

*****September 7, 2017 SESSION I*****

The Board of County Commissioners met in regular session on Thursday, September 7, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Janet Klasinski, County Clerk; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Commissioner Smith indicated a change in the agenda taking up administrative business first.

Chuck Magaha requested the Chairman to sign the Emergency Management Performance Grant.

A motion was made by Commissioner Graeber seconded by Commissioner Holland to approve the Emergency Management Performance Grant and have the chairman sign and date the same.

Motion passed, 3-0.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the August 31, 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 September 11, 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 Holland seconded by Commissioner Graeber to approve the bills for the month of August.

Motion passed, 3-0.

Commissioner Smith addressed the public about the Tyson project.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to adjourn Session I.

Motion passed, 3-0.

The Board adjourned Session I at 9:09 a.m.

*****September 7, 2017 SESSION II*****

The Board of County Commissioners met in regular session on Thursday, September 7, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Janet Klasinski, County Clerk; David Lutgen, Public Works Director; Sarah Shafer, Public Works Deputy Director; Janette Labbee-Holdeman, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Robert Bender, Cecilia Pruitt, Jarret Pruitt, Ron Grover, Kurt Sowers, Lindsey Blancarte, Jan Jones, Ted Ward, Jim Cunningham, William Jones, Jan Jones and Bryan Zesiger made public comment.

The Board recessed for 5 minutes.

ADMINISTRATIVE BUSINESS:

Sarah Shafer requested approval of the creation of social media to include Facebook, Twitter and Instagram for Public Works Department activities such as project updates, road closures and maintenance work.

A motion was made by Commissioner Graeber and seconded by Commissioner Smith to approve social media to include Facebook, Twitter and Instagram page for the Public Works Department.

Motion passed, 2-1 Commissioner Holland voting nay.

David Lutgen requested approval advertising an RFP for hauling and disposal of MSW and C&D waste from the Transfer Station indicating the current contract with Deffenbaugh Industries expires at the end of 2017.

A motion was made by Commissioner Holland seconded by Commissioner Graeber to approve advertising for an RFP for hauling and disposal of waste at the Transfer Station.

Motion passed, 3-0.

Janette Labbee-Holdeman presented a concept to the Board of expanding the commission to a 5 member commission requesting the question to be placed on the 2017 ballot.

Commissioner Smith indicated the Board had discussed this prior and had decided to wait until the 2020 census.

Janet Klasinski explained the process of putting the question on the ballot.

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

Motion passed, 3-0.

The Board adjourned Session II at 11:15 a.m.

*****September 11, 2017*****

The Board of County Commissioners met in regular session on Monday, September 11, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Ken Miller, City of Lansing; John Matthews, Resident; Gary Starcher, Resident; Darrell and Judy Elliott, Residents; Terry and Connie Lanaman, Residents; Jen Peak, Resident; Bryan Zesiger, Resident; Wes Baker, Resident; Brian Morley, Resident; Anne Brockhoff, Resident; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry indicated a request has been made for trick or treaters to visit the Courthouse and Justice Center on October 20th.

David Van Parys gave a brief update on the sales tax road projects.

Mr. Loughry requested to add the Falcon Lakes Revitalization Plan Interlocal Agreement to Thursday's agenda.

Commissioner Smith commented another recycling bin needs to be added in Tonganoxie.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to add an additional recycling bin in Tonganoxie.

Motion passed, 3-0.

Wes Baker, Brian Morley, Bryan Zesiger and Anne Brockhoff made comment.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the September 7, 2017 Session I meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the September 7, 2017 Session II 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.

Commissioner Smith requested Public Works look at the dust control on 182nd Street.

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

Motion passed, 3-0.

The Board adjourned at 9:54 a.m.

*****September 14, 2017*****

The Board of County Commissioners met in regular session on Thursday, September 14, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; David Lutgen, Public Works Director; Janet Klasinski, County Clerk; Dave Breuer, Mayor of Basehor; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, Linda Sturgeon, Ted Ward, Mike Bogard, Cooper Arnold, Carl Folsom, Drew Overmiller, Curtis Oroke, Brian Morley, Mike Bryant, Holly Tucker, Garry Caldwell, Janet Hofmesiter, Terry and Connie Lanaman

PUBLIC COMMENT:

Linda Sturgeon, Ted Ward, Mike Bogard, Cooper Arnold, Carl Folsom, Drew Overmiller, Curtis Oroke and Brian Morley made public comment.

Commissioner Graeber requested an independent environmental impact study on the Tyson project.

ADMINISTRATIVE BUSINESS:

Commissioner Holland requested the Heritage Center funding request be added to the agenda next week.

Commissioner Holland indicated he toured a Tyson plant in Tennessee yesterday.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the September 11, 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.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber for approval of the agenda for the week of September 18, 2017 as amended.

Motion passed, 3-0.

Mark Loughry indicated the Falcon Lakes Interlocal Agreement has previously been approved but they are asking to add the library and fire department.

Evan Fitts, Polsenelli Law, presented an amended Falcon Lakes Neighborhood Revitalization Area Plan Interlocal Agreement with changes to add the fire department and the library and a signature block for the Attorney General.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the amended Falcon Lakes Neighborhood Revitalization Area Plan Interlocal Agreement.

Motion passed, 3-0.

A motion was made by Commissioner Holland seconded by Commissioner Graeber to approve Resolution 2017-53.

Motion passed, 3-0.

Mary Ann Brown requested funding in the amount of \$5,000.00 for the Leavenworth Historical Society for digitizing of glass negatives.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve funding in the amount of \$5,000.00 for the Leavenworth Historical Society for digitizing of glass negatives.

Motion passed, 3-0.

A motion was made by Commissioner Smith and seconded by Commissioner Graeber to enter executive session pursuant to the provisions of K.S.A. 75-4319 (b)(6) for the purpose of protecting the financial interests of the county for the purpose of discussing acquisition of real property. Present would be the three Commissioners, Mark Loughry, David Van Parys and David Lutgen. To begin at 10:05 and resume open session in this office at 10:15 a.m.

Motion passed, 3-0.

The Governing Body returned to regular session at 10:15 a.m.; no decisions were made and discussion was limited to the subject stated.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to allow the interim County Counselor to enter into negotiations with the owner of certain real property as was discussed in executive session to bring any final actions to this Board to be conducted at open meeting.

Motion passed, 3-0.

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

Motion passed, 3-0.

The Board adjourned at 10:15 a.m.

*****September 18, 2017*****

The Board of County Commissioners met in regular session on Monday, September 18, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Janet Klasinski, County Clerk; David Lutgen, Public Works Director; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the September 14, 2017 meeting minutes.

Motion passed, 3-0.

David Lutgen requested to award the bid for water softener at the Justice Center of JF Denney in the amount of \$31,588.17.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to award bid to JF Denney for a water softener at the Justice Center in the amount of \$31,588.17.

Motion passed, 3-0.

Mr. Lutgen requested to remove the recycling bins at the EMS station in Tonganoxie.

It was the consensus of the Board to approve the Solid Waste committee to look at other options allowing a third bin to be placed.

Commissioner Smith attended the Northeast Kansas Officials meeting on Friday.

David Van Parys discussed the contents of Resolution 2017-52.

A motion was made by Commissioner Graeber and seconded by Commissioner Smith to revoke Resolution 2017-52 and to review each section separately for consideration.

Motion passed, 2-1 Commissioner Holland voting nay.

PUBLIC COMMENT:

Megan Standish, Louis Sufford, Wally Brockhoff, Kurt Sours, Jennifer Eddings, Sharon Garner and Kent Porter made public comment.

The Board recessed until 9:55 a.m.

Commissioner Graeber announced his resignation commencing September 28th at noon.

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

Motion passed, 3-0.

The Board adjourned at 10:06 a.m.

*****September 21, 2017*****

The Board of County Commissioners met in regular session on Thursday, September 21, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Senior Planner; Janet Klasinski, County Clerk; David Lutgen, Public Works Director; George Brajkovic, Tonganoxie City Manager; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Janette Labbee-Holdeman, Kirk Sours, Cecilia Pruitt, David Compton, Craig Hayes and Janice Bernhardt made public comment.

ADMINISTRATIVE BUSINESS:

David Lutgen updated the Board on 182nd Street indicating he has requested right of way donations in exchange for road improvements and has received 65% of the easement donations.

Commissioner Graeber requested east McIntyre road be considered for dust control next year.

Mr. Lutgen indicated east McIntyre is already out for bid.

Commissioner Smith requested approval of payment for a bill from Anderson & Byrd.

A motion was made by Commissioner Graeber and seconded by Commissioner Smith to approve billing from Anderson & Byrd.

Motion passed, 2-0, Commissioner Holland did not vote.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the September 18, 2017 meeting minutes as amended.

Motion passed, 3-0.

Commissioner Graeber distributed an article from a constituent regarding roundabouts.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber for approval of the agenda for the week of September 25, 2017 as amended.

Motion passed, 3-0.

Jeff Joseph presented a request for qualifications for a land use analysis for County Road 1.

A motion was made by Commissioner Graeber and seconded by Commissioner Smith to approve the request for qualification for a land use analysis for County Road 1.

Motion passed, 3-0.

George Brajkovic indicated the city of Tonganoxie is willing to be a participant in the land use study.

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

Motion passed, 3-0.

The Board adjourned at 9:34 a.m.

Final Approved

*****September 25, 2017*****

The Board of County Commissioners met in regular session on Monday, September 25, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Janet Klasinski, County Clerk; Trevor Huhn, Building and Grounds; Jeff Joseph, Planning and Zoning Director; Stephanie Sloop, Planning Coordinator; David Lutgen, Public Works Director; Roger Marrs, Interim Deputy Counselor; Lloyd Martley, Basehor City Administrator; Kelly Meyer, Executive Director, Executive Director of CASA; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Commissioner Smith addressed a news article regarding David Van Parys.

PUBLIC COMMENT:

Kent Porter, Greg Kaaz, Cecilia Pruitt, Bill Jones and Curtis Oroke made public comment.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the September 21, 2017 meeting minutes.

Motion passed, 3-0.

David Van Parys requested to purchase property located at 305 Walnut for the amount of \$44,897.00. to utilize as parking or office space.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the purchase of 305 Walnut in the amount of \$44,897.00.

Motion passed, 3-0.

Trevor Huhn requested authorization to negotiate with Brunson Builders for a design build remodel of EMS Station #2.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to authorize Building and Grounds to negotiate with Brunson Builders for a design build remodel of EMS Station #2.

Motion passed, 3-0.

Commissioner Smith mentioned Jefferson County passed a resolution for a moratorium on buildings for confined animals.

Mark Loughry indicated the response from the State on the resolution was not favorable.

Stephanie Sloop requested approval to award bid to Henry Martens Chevrolet in the amount of \$29,902.00 for a replacement truck.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to award bid to Henry Martens Chevrolet in the amount of \$29,902.00 for a replacement truck.

Motion passed, 3-0.

Jeff Joseph requested to hire a full time planner instead of an assistant planner due to the increased workload in the Planning and Zoning Department indicating a need for \$7,000.00 additional funding.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve a full time planner.

Motion passed, 3-0.

Kelly Meyer requested emergency funding in the amount of \$9,000.00 for the operation of a new Child Advocacy Center to be opened under CASA organization.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve emergency funding in the amount of \$9,000.00 for the balance of 2017.

Motion passed, 3-0.

Roger Marrs requested approval to accept an offer by the city of Basehor to purchase real estate with delinquent taxes that did not sell at public action.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the real estate sale to the city of Basehor.

Motion passed, 3-0.

Mr. Marrs requested approval to accept an offer by Jeremy Haas to purchase real estate with delinquent taxes in the city of Leavenworth.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the real estate sale to Jeremy Haas.

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 9:58 a.m.

*****September 28, 2017*****

The Board of County Commissioners met in regular session on Thursday, September 28, 2017. Commissioner Smith, Commissioner Graeber and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Senior Planner; Megan Waters, Adult Community Corrections Director; Tamara Copeland, Human Resources Director; Jennifer Anderson, Payroll; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Commissioner Smith expressed his concerns on personnel records being televised.

Mark Loughry commented he is confident the breach did not come from anyone currently on staff.

Commissioner Smith commented on employee contracts and Mr. Van Parys' contract.

Commissioner Graeber commented the bid for McIntyre Road has come in under the estimated bid and commended the Public Works staff.

PUBLIC COMMENT:

Jessica Pettis, Louis Klemp, Jerry Wilburn, William Jones, James Copeland, B.A. Skeets and Cooper Arnold made public comment.

Commissioner Holland read a letter from a county citizen.

ADMINISTRATIVE BUSINESS:

David Van Parys reported the bid for the McIntyre Road sales tax project came in below the estimate.

A motion was made by Commissioner Holland to have the five member commission question be placed on the next ballot.

Motion dies for lack of a second.

Commissioner Smith supported the motion but recommended a committee to be formed to make recommendations on how that would be handled.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the September 25, 2017 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Smith for approval of the agenda for the week of October 2, 2017.

Motion passed, 2-0 Commissioner Graeber not voting.

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.

Megan Waters requested approval and signature on the Fiscal End of year report for the Adult Community Corrections department.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the Fiscal End of year report and have the chairman sign and date the same.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-095/096, consideration of a preliminary and final plat for Cat Tale Farm.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Case Number DEV-17-095/096, Cat Tale Farm; subject to all conditions.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-102/103, consideration of a preliminary and final plat for West Farm Subdivision.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Case Number DEV-17-102/103, West Farm Subdivision; subject to all conditions.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-068/069, consideration of a rezone to a Planned Unit Development and preliminary plat for Home Works USA.

Commissioner Smith requested to table this matter but conducted the public hearing.

Commissioner Smith opened public hearing.

Michael Crow, Frankie Foster-Davis, Elka Dunlap and Barbara Sabol spoke in favor of the case.

Kathy Rapp, William Jones, Don Pauley, Steve Rapp and Alice Moore spoke in opposition.

Commissioner Smith closed public hearing.

The Board recessed for 10 minutes.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve the rezoning for a planned unit development and preliminary plat for Home Works USA.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-087, consideration of a special use permit for Paws for Freedom.

Commissioner Smith opened public hearing.

The applicant requested a 10 year permit and inquired about the traffic impact fee.

No one spoke in opposition.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Graeber and seconded by Commissioner Holland to approve the special use permit for Paws for Freedom for 10 years, subject to all conditions.

Motion passed, 3-0.

A motion for Commissioner Graeber and seconded by Commissioner Holland to approve Resolution 2017-54.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Resolution 2017-55, issuing a special use permit for a dog kennel.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-89, consideration of a special use permit for Wilburn Ridge.

Commissioner Smith opened public hearing.

The applicant requested a 10 year permit.

No one spoke in opposition.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Graeber seconded by Commissioner Holland to approve a special use permit for Wilburn Ridge for 10 years, subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Resolution 2017-56, issuing a special use permit for an event center.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-085, consideration of a text amendment to Article 85, lot and tract splits.

Commissioner Smith opened public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Graeber second by Commissioner Holland to approve a text amendment to Article 85, lot and tract splits.

Motion passed, 3-0.

A motion was made by Commissioner Holland second by Commissioner Graeber to approve Resolution 2017-57, amending the articles of the 2006 Zoning and Subdivision Regulations, lot and tract splits.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-091, consideration of a text amendment to Article 19, the table of uses.

Commissioner Smith opened public hearing

No one spoke in favor or opposition.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve a text amendment to Article 19, the table of uses.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Graeber to approve Resolution 2017-58, amending the articles of the 2006 Zoning and Subdivision Regulations, the table of uses.

Motion passed, 3-0.

Planning and Zoning requested approval of a resolution for Hayden's Gun Shop indicating the applicant has now met the requirements.

A motion was made by Commissioner Graeber and second by Commissioner Holland to approve Resolution 2017-59, issuing a special use permit for a small limited business.

Motion passed, 3-0.

A motion was made by Commissioner Smith and seconded by Commissioner Graeber to approve David Van Parys as senior county counselor, relinquish his contract and reinstate his 27 years of longevity.

Mr. Van Parys indicated he would be willing to relinquish his contract.

Commissioner Holland inquired if the County could rehire him legally after being terminated for cause.

Commissioner Smith stated the Board sets policy.

Andrea Hughes inquired as Mr. Van Parys role in the current contract situation.

Commissioner Graeber suggested tabling the matter until a new commissioner comes on board.

Commissioner Smith rescinds his previous motion.

A motion was made by Commissioner Graeber to table the matter for 10 working days for consideration.

Mr. Van Parys indicated he will work with the County Administrator on the counselor position.

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

Motion passed, 3-0.

The Board adjourned at 11:56 a.m.