inappropriate locations on the site.

Commissioner Bixby visited the properties and it seems that planting large mature trees would not be an option because of the space between the driveway and fence. He stated the back of the property is where the firewood cutting is done and he noticed screws sticking out of the sheet metal fence on the Worrall's side.

Andy Dedeke and Jim Sherley are now present.

Commissioner Bixby felt the firewood business should take place somewhere else.

The applicant, Casey Worrall, indicated the firewood is used to heat the house and other buildings on the property. He indicated there have been no violations other than the confusion on the parking. He commented they work offsite so the only noise produced is from their personal work not from the business.

Mary Ann Tackett addressed the firewood sales and it's not for personal use indicating there is traffic noise from the trucks and bobcats driving to the back of the property.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve case number DEV-16-090 with the exception of firewood sales at this location subject to all conditions.

Motion passed, 3-0.

Commissioner Bixby would like to add to this motion that the signs would need to be removed.

Commissioner Holland and Commissioner Graeber amended their motion to include the signs be removed.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve Resolution 2016-38 as modified and corrected.

Motion passed, 3-0.

John Forslund presented a MOU with Atmos Energy that would relocate approximately 1.25 miles of pipeline as a result of improvements to 147th Street.

A motion was made by Commissioner Graeber and seconded by Commissioner Bixby to approve the MOU with Atmos Energy to allow the relocations.

Motion passed, 3-0.

Trevor Huhn requested authorization for Public Works to award carpet bid to Seifert's Flooring in the amount of \$23,137.74 for replacement carpet in the County Attorney's Office.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve bid to Seifert's Flooring in the amount of \$23,137.74.

Motion passed, 3-0.

Commissioner Graeber mentioned his trip on McIntyre Road and is bothered by where the stakes are located for the future road indicating it comes within 10 feet of a home owner's front porch. He stated it would take out a pond and it would be changing elevation and driveways.

Commissioner Holland suggested a work session to discuss the design.

Doug Smith mentioned the large cuts in the design have to do with the change in the speed limit from 35 mph to 45 mph.

Commissioner Bixby mentioned the comprehensive road plan but will not replace the PRP program.

Commissioner Holland stated he felt there needs to be more restrictions to the PRP program.

A motion was made by Commissioner Holland and seconded by Commissioner Bixby to enter executive session in order to protect the privacy interests of the employee(s) involved, to discuss non-elected personnel and to return to open session in this meeting room at 11:20 a.m. Present would be the three Commissioners.

Motion passed, 3-0.

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

Motion passed, 3-0.

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

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

Motion passed, 3-0.

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

Motion passed, 3-0.

The Board adjourned at 11:29 a.m.