

*****October 2, 2017*****

The Board of County Commissioners met in regular session on Monday, October 2, 2017. Commissioner Smith and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Sue Thayer, Personal Property Appraiser's Office; LaVeta Bowen, Personal Property Appraiser's Office; Bob Weber, County Appraiser; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

James Berry made public comment.

Curtis Oroke made public comment.

Mark Breuer made public comment.

ADMINISTRATIVE BUSINESS:

Mark Loughry acknowledged October as breast cancer awareness month.

Commissioner Smith commented a proclamation would be appropriate.

Bob Weber recognized LaVeta Bowen as Employee of the Month for October.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve the bills for the month of September.

Motion passed, 2-0.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve the September 28, 2017 meeting minutes as amended.

Motion passed, 2-0.

Louis Klemp commented.

Mark Loughry reported staff has asked Consolidated Rural Water District #1 to go out for bid on the McIntyre Road sales tax project for relocation of a water line indicating there is a Water Board meeting tomorrow evening.

David Van Parys indicated according to his findings he didn't think the water district needed to bid the project and plans to attend the water board meeting to further discuss.

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

Motion passed, 2-0.

The Board adjourned at 9:30 a.m.

*****October 5, 2017 *****

The Board of County Commissioners met in regular session on Thursday, October 5, 2017. Commissioner Smith 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 Richmeier, Leavenworth Times

Residents: Janette Labbee-Holdeman, Louis Klemp, John Matthews, Ashley Mikijanis-Clark, Cecilia Pruitt, Terry and Connie Lanaman, Don Pauley, Holly Tucker, Gary Caldwell, Dan Hess, Steven Myers, B.A. Skeet, Adrienne Schubert, Bev Sullivan, Sandi Hale, Betty Stevens, Joe Herring, Kevin Smith, Judy Morgan, Louis Altton

PUBLIC COMMENT:

Janette Labbee-Holdeman, Ashley Mikijanis – Clark and Cecilia Pruitt made public comment.

ADMINISTRATIVE BUSINESS:

Discussion took place regarding the water line relocation agreement on the McIntyre Road sales tax project with regards to the relocation going out for bid.

Mr. Van Parys commented there are five provisions in the agreement he will be recommending to change.

Mr. Van Parys updated the Board on ongoing fence viewings.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve the October 2, 2017 meeting minutes.

Motion passed, 2-0.

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

Motion passed, 2-0.

A motion was made by Commissioner Holland and seconded by Commissioner Smith for approval of the agenda for the week of October 9, 2017.

Motion passed, 2-0.

A request was made by the Leavenworth County Veteran's Day Parade Committee for the donation of two port-a-potties and usage of the south parking lot of the Justice Center for horse staging.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve the donations of two port-a-potties and the usage of south parking lot of Justice Center for horse staging.

Motion passed, 2-0.

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

Motion passed, 2-0.

The Board adjourned at 9:43 a.m.

*****October 9, 2017 *****

The Board of County Commissioners met in regular session on Monday, October 9, 2017. Commissioner Smith and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Debbie Cox, Acting Executive Secretary; Janet Klasinski, County Clerk; David Van Parys, Interim County Counselor; Jeff Joseph, Planning & Zoning Director; David Lutgen, Public Works Director; John Richmeier, Leavenworth Times

Residents: John Matthews, Mike Crow, Rocky Himpel, Steven E. Myers, Erin Eilsworth, Linda M Sturgeon, Mary Ann Cummings, Barbara Sabol, Tommie Smith, Connie Lanaman, Holly Lanaman, Terry Lanaman, Darrell and Judy Elliott, Bev Sullivan, Sandi Hale, Adrienne Schubert, Dean Oroke, Curtis Oroke, Cindy Stubbs, Maura Landry, Chris Mensch, Gary and Amanda Starcher, Joann Eilies, Deirdre Little, Cecilia Pruitt, Joe Herring, Judy Morgan, Louise Athon, Andi Schafer, and Ashley Farr.

PUBLIC COMMENT:

No public comment.

ADMINISTRATIVE BUSINESS:

Janet Klasinski advised that Leavenworth County was asked to participate in the Stand Up for Health grant through the University of Kansas Medical Center. There is no cost to the county. This is just a request for county support.

***A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve and sign a letter of support the Stand Up for Health Grant.
Motion passed 2-0.***

Mr. Crow spoke about Resolution 2017-54. The original approval did not condition rezoning on issuance of an SUP.

***A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve Resolution 2017-54 subject to removal of item #2.
Motion passed, 2-0.***

***A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve the October 5, 2017 meeting minutes.
Motion passed, 2-0.***

David Lutgen requested approval to award the survey and design of structure SH-30 to Benesch & Company.

***A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve Benesch & Company from the approved on-call engineering list for the survey and design of structure SH-30.
Motion passed, 2-0.***

David Lutgen requested approval to award the survey and design of roadway improvements for 150th St (Stillwell to K-32) and 178th St (Kansas Ave to Evans) to Napier Engineering, LLC.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to award Napier Engineering, LLC the contract for the survey and design of roadway improvements for 150th St (Stillwell to K-32) and 178th St (Kansas Ave to Evans).

Motion passed, 2-0.

Chairman Smith announced that we have a new commissioner coming on board as soon as the Governor signs off. Mr. Louis Klemp was selected on October 5, 2017, to fill the unexpired term of 2nd District Commissioner Clyde Graeber.

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

Motion passed, 2-0.

The Board adjourned at 9:20 a.m.

Final Approved

*****October 12, 2017*****

The Board of County Commissioners met in regular session on Thursday, October 12, 2017. Commissioner Smith, Commissioner Holland and Commissioner Klemp are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; David Lutgen, Public Works Director; Bob Weber, County Appraiser; Janet Klasinski, County Clerk; Lloyd Martley, Basehor City Administrator; Ken Miller, City of Lansing; Joe Herring, Herring Survey; John Richmeier, Leavenworth Times

Residents: John Matthews, Rocky Himpel, Steven Myers, Cecilia Pruitt, Bev Sullivan, Adrienne Schubert, Kim Stearns and Linda Sturgeon

Commissioner Smith introduced Louis Klemp as the new Leavenworth County Commissioner.

PUBLIC COMMENT:

Rocky Himpel made public comment.

Steven Myers requested a report from Commissioner Holland on his visit to the Tyson Plant.

Commissioner Holland replied if the project came back he would give a report at that time.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve the October 9, 2017 meeting minutes.

Motion passed, 2-0.

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

Motion passed, 3-0.

Bob Weber requested approval of disaster relief tax abatement for 17420 Hemphill Road that was destroyed by a fire.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland to approve the abatement in the amount of \$13,275.00 assessed value and approximately \$1,574.00 of property tax for tax year 2017.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp for approval of the agenda for the week of October 16, 2017.

Motion passed, 3-0.

David Lutgen requested a transfer of funds in the amount of \$50,000.00 from the Stranger Township RIF account that will be used for utility relocation, fence construction and easement acquisition on the 179th Street project.

Commissioner Klemp indicated he would like clarification on why 179th Street was moved forward.

Mr. Lutgen commented 179th Street started as a PRP project but they did not fulfill the requirements and a previous Board directed it to be taken off the PRP list to be done as a regular road improvement project.

Commissioner Smith commented the County has significant investment in this project with condemnation and dust control.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve Board Order 2017-5, transferring funds from the Stranger Township Road Improvement Fund of the County to the Road and Bridge fund of the County in the amount of \$50,000.00.

Motion passed, 2-1, Commissioner Klemm voting nay.

Mark Loughry reminded the Board about the quarterly Department Head meeting on Monday's agenda.

Commissioner Smith inquired about the personnel record leak to the media.

Mr. Loughry reported the Sheriff and County Attorney are reviewing it.

Commissioner Smith inquired about the qualifications and criteria for KCATA board members indicating it should be an elected official and from the city of Leavenworth.

Mr. Loughry indicated at the last discussion it was determined to leave the person who is on the Board now to remain until the term expires.

A motion was made by Commissioner Klemm and seconded by Commissioner Smith to remove the member of the KCATA who is serving in that position effective immediately.

Motion passed, 2-1 Commissioner Holland voting nay.

Commissioner Holland requested an executive session to discuss non-elected personnel.

David Van Parys provided the appropriate motion for an executive session.

Commissioner Klemm indicated he would second the motion after his discussion.

Commissioner Klemm requested a moment of silence after the pledge.

It was the consensus of the Board to have a moment of silence after the pledge.

Commissioner Klemm requested Board meetings to be moved to Tuesdays from 10:00 a.m. to 12:00 p.m. and 7:00 p.m. to 9 p.m. commencing January 1st.

Mr. Van Parys recommended adopting a blanket meeting policy specifying meetings.

Commissioner Smith indicated the Board needs time to review changing the meetings to Tuesdays due to MARC and Workforce meetings.

Commissioner Klemm suggested to keep public comment brief, requested an updated sales tax report, to listen to any Board that gives the Commission a recommendation, a consent agenda and signing in if you want to make public comment.

A motion was made by Commissioner Klemm and seconded by Commissioner Smith to return all of Human Resources operations back to the County Clerk's office effective immediately and all

employees of that department are to turn in their jobs and keys and meet with the County Clerk and the Administrator. The Human Resource office will be sealed until the Clerk and the County Administrator meet today to discuss the details of how the County Clerk will run that part of her office. The County Administrator will direct Public Works to immediately change the locks and decide on the security procedures in the future and if the County Administrator needs input from the County Commission, that will be his call.

Motion passed, 2-1 Commissioner Holland voting nay.

Mr. Van Parys stated the motion for the executive session as the Board recess into executive session under K.S.A. 75-4319(B)(1) to discuss non-elected personnel in order to protect the privacy of the employee involved and to reconvene in open meeting in this Commission meeting room at time specified.

Commissioner Holland stated he would like the three Commissioners and Tamara Copeland present.

Mr. Van Parys continued the motion as the persons to be present would be the three Board Commissioners and the Human Resources Director.

Commissioner Smith and Commissioner Klemp stated they would like Mr. Loughry present.

Commissioner Smith asked if the executive session was addressed with Mr. Loughry.

Mr. Loughry stated it was not.

Commissioner Klemp indicated he would not second the motion.

Motion dies for lack of a second.

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

Motion passed, 3-0.

The Board adjourned at 9:37 a.m.

*****October 16, 2017*****

The Board of County Commissioners met in regular session on Monday, October 16, 2017. Commissioner Smith, Commissioner Klemp and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Linda Lobb, Council on Aging; Stacy Driscoll, Register of Deeds; Jennifer Anderson, Payroll; Bob Weber, County Appraiser; Larry Malbrough, Information Systems Director; Megan Waters, Adult Community Corrections Director; Jamie Miller, EMS Director; Janet Klasinski, County Clerk; Jeff Joseph, Planning and Zoning Director; Andy Dedeke, Leavenworth County Sheriff; Chuck Magaha, Emergency Management Director; Jeff Culbertson, GIS Director; David Lutgen, Public Works Director; Sarah Shafer, Public Works Deputy Director; Lucas Schmalbeck, Juvenile Corrections Director; Mike Smith, Mayor of Lansing; Tim Vandall, Lansing City Administrator; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, James Berry, Connie and Terry Lanaman, Joe Herring, Gary Starcher, Steven Myers, Sandi Hale, Bev Sullivan, Adrienne Schubert and Betty Stevens

PUBLIC COMMENT:

James Berry made public comment.

ADMINISTRATIVE BUSINESS:

Mark Loughry requested two executive sessions at the end of the meeting to discuss non-elected personnel.

Commissioner Holland made a statement regarding the actions taken in the October 12th meeting.

A motion was made by Commissioner Holland to restore Human Resources Director Copeland to the position and job duties set forth in her employment contract and return the HR and staff to the control of Director Copeland effective immediately.

Motion dies for lack of second.

Mr. Loughry indicated the Board of Commissioners has access to personnel files as a Board but not individually and the matter has been addressed internally.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to approve the October 12, 2017 meeting minutes as amended.

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

Mindee Sloan with St. Luke's Cushing Hospital was presented with the "Breast Cancer Awareness Month" proclamation.

A motion was made by Commissioner Klemp seconded by Commissioner Smith to approve the proclamation marking October as "Breast Cancer Awareness Month".

Motion passed, 3-0.

Tim Vandall requested assistance for costs for sewer sleeves and additional asphalt as alternates for the McIntyre Road sales tax project.

Commissioner Klemp indicated he is willing to give the city of Lansing the \$1.8 million dollars but Leavenworth County will control it.

A motion was made by Commissioner Klemp to set aside \$1.8 million and the County will have control over the funds when they are accumulated.

Motion dies for lack of a second.

Commissioner Holland suggested putting the all the savings from the sales tax projects into a pool for other road projects that all the cities could apply for.

Commissioner Smith suggested setting aside anything that is collected above the estimates.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland to deny the request from the city of Lansing for sewer sleeves and additional asphalt.

Motion passed, 3-0.

A motion was made by Commissioner Klemp to set up a pool to be retained by the County Clerk of \$1.8 million dollars for projects to be presented from Lansing City to Leavenworth County and Leavenworth County will be in control of the funds and monitor their requests.

Commissioner Holland seconded the motion for discussion asking if other cities could apply for the funds.

Commissioner Holland rescinded his second.

An amended motion was made by Commissioner Klemp to include putting the \$1.8 million in a pool to be applied for by the cities for roads only.

Mr. Loughry commented it might be early to predict what the savings would be considering the projects are not complete.

Commissioner Smith mentioned he would like more time to look into this.

Janet Klasinski indicated at this point a motion is not necessary since we have not started collecting the funds.

Commissioner Klemp withdrew his motion.

Commissioner Klemp requested Mr. Loughry to schedule at work session with Department Heads to discuss the matter further.

Commissioner Smith conducted a Department Head/Elected Officials quarterly meeting asking how department budgets are.

Commissioner Klemp suggested a consent agenda and changing meeting days to Tuesdays.

Mr. Loughry indicated the Board could adopt a charter resolution to have one meeting a week alternating to evening meetings on MARC meeting days.

A motion was made by Commissioner Klemp to resend the PUD on the 15 mini homes to be allowed in Leavenworth County.

Motion dies for lack of a second.

Commissioner Klemp requested an old list of the PRP's before roads were removed.

Commissioner Klemp commented on consolidating vehicles with Council on Aging and Northeast Mental Health.

Commissioner Klemp commented if an item is approved in the budget the department head should proceed with the bid process.

Mr. Van Parys stated a motion for an executive session to discuss non-elected personnel.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland that in order to protect the privacy interests of the individual involved that the Board goes into executive session pursuant to the provisions of K.S.A. 79-3919(b)(1) and resume open session in this meeting room at 10:50 a.m. Present would be the three Commissioners, Mark Loughry and David Van Parys. To begin at 10:20 a.m. and returned at 10:50 a.m.

Motion passed, 3-0.

The Governing Body reconvened at 10:50 a.m. no decisions made and the discussion was limited to non-elected personnel.

Commissioner Klemp commented that information was handed out that was regarded personal records during executive session and when asked to return it, Commissioner Holland did not return the records to the County Administrator. He requested this information be put on record.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to put on record that Commissioner Holland did not return personal records back to the County Administrator during executive session.

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

Mr. Van Parys stated a motion for executive session to discuss non-elected personnel.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to protect the privacy interests of individual to be discussed the Board go into executive session pursuant to the provisions of K.S.A. 79-4319(b)(1) for 15 minutes and to resume open session in this room at 11:10 a.m. Present would be the three Commissioners, Mark Loughry, Janet Klasinski and David Van Parys.

Motion passed, 2-1 Commissioner Holland voting nay.

The Governing Body returned at 11:10 a.m.; no decisions made and the discussion was limited to non-elected personnel.

A motion was made by Commissioner Smith to place the Human Resources department under the direction of the County Administrator.

The motion was seconded by Commissioner Klemp for discussion.

Commissioner Klemp commented he does not wish to participate in future executive sessions.

Motion passed, 2-1 Commissioner Holland voting nay.

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

Motion passed, 3-0.

The Board adjourned at 11:17 a.m.

Final Approved

*****October 19, 2017*****

The Board of County Commissioners met in regular session on Thursday, October 19, 2017. Commissioner Smith, Commissioner Holland and Commissioner Klemp are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Interim County Counselor; Janet Klasinski, County Clerk, Andy Dedeke, Leavenworth County Sheriff; David King, Chief Judge of Leavenworth County; Sarah Schafer, Deputy Public Works Director; Trevor Huhn, Building and Grounds; Ken Miller, City of Lansing; Mark Preisinger, Leavenworth City Commission; John Richmeier, Leavenworth Times

Residents: Gary Starcher, Steve Myers, Terry Lanaman, Holly Tucker, Rocky Himpel, Kevin Smith, Joe Herring and Ann Brockhoff

PUBLIC COMMENT:

There were no public comments;

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland and seconded by Commissioner Klemp to approve the October 16, 2017 meeting minutes.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp 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 Klemp for approval of the agenda for the week of October 23, 2017.

Motion passed, 3-0.

Commissioner Klemp indicated he would like to see the meetings changed in November to Tuesdays.

Trevor Huhn requested authorization to award the contract to renovate the jail visitation area to Phillco Construction, LLC in the amount of \$82,920.00.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp for approval of the bid to Phillco Construction, LLC in the amount of \$82,920.00.

Motion passed, 3-0.

Commissioner Klemp inquired as to why locks and a curtain are on the Human Resources door.

Commissioner Klemp inquired as to the records leaked by a former Commissioner to the media and asked if there are any legal actions can be taken.

A motion was made by Commissioner Klemp to remove the locks and curtain from the Human Resources office.

Mark Loughry indicated that does not sound like policy and cannot single out an individual or department.

Motion dies for lack of a second.

A brief discussion took place regarding the PRP program.

Ann Brockhoff made comment.

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

The Board adjourned at 9:57 a.m.

Final Approved

*****October 23, 2017*****

The Board of County Commissioners met in regular session on Monday, October 23, 2017. Commissioner Smith, Commissioner Klemp 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; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: Cecilia Pruitt, Joe Herring, Terry Lanaman, James Berry, Steve Myers, Linda Sturgeon, Rocky Himpel, John Matthews, Mark Linaweaver, John Will, Spencer Foster, Lindsey Blancarte, Holly Tucker and B.J. Sabol

PUBLIC COMMENT:

Linda Sturgeon, Lindsey Blancarte and James Berry made public comment.

ADMINISTRATIVE BUSINESS:

Commissioner Klemp commented that within the next 60 days he would like to see a County program or plan that would include a development plan for the whole County including roads, water and sewer. He added he would like the County to be prepared to finance a bond and go out for bids by the first of the year for 20 to 25 miles of roads and Eisenhower Road.

Mark Loughry commented on a proposed format for the agenda.

A motion was made by Commissioner Klemp and seconded by Commissioner Klemp to approve the October 12, 2017 meeting minutes.

Motion passed, 3-0

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

Motion passed, 3-0.

David Lutgen requested approval to award bid to Benesch Engineering for the McIntyre Road project construction engineering, inspection and testing services in the amount of \$250,430.00.

A motion was made by Commissioner Holland to award bid to Benesch Engineering for the McIntyre Road project construction engineering, inspection and testing services in the amount of \$250,430.00.

The motion was seconded by Commissioner Klemp for discussion inquiring if all land has been acquired.

Mr. Lutgen indicated all easements have been acquired.

Motion passed, 3-0.

Mr. Lutgen requested approval to award bid to Linaweaver Construction for \$3,956,565.03 for the McIntyre Road project construction which includes the County Bid Alternate #1.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland to award bid to Linaweaver Construction for \$3,956,565.03 for the McIntyre Road project construction which includes the County Bid Alternate #1.

Motion passed, 3-0.

David Van Parys presented an employment contract for the County Administrator for a term of one year.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to approve the contract with the County Administrator as presented with the understanding that Mr. Loughry surrenders the contract as Finance Administrator as previously entered.

Commissioner Klemp inquired about the number of vacation days and if Mr. Loughry would like his address redacted.

Motion failed, 1-2 Commissioner Klemp and Commissioner Holland voting nay.

Mr. Van Parys stated a new motion.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to offer an agreement to Mr. Loughry to serve as County Administrator from October 23, 2017 to October 23, 2018 with the provision that upon satisfactory performance of that agreement determined by the Board, a subsequent term of one year would be entered into with Mr. Loughry and that year would contain termination provisions with a one year severance package.

Motion passed, 2-1 Commissioner Holland voting nay.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to approve a bill for legal services from Anderson & Byrd.

Motion passed, 2-1 Commissioner Holland voting nay.

Commissioner Klemp commented he would like someone to look at the Genesis Healthclub membership usage.

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

Motion passed, 3-0.

The Board adjourned at 10:16 a.m.

*****October 26, 2017*****

The Board of County Commissioners met in regular session on Thursday, October 26, 2017. Commissioner Smith, Commissioner Klemp 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; David Lutgen, Public Works Director; Janet Klasinski, County Clerk; Stacy Driscoll, Register of Deeds; Ken Miller, City of Lansing; Stephen Blaser, Blaser Excavating; Greg and Matt Kaaz, Lexeco; Mark Linaweaver, Linaweaver Construction; Joe Herring, Herring Survey; John Richmeier, Leavenworth Times

Residents: Linda Sturgeon, John Matthews, Cecilia Pruitt, Gary Starcher, Jerry Wilburn, Steve Myers, Terry Lanaman, B.J. Sabol, Robyn Self, Tommie Smith, Rocky Himpel, Jim Starcher, Andrea Weishaubt, Drew and Sarah Hiss, Kevin Smith

PUBLIC COMMENT:

Linda Sturgeon made public comment asking the Board to request LCDC to allow public comment, publish draft minutes and provide agenda packets.

Steve Myers made public comment.

ADMINISTRATIVE BUSINESS:

Commissioner Klemp pulled the minutes to discuss.

Commissioner Holland pulled the KCATA appointment to the advisory board.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp to approve remaining two items on the consent agenda to include OCB's and the agenda for the week of October 30, 2017.

Motion passed, 3-0.

Commissioner Klemp recommended getting lapel microphones for the Commissioners.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland to approve the minutes from October 23, 2017 as amended.

Motion passed, 3-0.

The appointment of the KCATA Advisory Board member was moved to next week's agenda.

Planning and Zoning presented Case Number DEV-17-093/094, consideration of a preliminary and final plat for Sarlls Addition to include a condition that the applicant must obtain a special use permit for a business that is being run out of the home to bring the property into compliance.

The applicant, Larry Sarlls commented.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland to remand Case Number DEV-17-093/094 back to the Planning Commission to separate the plat from the special use permit.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-106, consideration of a special use permit for RS Meat Smokers.

Commissioner Smith opened public hearing.

No one spoke in favor or opposition.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland to approve Case Number DEV-17-106, a special use permit for RS Meat Smokers, subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp to approve resolution 2017-60, issuing a special use permit for a small limited business.

Motion passed, 3-0.

Commissioner Klemp indicated he would like to approve the Chairman signing the resolutions.

David Van Parys indicated the minutes could reflect that the motion was made to approve and authorize the Chairman to sign the resolution.

Planning and Zoning presented Case Number DEV-17-109, an amendment to the Leavenworth County Comprehensive Plan taking into account properties that have been rezoned and approved by the Board to change the zoning routes from a rural residential to a business zone in the past three years.

A motion Commissioner Holland and seconded by Commissioner Klemp to approve Case Number DEV-17-109, an update to the Leavenworth County Comprehensive Plan, the land use map.

Motion passed, 3-0.

Krystal Voth indicated a public hearing is required.

Commissioner Smith opened public hearing

No one spoke in favor or opposition.

A motion was made by Commissioner Klemp and Commissioner Holland to approve Case Number DEV-17-109, consideration of an update to the Leavenworth County Comprehensive Plan, the land use map, subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp to approve Resolution 2017-61, an amendment to the Leavenworth County Comprehensive Plan – Future Land Use Map.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-118, consideration of a temporary special use permit for an awareness event/fundraiser, the Kaw Valley Young Life Program.

Commissioner Smith opened public hearing.

No one spoke in favor or opposition.

A motion was made by Commissioner Klemp seconded by Commissioner Holland to approve Case Number DEV-17-118, a temporary special use permit for an awareness event/fundraiser, subject to all conditions.

Motion passed, 3-0.

Jeff Joseph updated the Board on the request for qualifications for the land use study for County Road 1 and requested to proceed with the request for proposal.

A motion was made by Commissioner Holland seconded by Commissioner Klemp to approve the request for proposal for the land use study for County Road 1.

Motion passed, 3-0.

Mark Loughry requested approval of a letter of support for a Council on Aging grant.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland to allow Council on Aging to apply for a Federal Grant U.S.C. 49-5310, Enhanced Mobility of Seniors and Individual with Disabilities fiscal year July 2018-June 2019.

Motion passed, 3-0.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to reinstate David Van Parys as Senior County Counselor and instruct him to work with the County Administrator on his salary base on the current County Pay Plan and to reinstate his 27 years of longevity with the County as well as sick leave he lost as of December 14th, 2016 and to provide 160 hours, 4 weeks of vacation up front with no waiting period on health insurance.

David Van Parys indicated he would relinquish his contract and accept the position.

Commissioner Smith called for vote

Commissioner Holland reiterated that anyone that is terminated for cause cannot be reelected.

Commissioner Klemp indicated he would like see that in the policy and if it is he moved that it be removed from the policy as of the 26th of October at 9:53 a.m. and did an amendment to the motion to remove that part of the policy.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to remove that part of the policy immediately.

Motion passed, 2-1 Commissioner Holland voting nay.

Commissioner Klemp called for his first motion.

Motion passed, 2-1 Commissioner Holland voting nay.

Commissioner Klemp commented about the accusations of him meeting with Commissioner Smith after he was sworn in on October 11th.

Commissioner Klemp requested to see his personal file from 1978 and read his response from Human Resources Department.

Mr. Loughry indicated that he directed the Human Resources Department to direct personnel requests to him.

Commissioner Klemp asked when Dennis Bixby received the leaked information.

Commissioner Klemp inquired what will happen in court tomorrow.

David Van Parys stated a hearing will be on a motion on counter claims against the County.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to direct the County Administrator to put letters in the files of the individuals that he has discussed with things happening that should not have happened.

Motion passed, 2-1 Commissioner Holland voting nay.

Commissioner Klemp inquired if any money is coming back from Tonganoxie on the Industrial Park.

Mr. Loughry indicated the agreement stated the County would give the city of Tonganoxie the funds up front and they can utilize those funds with no responsibility to pay them back as long as they are used for the Industrial Park.

Commissioner Klemp indicated he would like to see the cities cost share on road improvements.

Commissioner Holland reported the Leavenworth County Workforce and Wyandotte County Workforce will receive Federal funding to continue with the programs because their buildings met the requirement standards.

Commissioner Holland reported MARC will be doing a 5 year study on intersections and roundabouts.

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

Motion passed, 3-0.

The Board adjourned at 10:24 a.m.

A work session was conducted discussing a policy for sales tax reserve for special projects.

*****October 30, 2017 *****

The Board of County Commissioners met in regular session on Monday, October 30, 2017. Commissioner Smith, Commissioner Holland and Commissioner Klemp are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; David Van Parys, Senior County Counselor; Janet Klasinski, County Clerk; Sarah Shafer, Deputy Public Works Director; Nancy Bauder, Mayor of Leavenworth; Roger Marris, Deputy Information Systems Director; Ken Miller, City of Lansing

Residents: Curtis Oroke, John Matthews, James Berry, Gary Starcher, Steve Myers, Linda Sturgeon, Connie Lanaman, Joe Herring, Rocky Himpel, Holly Tucker, Bill and Virginia Runnebaum

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Roger Marris reported the results of the Court proceedings from Friday morning regarding the employment contracts indicating a motion was filed by Ms. Hughes attorney asking other affected parties that have contracts to join the lawsuit. Mr. Marris indicated the Court ruled the other parties should be named as defendants and served with a copy of the petition and given an opportunity to file an answer.

Commissioner Holland asked if the additional individuals named would have to be placed on administrative leave.

Mark Loughry indicated the attorneys were placed on administrative leave after they filed a counter suit which is when the conflict came up.

David Van Parys indicated he disavows any interest in pursuing a counterclaim as being one of the individuals mentioned.

Roger Marris indicated he also disavows any interest in pursuing a counterclaim as being one of the individuals mentioned.

Mr. Van Parys suggested the Board to grant himself and Mr. Marris a waiver of any perceived conflict.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to waive conflict for David Van Parys and Roger Marris with respect to the counterclaim filed in the declaratory judgment action heard on October 27th.

Motion passed, 2-1 Commissioner Holland voting nay.

Commissioner Smith recognized the Transfer Station for passing the KDHE inspection with no violations.

Commissioner Klemp addressed questions from the previous meeting such as the lapel microphones, the date that Mr. Bixby received the information regarding Mr. Van Parys and if letters have been placed in the files of the individuals discussed at last meeting.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to approve the minutes from October 26, 2017.

Motion passed, 3-0.

A motion was made by Commissioner Smith and seconded by Commissioner Klemp to approve the appointment of Nancy Bauder to the KCATA Advisory Board member.

Motion was seconded for discussion.

Commissioner Holland asked if this was opened up to other cities and indicated it would be advantageous to Lansing and Basehor.

Nancy Bauder commented she is dedicated to representing the County as well as the city of Leavenworth.

Motion passed, 3-0.

Mark Loughry presented a check register provided by the County Clerk's office that would allow the Commissioners to review monthly bills and have the County Administrator and County Clerk sign off on the register with the Board's motion to approve.

Janet Klasinski indicated any specific purchase order that they would like to look at would be available.

A motion was made by Commissioner Klemp and seconded by Commissioner Holland to authorize the County Administrator and County Clerk to approve the checks to be issued after review by the Board of County Commission.

Motion passed, 3-0.

Commissioner Klemp asked if Mr. Loughry is accepting the new contract proposal offered to him.

Mr. Loughry indicated with the amendment that was proposed it would be in his best interest to accept the new contract and chose to continue to work under the existing contract.

A motion was made by Commissioner Klemp to fire the five individuals which includes the Human Resources, the two lawyers, Mr. Loughry and the gentleman from Public Works.

Commissioner Smith indicated the gentleman from Public Works surrendered his contract.

David Van Parys indicated Mr. Grier's contract is void.

The motion was seconded by Commissioner Smith for discussion.

Commissioner Smith commented he supported Mr. Loughry during the interview process under a two year contract but Mr. Loughry was then offered a three year contract by Human Resources indicating he would support a one year contract with one year severance.

Motion failed, 1-2 Commissioner Holland and Commissioner Smith voting nay.

A motion was made by Commissioner Klemp and seconded by Commissioner Smith to remove Mr. Loughry from the firing and fire the other three, Human Resource position, two attorneys that are the County Counselor and Deputy County Counselor effective immediately.

Motion passed, 2-1 Commissioner Holland voting nay.

Commissioner Holland made a statement indicating these terminations are retaliation and without cause.

Commissioner Smith inquired about an Equal Opportunity Employment Commission complaint.

David Van Parys reported the complaint was dismissed.

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

The Board adjourned at 10:01 a.m.

Final Approved