

\*\*\*\*\*March 2, 2017\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, March 2, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Andrea Hughes, Deputy County Counselor; Becky Matzeder, Executive Secretary; David Lutgen, Public Works Director; Sara Shafer, Public Works Deputy Director; Jeff Joseph, Planning and Zoning Director; Krystal Davis, Senior Planner; Stephanie Sloop, Planning Coordinator; Janet Klasinski, County Clerk; Joe Herring, Herring Survey; Ken Miller, City of Lansing; Vernon Fields, Basehor City Council Member; Mark Breuer, Resident; Joanne Aaron, Resident; John Matthews, Resident; Louis Klemp, Resident; Jerry Frantz, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Andrew Miller inquired about putting a gate across the dead-end part of Millwood Road.

David Lutgen indicated this will not land-lock anyone because the road dead ends to Mr. Miller's property.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve.

Mark Loughry suggested drafting an agreement with the property owner in case Millwood Road was to be extended in the future.

Commissioner Holland rescinded his motion.

***A motion was made by Commissioner Holland and seconded by Commissioner Smith to direct staff to draft an agreement with Mr. Miller.***

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

Louis Klemp made public comment.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the February 27, 2017 meeting minutes.***

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

Commissioner Graeber confirmed the Board did not sign an MOU on the Patriot Highway.

Mr. Loughry reported the policy review committee met yesterday and is working on policy format that everyone can agree on.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for approval of the agenda for the week of March 6, 2017.***

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

Stephanie Sloop was acknowledged as the Employee of the Month for the month of March.

David Lutgen requested approval to award bids to Hall Signs for sign materials in the amount of \$23,886.71.

***A motion was made by Commissioner Holland and seconded Commissioner Graeber to award bid to Hall Signs for sign materials in the amount of \$23,886.71.***

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

Mr. Lutgen requested approval to issue an RFQ/RFP for construction engineering on the A-32 Bridge replacement project.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for approval to issue RFQ/RFP for construction engineering on the A-32 Bridge replacement project.***

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

Mr. Lutgen requested approval to grant right of way to Westar Energy on the replacement of the 2<sup>nd</sup> Street Bridge.

***A motion was made by Commissioner Holland seconded by Commissioner Smith to approve right of way to Westar Energy on the replacement of the 2<sup>nd</sup> Street Bridge.***

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

Sara Shafer presented two draft agreements to present to County Rural Water District #1 on the 147<sup>th</sup> Street water line relocation.

Mr. Loughry recommended using draft II that reflects actual costs with an amount not to exceed with a cap.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve draft II with a revision to include a not to exceed clause.***

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

Jeff Joseph presented the continuation of Case Number DEV-17-001/002 preliminary and final plat for Crossing Deer Estates indicating it has been Public Works recommendation if there are more than 3 lots then the developer must do road improvements and no policy has been found with regards to that.

Mark Breuer commented he would like to remove the condition that requires the improvement to the road indicating there is no policy and the recommendation of Public Works has been inconsistent on the improvement of the road.

A motion was made by Commissioner Graeber to approve Case Number DEV-17-001/002 subject to all conditions.

Mr. Breuer withdrew the case to take back to the Planning Commission with 3 lots.

Commissioner Graeber withdrew his motion.

Mollie Hill requested the Board to adopt the findings of the Wetzel/Phillips fence viewing and approve the Board Order to be filed with the Register of Deeds.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to adopt the findings of the fence viewing and approve Board Order 2017-1, an order made pursuant to the***

***provisions of K.S.A. 29-201 and K.S.A. 29-304 assigning the responsibility for the repair and maintenance of a partition fence lying with Leavenworth County, Kansas.***

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

Janet Klasinski presented two ways the Commission could expand to a five or seven member Commission indicating it could be done by a resolution or a petition of 5% of the voters of the County.

It was the consensus of the Board to direct the County Clerk to show preliminary maps on how the districts would be reconfigured.

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

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

***A motion was made by Commissioner Graeber seconded by Commissioner Holland to adjourn.***

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

The Board adjourned at 10:59 a.m.

Final Approved

\*\*\*\*\*March 6, 2017\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, March 6, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present: Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Andrea Hughes, Deputy County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; David Lutgen, Public Works Director; Sarah Shafer, Deputy Director of Public Works; Larry Malbrough, Information Systems Director; Jim Sherley, Undersheriff; Dave Breuer, Mayor of Basehor; Ken Miller, City of Lansing Public Information Officer; Bill New, Chairman of the Leavenworth County Port Authority; Lloyd Martley, Basehor City Administrator; Paul Kramer, Leavenworth City Administrator; Joe Herring, Herring Survey; Mike Reilly, Reilly & Sons; Louis Klemp, Resident; John Matthews, Resident; Charlie Stimac, Resident; Gwen Vassar, Resident; John Richmeier, Leavenworth Times

Commissioner Smith announced the Board will begin the meeting as the Board of County Canvassers.

Janet Klasinski requested to certify the election that was held on February 28 for the city of Tonganoxie sales tax question that passed 776 voting yes and 429 voting no.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to certify the city of Tonganoxie sales tax election.***

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

The Board adjourned as the Board of County Canvassers and reconvened as the Board of County Commissioners.

Janet Klasinski reported that new rules have been established regarding single audit purchases and requested approval of the addition of section 6.1 to the County Procurement Policy.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Resolution 2017-8, a resolution adopting the amended procurement policy to include Section 6 State and Federal requirements: 6.1 Methods of Procurement under Federal Awards, addressing single audit purchases.***

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

PUBLIC COMMENT:

Joe Herring commented his client has an existing lagoon that is too close to the property line under current regulations in which the lending agency will not issue a compliant letter so his client can sell the house.

Mark Loughry recommended adding this item to the agenda for next week to allow staff time to review.

Dave Breuer requested the Board to consider an economic development plan for the city of Basehor to be considered with the sales tax funds.

Louis Klemp made public comment.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the March 2, 2017 meeting minutes.***

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

Larry Malbrough indicated the livestreaming system is available to the Board.

Commissioner Smith expressed concern about legal issues such as the public commenting inappropriately.

Mr. Malbrough suggested meeting with legal staff and outline what would be banned or deleted from the broadcast.

Mr. Malbrough requested to increase the existing bandwidth for the needs of the County.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the customer service order #8628690 with Spectrum.***

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

Jim Sherley requested an exception to the leave policy for an employee.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the exception to the leave policy to be used by the end of May.***

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

David Lutgen requested approval to convert two evening janitor positions from intermittent on call to part time due to a KPER's rule.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve two evening janitor positions to part-time.***

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

Mr. Lutgen requested approval to issue a RFP for the survey and design of the 182<sup>nd</sup> Street realignment to connect to the new KTA Bridge over I-70.

***A motion made by Commissioner Holland and seconded by Commissioner Graeber for approval of a RFP for survey and design of the 182<sup>nd</sup> Street realignment to the KTA Bridge.***

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

Mr. Lutgen requested approval to purchase culverts from Metal Culvert Inc. in the amount of \$22,393.36.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve purchasing culverts from Metal Culvert Inc. in the amount of \$22,393.36.***

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

Mr. Lutgen requested approval to purchase Noxious Weed chemicals from Crop Production Services in the amount of \$150,832.20.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the purchase of Noxious Weed chemicals from Crop Production Services in the amount of \$150,832.20.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to adjourn regular session and open work session to discuss the Leavenworth Industrial Park.***

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

A work session was held to discuss the Leavenworth Industrial Park proposed agreement with the city of Leavenworth.

Mr. Loughry indicated there is only one piece of property within the city limits of Leavenworth that meets the requirements of the proposal and that's why he feels it is important to open it up countywide.

Paul Kramer, Bill New, Louie Klemp and Dave Breuer spoke.

The Board convened into regular session.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith that in the interest of the building and completion of the Eisenhower Industrial Park as discussed between the cities of Lansing, Leavenworth and other partners in the economic development of Leavenworth County that the proposal as brought forth by the city of Leavenworth be given the full support of the Board of County Commissioners and that the county staff be instructed to work with and support the staff of the city of Leavenworth towards giving effect to the proposal at the earliest possible date to move this project forward.***

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

***A motion was made by Commissioner Graeber seconded by Commissioner Smith to adjourn.***

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

The Board adjourned at 10:48 a.m.

\*\*\*\*\*March 9, 2017\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, March 9, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Andrea Hughes, Deputy County Counselor; Becky Matzeder, Executive Secretary; Dave Breuer, Mayor of Basehor; Greg Kaaz, Lexeco; Mike Reilly, Reilly & Sons; David Van Parys, Contract Counsel; Roger Marrs, Deputy Director Information Systems; Scott Ryburn, Attorney at Law; John Matthews, Resident; Joseph Brandenburg, Resident; Louis Klemp, Resident; John Richmeier, Leavenworth Times

**PUBLIC COMMENT:**

Louis Klemp spoke about various subjects.

Joseph Brandenburg inquired about assessed property values and presented photos to the Board regarding an adjoining property's condition.

Mark Loughry indicated he will give the photos to Code Enforcement for review.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry updated the Board on a property located on Cantrell Road presenting information from the Sheriff's Department and Planning and Zoning indicating there is not ongoing illegal, un-permitted or nuisance activity occurring on the property.

Mr. Loughry updated the Board on the water line relocation on 147<sup>th</sup> St. indicating the agreement has been approved by the Water District and is being reviewed by County staff to be considered for approval by the Board on Monday.

Mr. Loughry reported the Tonganoxie Inter-local Agreement for the Tonganoxie Industrial Park has been denied by the Attorney General's Office indicating the County cannot expend money from general obligation bonds to the Port Authority. Mr. Loughry indicated the Port Authority will meet to evaluate what options are available.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the March 6, 2017 meeting minutes.***

***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 March 13, 2017.***

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

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

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

***A motion was made by Commissioner Smith and seconded by Commissioner Graeber to recess into executive session for a period of 20 minutes under the attorney/client privilege exception to the Open Meetings Act. The subject to be discussed will be employment contracts. Present: The three Commissioners, Roger Marrs and Scott Ryburn to return at 9:55 a.m.***

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

The Governing Body reconvened into the regular meeting at 9:55 a.m. no votes were taken or decisions made during executive session. The discussion was limited to the subject stated.

***A motion was made by Commissioner Graeber seconded by Commissioner Smith to adjourn.***

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

The Board adjourned at 9:56 a.m.

Final Approved



\*\*\*\*\*March 13, 2017\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, March 13, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present: Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Andrea Hughes, Deputy County Counselor; Becky Matzeder, Executive Secretary; Jamie Miller, Director of EMS; Staff of the Leavenworth County WIC Department; David Lutgen, Public Works Director; Sarah Shafer, Deputy Director of Public Works; Jeff Joseph, Planning and Zoning Director; Krystal Davis, Senior Planner; Trevor Huhn, Buildings and Grounds; Ken Miller, Public Information Officer for the city of Lansing; Joe Herring, Herring Survey; Dave Breuer, Mayor of Basehor; Brenda Bandy, Kansas Breastfeeding Coalition; Greg Kaaz, Lexeco; Louis Klemp, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Louis Klemp spoke about various subjects.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the March 9, 2017 meeting minutes.***

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

Jamie Miller requested the Board to approve and the Chairman sign the application for the Aid to Local Grants for the Health Department.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the application for Aid to Local Grants and authorize the chairman to sign the same.***

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

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

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

Mark Loughry indicated resolutions are being drafted to reallocate bond proceedings directly to the city instead of to the Port Authority.

Jamie Miller requested the Board to put forth a proclamation for a community supporting breastfeeding by the Kansas Coalition Breastfeeding.

Commissioner Smith read a proclamation by the County Commission of Leavenworth County.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to approve the proclamation for a community supporting breastfeeding.***

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

Trevor Huhn requested approval to advertise for bids to replace the Justice Center roof.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to authorize Public Works to solicit for bids to replace the Justice Center roof.***

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

Mr. Huhn requested approval to advertise for bids for lawn mowing.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to authorize Public Works to solicit bids for lawn mowing.***

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

Sara Shafer updated the Board on the 147<sup>th</sup> Street sales tax project indicating an agreement with Consolidated Rural Water District #1 needs approval by the Board that includes a rock clause and condemnation acquisitions.

David Lutgen commented the Water Board is requiring reimbursement for costs incurred with easements and felt the County should have oversight of them.

***A motion was made by Commissioner Graeber seconded by Commissioner Holland to direct David Van Parys draft amended the agreement to include the oversight of the rock and oversight of easements.***

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

Ms. Shafer updated the Board on the McIntyre Road and Eisenhower Road sales tax projects.

Mr. Lutgen requested to award bid for road oil.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to award bid to Vance Brothers for road oil.***

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

Mr. Lutgen requested to exchange KDOT federal funds for state funds for the replacement of County Bridges HP-10 and HP-17.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to authorize Public Works to exchange KDOT funds for state funds for the replacement of County Bridges HP-10 and HP-17.***

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

Commissioner Smith asked if the County could fund dust control for road projects.

Mr. Loughry indicated this will be a topic for the agenda.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to have Public Works report quarterly instead of monthly.***

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

Mr. Loughry presented a resolution in regards to lagoon issue indicating it has been non-compliant since 1986. The property owner is requesting the existing lagoon be allowed and if the lagoon fails it would have to come into compliance.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Resolution 2017-9, issuing a variance for an existing non-compliant lagoon that does not meet property line set back requirements located at 21374 McLouth Road.***

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

Commissioner Holland requested an executive session to discuss employment contracts requesting the three Commissioners and Mollie Hill.

Commissioner Smith felt that would be a conflict.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to re-sign the fee agreement and forward to Anderson and Byrd.***

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

***A motion was made by Commissioner Smith and seconded by Commissioner Graeber to direct the County Counselor or the Deputy Counselor to not have direct communications with outside counsel, Anderson and Byrd without authorization from the Board.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to adjourn.***

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

The Board adjourned at 10:28 a.m.

Final Approved

\*\*\*\*\*March 16, 2017\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, March 16, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Andrea Hughes, Deputy County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Stephanie Sloop, Planning Coordinator; Michael Swan, Assistant Planner; Janet Klasinski, County Clerk; David Van Parys, Ken Miller, Public Information Officer for Lansing; David Lutgen, Public Works Director; Sara Shafer, Public Works Deputy Director; Joe Herring, Herring Survey; Dean Oroke, Resident; Louis Klemp, Resident; John Matthews, Resident; John Richmeier, Leavenworth Times

**PUBLIC COMMENT:**

Louis Klemp made public comment.

**ADMINISTRATIVE BUSINESS:**

Mollie Hill presented a policy for broadcasting or replaying of BOCC meetings recommending a 12 hour delay to review for any potential illegal or inappropriate material which could make the County liable.

Commissioner Graeber inquired if there is case law regarding the liability issue.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to table this matter until case law is provided to the Board.***

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

Mark Loughry indicated the policy review committee met yesterday and progression is continuing with language of the policies.

Commissioner Holland inquired if Anderson & Byrd will be answering his questions regarding the employment contracts.

***A motion was made by Commissioner Smith that the Board approve the letters proposed by outside counsel and that Mr. Ryburn proceed with issuance of the letters to contract employees with the letter being distributed however he suggests.***

Commissioner Holland opposed the motion because the answers to his questions could impact sending out the letters.

Commissioner Graeber indicated out of courtesy to Commissioner Holland the Board should wait until his questions are answered.

Commissioner Smith withdrew his motion.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to instruct Scott Ryburn to answer the questions given to him by Commissioner Holland within 10 days.***

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

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the March 13, 2017 meeting minutes.***

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

Dean Oroke and Louis Klemp requested copies of the questions.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for approval of the agenda for the week of March 20, 2017.***

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

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

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

Planning and Zoning presented case number DEV-17-013, a temporary special use permit for Brew to Brew Relay Run indicating the applicant is requesting the waiver of the fee.

David Boone spoke in favor of the permit.

Commissioner Smith opened the public hearing.

No one spoke in opposition of the permit.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Case Number DEV-17-013, a temporary special use permit for Brew to Brew Relay Run and waive the application fee but subject to all other conditions.***

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

Stephanie Sloop requested approval for the use of the Justice Center parking lot for Safety Days that will be held on June 9th.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the use of the Justice Center parking lot for Safety Days.***

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

David Van Parys presented two resolutions that grant the authority to issue general obligation bonds and to reallocate certain funds to the Leavenworth Industrial Park.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve 2017-11, a home rule resolution of Leavenworth County, Kansas authorizing the issuance of general obligation bonds of the County to provide funds for an economic development grant to the city of Leavenworth, Kansas for the purpose of establishing a new industrial park within the County, all for economic development purposes.***

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to approve 2017-12, a resolution amending resolution 2015-33 and resolution 2016-44 of the governing body of Leavenworth County, Kansas; providing for substitute improvements to be financed with the proceeds of the County's general obligation sales tax bonds; and repealing resolution 2016-34.***

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

***A motion was made by Commissioner Graeber seconded by Commissioner Holland to adjourn.***

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

The Board adjourned at 10:19 a.m.

Final Approved

\*\*\*\*\*March 20, 2017\*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, March 20, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present: Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Andrea Hughes, Deputy County Counselor; Becky Matzeder, Executive Secretary; Stacy Driscoll, Register of Deeds; George Brajkovic, Tonganoxie City Administrator; Ken Miller, Public Information Officer for Lansing; Joe Herring, Herring Survey; John Matthews, Resident; Louis Klemp, Resident; Kathryn Meyer, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Kathryn Meyer residing at 18292 Linwood Road was informed her property was not a buildable property indicating she is in the process of building a modular home with a deadline of April 1<sup>st</sup>.

Mark Loughry suggested getting a staff report from Planning and Zoning and reviewing it on Thursday's agenda.

Louis Klemp spoke about various subjects.

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the March 13, 2017 meeting minutes.***

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

Commissioner Graeber raised concern that the questions submitted by Commissioner Holland were not his questions indicating it will cost upwards of \$10,000 to answer these by Anderson & Byrd.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to do not authorize the answering of the questions by the outside counsel.***

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

***A motion was made by Commissioner Smith and seconded by Commissioner Graeber that the Board approve the letters proposed by outside counsel and proceed with issuance of letters to contract employees.***

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

Commissioner Holland has been invited to serve on the advisory board on the KCKCC for the Workforce Partnership Program and will check on any liability before bringing it back to the Board.

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

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

Discussion was held regarding the Tonganoxie Industrial Park.

Mr. Loughry will schedule a quarterly meeting with department heads and the Board.

***A motion was made by Commissioner Smith and seconded by Commissioner Graeber to recess into executive session for 10 minutes under the subject of personnel matters of non-elected personnel to begin at 9:57 a.m. return at 10:07 a.m. Present would be the three Commissioners and Mark Loughry.  
Motion passed, 3-0.***

The Governing Body reconvened into regular meeting at 10:07 a.m. no votes were taken or decisions made during the executive session. The discussion was limited to the subject stated.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to adjourn.  
Motion passed, 3-0.***

The Board adjourned at 10:08 a.m.

Final Approved



\*\*\*\*\*March 23, 2017\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, March 23, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Krystal Davis, Senior Planner; Michael Swan, Planner; David Lutgen, Public Works Director; Sara Shafer, Public Works Deputy Director; Stacy Driscoll, Register of Deeds; Janet Klasinski, County Clerk; David Van Parys; Bill New, LCDC; Steve Jack, LCDC; Greg Kaaz, Lexeco; Joe Herring, Herring Survey; Ken Miller, City of Lansing; George Brajkovic, Tonganoxie City Administrator; Mike Reilly, Reilly & Sons, John Richmeier, Leavenworth Times

Residents: Joanne Aaron, Stephen Blaser, Scott Theno, Bill Theno, Roger Harrison, Jerry Frantz, Gerald Benard, David Wagner, Dewayne Engel, Leigh Oliver, John Evans, Jay Schwinn, Joseph Lamborn, Dean Oroke, John Matthews

**PUBLIC COMMENT:**

Mayor Dave Breuer indicated he would like to work with Leavenworth County on investing in the growth of the city of Basehor.

Gerald Bernard requested approval to conduct a bake sale at the Courthouse for the American Heritage Girls.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve a bake sale for the American Heritage Girls.***

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

Dewayne Engel indicated he is trying to split property to sell but was told he would need to put a road through his property.

Jeff Joseph indicated this is in pre application status and has not been heard by the Planning Commission yet.

**ADMINISTRATIVE BUSINESS:**

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the March 20, 2017 meeting minutes.***

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

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

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

Planning and Zoning presented information for a request for a building permit for a home that was destroyed by fire and the property owner is inquiring about building permits however it is a non-compliant parcel that is landlocked.

Krystal Davis reported the property owner has not filled out a variance request and the deadline for the April meeting for the Board of Zoning Appeals has passed.

Jeff Joseph indicated he was contacted by an attorney representing the property owner and they are not going to file for a variance.

Mollie Hill indicated she will contact the attorney and assist Planning and Zoning staff.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith for approval of the agenda for the week of March 27, 2017 as amended.***

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

David Lutgen requested an exception to the leave policy for an employee to be used by early June.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the exception to the leave policy for a Public Works employee to be used by early June.***

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

Planning and Zoning presented Case Number DEV-16-116/117 a preliminary and final plat for Pike Place, a three lot subdivision.

***A motion was made by Commissioner Graeber seconded by Commissioner Holland to approve a preliminary and final plat for Pike Place, subject to all conditions.***

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

Planning and Zoning presented Case Number DEV-16-109/110 a request for a preliminary and final plat for Blaser Farms.

Joe Herring spoke on behalf of the applicant asking for approval but removing the condition of the installation of fire hydrants.

Commissioner Graeber inquired if adding a disclaimer with each lot that there is no fire hydrant available.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the plat and when water district upgrades the line, the fire hydrants will be installed.

Mark Loughry recommended giving staff time to review a disclaimer.

The Commissioners withdrew their motion.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to table Case Number DEV-16-109/110 until Thursday, March 30.***

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

Planning and Zoning presented Case Number DEV-17-003, a request for an amendment to the regulations altering the definition of a boundary line adjustment that will provide a more comprehensive definition. This would allow some property owners to adjust property boundaries without having to undergo a platting process.

Public hearing was opened.

No one spoke in favor or opposition.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Case Number DEV-17-003, amending the Leavenworth County Zoning and Subdivision Regulations, Article 3, Section 2 – Definition of a Boundary Line Adjustment.***

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

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Resolution 2017-13, amending the articles of the 2006 Zoning and Subdivision Regulations.***

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

Planning and Zoning presented Case Number DEV-16-121, a review for a special use permit for Lamborn Farms, an agriculturally related business.

Public hearing opened.

No one spoke in favor or opposition.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Case Number DEV-16-121, subject to all conditions.***

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

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Resolution 2017-14, issuing a special use permit for an agriculturally related business.***

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

Planning and Zoning presented Case Number DEV-17-005, a request for a special use permit for Salt Creek Agriventures, an agriculturally related business.

Public hearing opened.

Jay Schwinn, owner, spoke in favor of the special use permit requesting a 10 year permit and an exception to the recommendation that the driveway be moved 300 feet to the east.

No one spoke in opposition.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve with a stipulation to a variance to the driveway tabling the variance until next Thursday March 30.***

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

Planning and Zoning presented Case Number DEV-17-011 a temporary special use permit for the Bruce Edwards Time Trial, a bicycle run fundraiser on county roads.

Public hearing opened.

Roger Harrison spoke in favor.

No one spoke in opposition.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Case Number DEV-17-011 with a waiver of fees, subject to all other conditions.***

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

Mark Loughry reported the city of Tonganoxie adopted a resolution expressing desire to take over the Tonganoxie Industrial park project eliminating the Leavenworth County Port Authority. He expressed concerns granting funds for either industrial park would impede the ability to complete the three sales tax road projects on the current timeline.

Commissioner Graeber stated the County still has additional bonding authority to use.

Greg Kaaz, Mike Reilly and George Brajkovic all spoke during the Tonganoxie Industrial Park discussion.

David Van Parys will arrange a meeting with bond counsel and financial advisor.

***A motion was made by Commissioner Smith seconded by Commissioner Holland to recess into executive session for 10 minutes under the preliminary discussions relating to the acquisition of real property exception to the Kansas Open Meetings Act, the subject will be possible acquisition of real estate. Present: The three Commissioners, Mark Loughry, Mollie Hill and David Lutgen to begin at 11:40 a.m. and return at 11:50 a.m.***

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

The governing body reconvened into regular meeting at 11:50 a.m. no votes were taken or decisions made during the executive session. The discussion was limited to the subject stated.

***A motion was made by Commissioner Graeber seconded by Commissioner Smith to adjourn.***

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

The Board adjourned at 11:50 a.m.

\*\*\*\*\*March 27, 2017 \*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, March 27, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present: Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Andrea Hughes, Deputy County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Janet Klasinski, County Clerk; Tammy Saldivar, Transfer Station; Kim Buchanan, Deputy Director Emergency Management; Mike Smith, Mayor of Lansing; Jason Ward, Mayor of Tonganoxie; George Brajkovic, Tonganoxie City Administrator; Joe Herring, Herring Survey; Roger Marrs, Information Systems Deputy Director; Steve Jack, LCDC; John Matthews, Resident; Dean Oroke, Resident; John Groves, Pat Barnhardt, Deborah Gregor and Barbara Adolfson from the Leavenworth Drug and Alcohol Abuse Council; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

John Matthews made public comment.

Joe Herring requested to be put on the agenda to discuss the Planning and Zoning subdivision regulations.

ADMINISTRATIVE BUSINESS:

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the March 23, 2017 meeting minutes.*

*Motion passed, 3-0.*

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

*Motion passed, 3-0.*

Jeff Joseph requested clarification about placing Dewayne Engel's case on the next Planning and Zoning meeting which would be in May to meet the deadlines and requirements indicating the April deadline has already passed.

Mark Loughry indicated a meeting will be held today with bond counsel and financial advisor.

George Brajkovic and Jason Ward commented about the Tonganoxie Industrial Park.

Kim Buchanan and Tammy Saldivar presented the Solid Waste 5 year Management Plan indicating there is a position open on the Board to represent the smaller municipalities.

*A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the Solid Waste Management Plan and Resolution 2017-15, adopting the Five Year update to the County Solid Waste Management Plan as authorized by the provisions of K.S.A 65-3405.*

*Motion passed, 3-0.*

Janet Klasinski introduced Pat Barnhardt as the representative of the Leavenworth County-Cities Drug and Alcohol Abuse Council.

Ms. Barnhardt indicated she is requesting funding in the amount of \$20,800.00 from the special alcohol fund to use for after prom programs, youth support programs and graduation projects.

*A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve funding in the amount of \$20,800.00 to the Leavenworth County-Cities Drug and Alcohol Abuse Council.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Smith and seconded by Commissioner Graeber to recess into executive session in order to protect attorney/client privilege to discuss the current legal bill with outside legal counsel. Present would be the three Commissioners and Roger Marrs. Begin at 9:30 a.m. and return at 9:40 a.m.*

*Motion passed, 3-0.*

The Board returned to regular session at 9:40 a.m. there were no decisions made in executive session and no action taken.

*A motion was made by Commissioner Smith and seconded by Commissioner Graeber to approve the bill from Anderson & Byrd from the period of 2/6/17 through 3/15/17 in the amount of \$3,772.00 and submit the bill to the County Clerk after redactions are made.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Graeber and seconded by Commissioner Smith to adjourn.*

*Motion passed, 3-0.*

The Board adjourned at 9:43 a.m.

\*\*\*\*\*March 30, 2017\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, March 30, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, Financial Administrator; Mollie Hill, County Counselor; Andrea Hughes, Deputy County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; David Lutgen, Public Works Director; Sara Shafer, Public Works Deputy Director; Stacy Driscoll, Register of Deeds; Janet Klasinski, County Clerk; Janice Van Parys, County Treasurer; David Van Parys, Consultant; Jason Ward, Mayor of Tonganoxie; George Brajkovic, Tonganoxie City Administrator; Steve Jack, LCDC; Ken Miller, City of Lansing; Greg Vahrenberg, Piper Jaffray; Gina Riekof, Gilmore & Bell; Joe Herring, Herring Survey; Greg Kaaz, Lexeco; John Richmeier, Leavenworth Times

Residents: Harold Sommerfeldt, Roger Harrison, Stephen Blaser, Joanne Aaron, Dean Oroke, John Matthews, Brendan Sheehan, Constance Young, Charlie Stimac, Bernie Bristow, Kenny Funk

**PUBLIC COMMENT:**

Harold Sommerfeldt requested that Stranger Road from 205<sup>th</sup> to Jarbalo Road be added to the PRP list that was previously approved by the Board.

David Lutgen indicated he will update the PRP list with this project.

Roger Harrison requested \$200.00 from the special parks and recreation fund to defer expenses for the Sheriff's Department assistance in accordance to the Bruce Edwards and Glenda Taylor Memorial Time Trial Bike Race. He was previously granted a temporary special use permit and a waiver of the \$100.00 application fee.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve \$200.00 for the deferred expenses for the Sheriff's Department.***

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

**ADMINISTRATIVE BUSINESS:**

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the March 27, 2017 meeting minutes.***

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

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

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

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland for approval of the agenda for the week of April 3, 2017.***

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

Krystal Davis addressed a request that a parcel was entitled to a building permit after it is divided via a certificate of survey. Ms. Davis indicated Mr. Herring requested Planning and Zoning issue a residential building permit on the east 80 acre parcel which is an effectively landlocked parcel.

Joe Herring indicated any parcel over 40 acres is exempt to the platting regulations.

It was the consensus of the Board to table this matter until Monday.

Mark Loughry and David Van Parys briefed the Board on the sales tax bonds.

Planning and Zoning presented Case Number DEV-17-017 a temporary special use permit for the Cool Hand Luke Gravel Grinder.

The applicant, Brendan Sheehan spoke in favor of the event.

Commissioner Smith opened public hearing.

No one spoke in opposition.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve case number DEV-17-017, a temporary special use permit for the Cook Hand Luke Gravel Grinder, subject to all conditions.***

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

Planning and Zoning presented Case Number DEV-17-021 a temporary special use permit for Tall Oaks Conference Center to host a fundraising event to benefit summer camp programs.

The applicant, Kenny Funk spoke in favor of the event.

Commissioner Smith opened public hearing.

No one spoke in opposition.

***A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Case Number DEV-17-21, a temporary special use permit for Tall Oaks Conference Center, subject to all conditions.***

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

Planning and Zoning presented case number DEV-16-109/110 a continuance for a preliminary and final plat for Blaser Farms indicating there is no change on the recommendations from Planning and Zoning as to the requirements for fire hydrants.

Jeff Joseph indicated the condition requires the applicant to work with the Fire District and Emergency Management to work on a solution.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the preliminary and final plat for Blaser Farms noting the applicant has done due diligence for fire safety.***

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

Planning and Zoning presented Case Number DEV-17-005 a continuance for a special use permit for Salt Creek Valley Agriventures.

Mollie Hill reported a condition was added to the resolution that the existing agriculture driveway access would be allowed as commercial as tied to the special use permit. If the special use permit terminates, the use of the entrance will revert back to an agriculture entrance only.



***A motion was made by Commissioner Holland and seconded Commissioner Graeber to approve Case Number DEV-17-005, a special use permit for Salt Creek Valley Agriventures, subject to all conditions.  
Motion passed, 3-0.***

***A motion was made by Commissioner Holland seconded by Commissioner Smith to approve Resolution 2017-18, issuing a special use permit for an agriculturally related business at 32577 171<sup>st</sup> St.  
Motion passed, 3-0.***

David Van Parys presented a resolution to authorize the making of an economic development grant to the city of Tonganoxie in an amount not to exceed \$5,000,000 for the purpose of improving the Tonganoxie Industrial Park.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Resolution 2017-16, a home rule resolution of Leavenworth county Kansas authorizing the issuance of general obligation bonds of the county to provide funds for an economic development grant to the city of Tonganoxie.  
Motion passed, 3-0.***

David Van Parys presented a resolution that would allow for the use of funds from the 2015-A bond proceeds through the reallocation of funds from that account for the use as an economic development grant to the city of Tonganoxie.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve Resolution 2017-17, a resolution amending Resolution 2015-33 of the governing body of Leavenworth County, Kansas; providing for the substitute improvements to be financed with the proceeds of the County's general obligation sales tax bonds.  
Motion passed, 3-0.***

Mr. Van Parys presented the supplement of transcript for the Attorney General Office.

***A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the supplemental transcript and have the chairman sign and date the same.  
Motion passed, 3-0.***

George Brajkovic asked for assurance that the County will have funds by July 1.

Mr. Loughry indicated that dependent upon the Attorney General's review and approval and the Board's approval of the contract that funding will be available.

Jason Ward, Mayor of Tonganoxie commented about the timing issues.

***A motion was made by Commissioner Graeber and seconded by Commissioner Smith to adjourn.  
Motion passed, 3-0.***

The Board adjourned at 10:31 a.m.