

\*\*\*\*\*May 1, 2018 \*\*\*\*\*

The Board of County Commissioners met in regular session on Tuesday, May 1, 2018. Commissioner Smith and Commissioner Klemp; Commissioner Holland is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Senior Planner; Christa Mcgaha, Planner; Janet Klasinski, County Clerk; Megan Waters, Adult Community Corrections Director; David Lutgen, Public Works Director; Ken Miller, City of Lansing; Tony Baker, CW Parker Carousel Museum; Shawn Strate, KCATA; John Richmeier, Leavenworth Times

Residents: Glen Berry, Joe Herring; Larry Van Fleet, AW Himpel, Chad Schimke, Mary Dwyer, Carroll Bohannon

Commissioner Klemp announced that Law Day will be celebrated today at 12:00 p.m.

Commissioner Klemp referenced a thank you letter for funding from St. Vincent Clinic.

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

David Van Parys requested to appoint Dr. Altaf Hossain as the First Judicial District Coroner due to Dr. McIntosh not meeting the technical specifications of the job.

***A motion was made by Commissioner Smith and seconded by Commissioner Klemp to accept Board Order 2018-4, appointing Dr. Altaf Hossain, MD, as District Coroner for the First Judicial District rescinding Board Order 2018-3.***

***Motion passed, 2-0.***

Jeff Joseph requested to table Case Number DEV-18-025/026 due to finalizing a right of way agreement.

It was the consensus of the Board to remove Case Number DEV-18-025/026 from the consent agenda.

***A motion was made by Commissioner Smith and seconded by Commissioner Klemp to approve the consent agenda for Tuesday, May 1, 2018.***

***Motion passed, 2-0.***

David Lutgen requested authorization to purchase roll off containers for Solid Waste from Wastequip in the amount \$24, 571.00 to be paid from depreciation.

***A motion was made by Commissioner Smith and seconded by Commissioner to approve the bid for the roll off containers for Solid Waste from Wastequip in the amount of \$24,571.00.***

***Motion passed, 2-0.***

Mr. Lutgen requested to list a 2006 Komatsu excavator on PurpleWave.

***A motion was made by Commissioner Smith and seconded by Commissioner Klemp to allow Public Works to dispose a 2006 Komatsu excavator on PurpleWave.***

***Motion passed, 2-0.***

Megan Waters presented a quarterly report for Adult Community Corrections.

Tony Baker requested \$7,882.22 for the CW Parker Carousel Museum to upgrade the HVAC system.

Shawn Strate with the Kansas City Area Transportation Authority gave a presentation regarding the RideKC program with ideas on how to incorporate Leavenworth County into the program.

A work session was held to discuss sewer districts that the County operates and maintains.

Commissioner Smith questioned if additional counsel should be retained to assist Mr. Ryburn in the lawsuit.

***A motion was made by Commissioner Smith and seconded by Commissioner Klemm to have the Senior County Counselor retain additional counsel to assist Anderson & Byrd.***

***Motion passed, 2-0.***

Commissioner Klemm announced May 1<sup>st</sup> through May 3<sup>rd</sup> is National Small Business Week.

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

***Motion passed, 2-0.***

The Board adjourned at 10:26 a.m.

\*\*\*\*\*May 8, 2018\*\*\*\*\*

The Board of County Commissioners met in regular session on Tuesday, May 8, 2018. Commissioner Smith, Commissioner Klemp and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Linda Lobb, Council on Aging Director; Larry Malbrough, Information Systems Director; Roger Marris, Information Systems Deputy Director; Jeff Culbertson, GIS Department; David Lutgen, Public Works Director; Sarah Shafer, Public Works Deputy Director; Ken Miller, City of Lansing; Carrie Ritchey, Little Stranger Church; Tony Baker, CW Carousel Museum; Joyce Grover and Jackie Teaford, Kansas Coalition Against Sexual & Domestic Violence; John Richmeier, Leavenworth Times

Residents: AW Himpel, Joanne Aaron, Chad Schimke, Glen Berry, John Matthews, Jane Gilbert, Joe Herring, Linda Sturgeon, Connie Putthoff, Evelyn Keopke, Mary Boudreaux, Joe and Sara Moraille, Audrey Sanders

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry reported the city of Basehor voted down the proposal from the Leavenworth County Sheriff regarding law enforcement services.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the consent agenda for Tuesday, May 8, 2018.***

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

Roger Marris requested authorization to file the tax lien foreclosure petition to proceed with a tax sale.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to authorize Roger Marris to file of a tax lien and the foreclosure petition and approve Board Order 2018-5.***

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

Mr. Loughry presented a compiled list of funding requests from the historical societies for discussion.

Commissioner Smith commented the Board gave the Tonganoxie Historical Society \$8,000.00 and should give each request \$8,000.00 and have a reserve for next year.

Commissioner Klemp recommended giving Little Stranger Church \$10,000.00, the Leavenworth County Historical Society \$10,000.00, the Leavenworth Historical Museum \$10,000.00, the Fred Harvey Museum \$6,000.00 and the CW Parker Carousel Museum \$10,000.00.

***A motion was made by Commissioner Klemp and seconded by Commissioner Holland to fund requests to Little Stranger Church \$10,000.00, the Leavenworth County Historical Society \$10,000.00, the Leavenworth Historical Museum \$10,000.00, the Fred Harvey Museum \$6,000.00 and the CW Parker Carousel Museum \$10,000.00.***

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

Sarah Shafer requested approval of a change order on the 147<sup>th</sup> Street project in the amount of \$268,693.93 resulting from the Rural Water District #1 delays.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to accept the change order on the 147<sup>th</sup> Street project in the amount of \$268,693.93.***

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

Jeff Joseph obtained preliminary cost estimates for the development of a master plan for the entire County in the amount of one million to one million and half dollars.

Commissioner Smith indicated the cities should participate.

It was the consensus of the Board to consider the master plan at budget time.

Joyce Grover, executive director of the Kansas Coalition Against Sexual & Domestic Violence, discussed services provided and why the alliance against family violence closed.

Mr. Loughry indicated they are asking Leavenworth County to commit to the \$50,000 but not provide it until other funding is available.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve funding request from the Alliance Against Family Violence for \$55,000.00 in matching funds.***

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

Linda Lobb presented the quarterly report for Council on Aging.

Larry Malbrough presented the quarterly report for Information Systems.

***A motion was made by Commissioner Holland and seconded by Commissioner Smith that the Board recess for a closed executive meeting for the discussion of pending litigation and mediation session as justified by K.S.A. 75-4319(b)(2) for a consultation with the legal counsel for the Board which would be deemed privileged in the attorney/client relationship and the Board resume open meeting at 11:00 a.m. in the meeting room of the Board. Present in the executive session will be Commissioners Holland and Smith, Senior County Counselor, David Van Parys and County Administrator, Mark Loughry.***

Discussion is tabled until other items on the agenda are done.

Commissioner Smith announced the city of Basehor is meeting today and tomorrow night on 155<sup>th</sup> Street.

Commissioner Smith inquired if meetings will be held before blasting starts at the Tonganoxie Quarry.

Commissioner Smith inquired if a work session will be held on Sewer District #3 or an Attorney General's opinion.

Mr. Loughry stated the questions regarding Sewer District #3 were answered last year by Mr. Van Parys.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to pay a bill from Anderson & Byrd in the amount of \$15,265.60.***

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

*A motion was made by Commissioner Smith and seconded by Commissioner Klemp to authorize Commissioner Smith to retain legal counsel to represent him in ongoing litigation in which he has been named a defendant and that his action in selecting an attorney be Mr. David Hoffman and be approved by this Board.*

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

*A motion was made by Commissioner Klemp and seconded by Commissioner Smith to authorize Commissioner Klemp to retain legal counsel to represent him in ongoing litigation in which he has been named a defendant and that his action in selecting an attorney be Mr. Michael Jilka and be approved by this Board.*

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

*The executive session resumed at 10:39 a.m.*

*Motion passed, 3-0.*

The Board resumed open session at 11:10 a.m.

The Board took no binding action in executive session.

*A motion was made by Commissioner Smith and seconded by Commissioner Holland to authorize Mr. Loughry, Mr. Van Parys and other legal counsel to proceed to mediation per the terms discussed in executive session and to bring any binding action or agreement back to the Board in open session.*

*Motion passed, 3-0.*

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

*Motion passed, 3-0.*

The Board adjourned at 11:12 a.m.

\*\*\*\*\*May 15, 2018\*\*\*\*\*

The Board of County Commissioners met in regular session on Tuesday, May 15, 2018. Commissioner Smith, Commissioner Klemp and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Jeff Culbertson, GIS Director; Wayne Doty, GIS Deputy Director, Andy Dedeke, Leavenworth County Sheriff; Janet Klasinski, County Clerk; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, Glen Berry, Joe Herring

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Commissioner Holland indicated Gary Stafford resigned from Easton Township and Adina Williams has expressed interest in the Easton Township Treasurer.

***A motion was made by Commissioner Holland and seconded by Commissioner Klemp to appoint Adina Williams as Easton Township Treasurer.***

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

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the consent agenda for Tuesday, May 15, 2018.***

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

Sheriff Dedeke requested authorization to accept allocation for the FY2019 Juvenile Prevention and Graduated Sanctions in the amount of \$586,618.58 and the FY2018 Regional Collaboration Grant Funds in the amount of \$1,500.00 and authorize the chairman to sign.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to accept the Juvenile Prevention and Graduated Sanctions in the amount of \$586,618.58.***

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

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to accept the Regional Collaboration Grant in the amount of \$1,500.00.***

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

Jeff Culbertson presented the quarterly report for the GIS department.

Jeff Joseph presented the quarterly report for the Planning and Zoning department.

Commissioner Smith attended the meeting regarding 155<sup>th</sup> Street in Basehor.

Commissioner Klemp mentioned consolidation of resources and to send out proposals in all areas.

Commissioner Klemp mentioned the need for another main north/south road through the county.

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

The Board adjourned at 9:47 a.m.

Final Approved

\*\*\*\*\*May 22, 2018\*\*\*\*\*

The Board of County Commissioners met in regular session on Tuesday, May 22, 2018. Commissioner Smith, Commissioner Klemp and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; David Lutgen, Public Works Director; Sarah Shafer, Public Works Deputy Director

Residents: Glen Berry, George Kather, Steven and Kathi Laurent, Rick and Donna Prentiss, David and Jo Kinzie, Gene Blancarte, John Kaslaitis, Christina Guthrie, Tammy Miller, Ken Miller, Scott Hubbard, Larry and Karen Kellogg, Bill and Jennifer Loechler, Ted Frederickson, Laurie and Greg Putthoff, Merilee Cooper, Bill Hoeltzel, Todd Lux, Herb George, Amy Miller, Andy Grosko, Ben Allen

**PUBLIC COMMENT:**

George Kather inquired about the PRP program.

**ADMINISTRATIVE BUSINESS:**

Commissioner Smith reported the audit was discussed at the MARC meeting.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the consent agenda for Tuesday, May 22, 2018.***

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

Sarah Shafer requested support for a grant from KCATA for bicycle route signage with a \$1,000.00 pledge from the Public Works fund and sign a letter of support.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to sign the letter of support and funding pledge for the sustainable places grant with the KCATA the amount of \$1,000.00.***

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

Ms. Shafer presented an updated PRP list adding 219<sup>th</sup> Street from Kissinger Road to Leavenworth Road, removing Coffin Road from 167<sup>th</sup> Street to 1 mile west of 167<sup>th</sup> Street and Stranger Road from 195<sup>th</sup> Street to 207<sup>th</sup> Street.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to add 219<sup>th</sup> Street from Kissinger Road to Leavenworth Road and remove Coffin Road from 167<sup>th</sup> Street to 1 mile west and remove Stranger Road from 195<sup>th</sup> Street to 207<sup>th</sup> Street and accept May 16, 2018 PRP list.***

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

Ms. Shafer updated the Board on the gravel road dust control program and requested to approve Resolution 2018-11.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve Resolution 2018-11, amending the gravel road dust control program to govern all roadways under jurisdiction of the Board of County Commissioners.***

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



Ms. Shafer updated the Board on the sales tax projects to include 147<sup>th</sup> Street, Eisenhower Road and McIntyre Road and the PRP program.

David Lutgen updated the Board on bridge projects, county road projects, reopening of existing right of ways, KDOT safety reviews and signage reviews.

Ms. Shafer reported on MARC call for projects, all administrative matters to include personnel, road maintenance updates and traffic counts on gravel roads,

Mr. Lutgen updated the Board on the solid waste department, buildings and grounds and a summary of the winter events.

Commissioner Smith asked about notification to the city of Tonganoxie about the removal of the recycling bins the first of June.

Commissioner Smith inquired about the blasting at the Tonganoxie Quarry.

Commissioner Klemp asked staff to look into the half mile notification for the blasting.

Commissioner Klemp reported the city of Leavenworth maybe contributing \$50,000.00 to the Alliance Against Family Violence.

Commissioner Klemp mentioned that Kansas spends millions on no bid contracts.

Commissioner Smith asked if the Alliance Against Family Violence have appointed the board members needed.

Mr. Loughry mentioned they have not reported back to us.

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

The Board adjourned at 6:59 p.m.

\*\*\*\*\*May 29, 2018\*\*\*\*\*

The Board of County Commissioners met in regular session on Tuesday, May 29, 2018. Commissioner Smith, Commissioner Klemp and Commissioner Holland are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Jamie Miller, EMS/Health Dept Director; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Senior Planner; Christa Mcgaha, Planner; David Lutgen, Public Works Director; Bob Weber, County Appraiser; Chip Demoss, Attorney at Law; Scott Ryburn, Attorney at Law; John Richmeier, Leavenworth Times

Residents: AnnaMary Landauer, Glen Berry, Joe Herring, Chad Schmike, Dan Lynch, AW Himpel, Gary Starcher, Brian Manson, Dennis Mills, David Frese, Larry and Karen Kellogg, Jim Seeman, John Sawka, Diane Strick, Shane, Benjamin and Cade Meuschke, Dan and Amy Lungu, Paul Ester, Jenny Lungu, Nick and Marsha Calovich, Oliver Cohen, Ted and Barbara Coble, Ed Dobbins, Becky Reischman, Jessie Dobbins

**PUBLIC COMMENT:**

Joe Herring asked to table Case Number DEV-18-029 until a meeting between developers can occur.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry reported Hamm's is willing to extend the pre-blast inspection to ½ mile from ¼ mile at the Tonganoxie Quarry at the cost of \$7,700.00.

***A motion was made by Commissioner Smith and seconded by Commissioner Klemp to do pre-blast assessments ½ mile from the blasting at the Tonganoxie Quarry.***

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

A motion was made by Commissioner Smith to approve a pre-blast assessment on the property owner that received a letter from the County Engineer in 2012 to go ½ mile.

Motion dies for lack of second.

***A motion was made by Commissioner Holland and seconded by Commissioner Klemp to leave at ¼ mile pre-blast assessment.***

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

Commissioner Smith expressed concerned on Resolution 2018-11 regarding the 40 foot right of way on the 18 foot top road.

Mr. Loughry indicated it would come before the Board before any 18 foot road would be approved.

***A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve the consent agenda for Tuesday, May 29, 2018.***

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

David Van Parys presented a proposed termination of a lease hold interest on the Idecker quarry property in the amount of \$25,000.00 and asked the chairman to sign the release.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the agreement for termination of county lease hold interest in the Idecker quarry property in the amount of \$25,000.00.***

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

Planning and Zoning presented Case Number DEV-17-141 a special use permit for DL Granite.

Commissioner Klemp opened public hearing.

Dan Lungu, Chip Demoss, Brian Manson, Dennis Mills, Dan Lynch, Jennifer Lungu, Nick and Marsha Calovich, Paul Ester, Amy Lungu spoke in favor of the permit.

Ed Dobbins, AnnaMary Landauer, Rebecca Reischman and Jessie Dobbins spoke in opposition of the permit.

Mr. Lungu spoke in rebuttal.

Commissioner Klemp closed public hearing.

***A motion was made by Commissioner Holland and seconded by Commissioner Smith to remand Case Number DEV-17-141 back to the planning commission.***

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

Planning and Zoning presented Case Number DEV-18-033 a special use permit for Meuschke Farms.

Commissioner Klemp opened public hearing.

Shane Meuschke spoke in favor.

Commissioner Klemp closed public hearing.

***A motion was made by Commissioner Holland to approve Resolution 2018-12, issuing a special use permit for an agri-business – Meuschke Farms.***

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

Commissioner Smith questioned the thirty employees.

Jeff Joseph indicated they are just asking for the maximum.

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

Commissioner Klemp indicated Case Number DEV-18-029 is tabled.

Planning and Zoning presented Case Number DEV-18-041 a text amendment to add Article 41 to the Leavenworth County Zoning and Subdivision Regulations regarding driveway spacing.

Commissioner Klemp opened public hearing.

Joe Herring spoke.

Commissioner Klemp closed public hearing.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve Resolution 2018-13, amending the articles of the 2006 Zoning and Subdivision regulations, Article 41. Motion passed, 3-0.***

Planning and Zoning presented Case Number DEV-18-057 a temporary special use permit for the Tonganoxie Library Run.

Commissioner Klemp opened public hearing.

David Frese spoke in favor of the permit.

Commissioner Klemp closed public hearing.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve Case Number DEV-18-057 a temporary special use permit for the Tonganoxie Library Run. Motion passed, 3-0.***

Bob Weber presented the quarterly report for the Leavenworth County Appraiser's Office.

Jamie Miller presented the quarterly report for the Health Department and EMS.

***A motion was made by Commissioner Smith and seconded by Commissioner Holland to recess into a closed executive meeting for the discussion of pending litigation case number 2017CV179 as justified by K.S.A. 75-4319(b)(2) consultation with legal counsel for the Board which would be deemed privileged in the attorney/client relationship and that the Board resume open meeting for 20 minutes beginning 11:35 a.m. and resume in this room at 12:00 p.m. Present in the executive session will be Commissioner Holland and Smith, Scott Ryburn, Senior County Counselor David Van Parys and County Administrator Mark Loughry. Motion passed, 3-0.***

The Board resume regular session at 12:00 p.m.

Mr. Van Parys indicated the Board has been presented with settlements agreements dealing with claims raised in a civil case involving Mollie Hill and Andrea Hughes.

***A motion was made by Commissioner Smith and seconded by Commissioner Klemp to move the Board approve the settlement agreement with Ms. Andrea Hughes involving claims related to case number 2017CV179 as presented. Motion passed, 3-0.***

***A motion was made by Commissioner Smith and seconded by Commissioner Klemp to move the Board approve the settlement agreement with Ms. Mollie Hill involving claims related to case number 2017CV179 as presented. Motion passed, 3-0.***

The Board adjourned at 12:04 p.m.