

*****July 3, 2018 *****

The Board of County Commissioners met in regular session on Tuesday, July 3, 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; Krystal Voth, Senior Planner; Christa Mcgaha, Planner; David Lutgen, Public Works Director; Janet Klasinski, County Clerk; Linda Scheer, County Clerk's Office; Ken Miller, City of Lansing; Mike Crow, Attorney at Law; John Richmeier, Leavenworth Times

Residents: Glen Berry, John Matthews, AW Himpel, Joe Herring, Gary Starcher, Jane Gilbert, Bill and Jennifer Loechler, Linda Koska, Frankie Foster-Davis, Malcolm Foster-Davis, Avery Brodeur

PUBLIC COMMENT:

Jennifer Loechler made comment regarding chip and seal on 219th Street.

ADMINISTRATIVE BUSINESS:

Mark Loughry indicated Public Works will meet with property owners on 219th Street regarding request for additional 10 foot of easement.

Mr. Loughry presented a policy regarding cost share for entities requesting funds.

It was the consensus to add the policy to next week's agenda.

David Van Parys requested an executive session to discuss acquisition of real property.

Commissioner Klemp requested to add the Leavenworth County Sheriff's proposal for law enforcement in Basehor to the agenda.

It was the consensus of the Board to add the proposal to the agenda.

A motion was made by Commissioner Klemp to remove all line items in the 2018 budget dealing with vacancies and gasoline from all departments to be placed in the Courthouse general fund.

Motion dies for lack of a second.

It was the consensus of the Board to have a work session regarding funding vacant positions in departments.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the consent agenda for Tuesday July 3, 2018.

Motion passed, 3-0.

Larry Malbrough requested approve and authorization for the chairman to sign the CGI letter of support.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve and authorize the chairman to sign the CGI letter of support.

Motion passed, 3-0.

David Lutgen requested to award bid to Julius Kaaz Construction in the amount of \$97,898.00 for paving at the Transfer Station indicating there may be additional work required that was not included in the base bid.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to award bid to Julius Kaaz Construction in an amount not to exceed \$140,000.00 for paving at the Transfer Station.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-18-037, consideration of a rezone request from RR-5 to B-3.

Commissioner Klemp opened public hearing.

No one spoke in opposition or in favor.

Commissioner Klemp closed public hearing.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve Case Number DEV-18-037 to rezone from RR-5 to B-3 and approve Resolution 2018-14.

Motion passed, 3-0.

Mr. Loughry indicated 150th Street would qualify for the new dust abatement policy which would remove it from the old PRP program.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to move forward on paving 150th Street.

Motion passed, 3-0.

Commissioner Smith indicated the city of Basehor may be interested in entering a cost share on Donahoo Road.

Mr. Lutgen indicated an additional \$120,000.00 would be needed for finishing 155th Street.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp to finish 155th Street.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to move that this Board recess from open session and go into a closed executive session for the preliminary discussion of the acquisition of real property as justified by K.S.A. 75-4319(b)(6) and that this Board resume open session in this meeting room at 10:45 a.m. Present in the executive session will be Commissioners Robert Holland and Doug Smith, County Administrator Mark Loughry and Senior County Counselor David Van Parys.

Motion passed, 3-0.

The Board returned to regular session at 10:45 a.m.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to authorize the Senior County Counselor to move forward as discussed on the property acquisition.

Motion passed, 3-0.

The Board adjourned at 10:48 a.m.

Final Approved

*****July 10, 2018*****

The Board of County Commissioners met in regular session on Tuesday, July 10, 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; Janet Klasinski, County Clerk; Jeff Joseph, Planning and Zoning Director; Jeff Culbertson, GIS; Ken Miller, City of Lansing; Todd Thompson, County Attorney; Nancy Theis, County Attorney's Office Manager; John Richmeier, Leavenworth Times

Residents: AW Himpel, Glen Berry, Dean Oroke, Joe Herring, Janette Labbee-Holdeman, Forrest Holdeman Mike Carney, Vicky Kaaz, Crystal Blackdeer Rita Swann, Gregory Ruff, Candy Dials, Anne Brockhoff, Dana Foutenat

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry presented a proposed budget from the County Attorney and inquired if the Board would like to consider it without presentation.

It was the consensus of the Board to have the County Attorney present his budget.

Commissioner Klemp requested the information as to how McIntyre Road and Eisenhower Road were considered for the sales tax projects.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the consent agenda for Tuesday July 10, 2018.

Motion passed, 3-0.

Janet Klasinski presented a resolution to add the five member Commission question to the ballot for November.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to authorize a resolution for a vote to change the number of county commission districts from three to five and approval of Resolution 2018-15.

Motion passed, 3-0.

It was the consensus of the Board to have Buildings and Grounds estimate additional office space for future commissioners.

Mr. Loughry requested the Board to approve a policy that addresses outside agency funding requests.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the policy change in the policy manual for the outside agency funding request to be effective August 1, 2018.

Motion passed, 3-0.

Jeff Joseph discussed adopting building codes for the County.

Commissioner Klemp and Commissioner Holland was not in favor of pursuing building codes.

Todd Thompson presented the 2019 County Attorney budget.

It was the consensus of the Board that the budget for the County Attorney will be approved.

Commissioner Smith inquired if there will be sewer district hearings.

David Van Parys reported if the Board changes the annual assessment then a hearing is needed, publication and notification must be sent to property owners.

Commissioner Smith reported a youth center will be opening in Tonganoxie.

Commissioner Smith attended the candidate forum at the Tonganoxie VFW for representatives.

Commissioner Smith announced that the city of Linwood Lions Club will hold a barbeque this Saturday from 4:00 p.m. to 7:00 p.m. at the Linwood Community Building.

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

The Board adjourned at 10:39 a.m.

*****July 17, 2018 *****

The Board of County Commissioners met in regular session on Tuesday, July 17, 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; Andrew Dedeke, Leavenworth County Sheriff; James Sherley, Undersheriff; Jeff Dedeke, Chief Deputy; Jamie Miller, EMS Director; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Senior Planner; Janet Klasinski, County Clerk; John Richmeier, Leavenworth Times

Residents: John Matthews, Glen Berry, AW Himpel, Emily Fast, Roger Brandt, Chad Schmike, Joe Herring, Lloyd Martley, Cassy Pennington, Linda Sturgeon, Curtis Oroke, Christine Aus

PUBLIC COMMENT:

Lloyd Martley made public comment.

ADMINISTRATIVE BUSINESS:

Mark Loughry indicated August 14th will be the final budget hearing.

Commissioner Klemp spoke about no offices if there are five County Commissioners, mail-in ballots and Fire District #1.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve the consent agenda for Tuesday July 17, 2018 as amended.

Motion passed, 3-0.

Jamie Miller presented a contract with Stroke Prevention Plus to provide health screenings to County employees on November 2, 2018.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the health assessment.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-18-070, a temporary special use permit for Lansing Educational Foundation Gala.

Commissioner Klemp opened public hearing.

Christine Aus spoke in favor of the permit.

No one spoke in opposition.

Commissioner Klemp closed public hearing.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve Case Number DEV-18-070, a temporary special use permit for Lansing Educational Foundation Gala.

Motion passed, 3-0.

David Van Parys presented an agreement for the acquisition of real property in regards to the Eisenhower Road project.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to authorize the chairman to sign the easements as presented.

Motion passed, 3-0.

Mr. Van Parys presented a draft agreement with the Leavenworth County Port Authority which then will be presented to the city of Leavenworth.

Commissioner Smith indicated he would like to see a member from each city be appointed to the Port Authority Board.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the amendment to the Leavenworth County Port Authority agreement.

Motion passed, 3-0.

Sheriff Andrew Dedeke spoke about how the proposal for law enforcement in the city of Basehor came about.

Discussion took place regarding unfilled vacancies within departments and what happens to the funds for those vacancies.

Commissioner Klemp asked for a consensus of the Board to remove the Sheriff's pay plan and put it back under the County pay plan and remove the unfilled vacancies back to the County general fund.

Sheriff Dedeke explained how his funds are spent and the classifications of the hierarchy structure of his office.

There was ***not*** a consensus to remove the Sheriff's pay plan or unfilled vacancies.

Commissioner Smith indicated LCDC is putting together a marketing plan for the industrial parks.

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

Motion passed, 3-0.

The Board adjourned at 11:00 a.m.

*****July 24, 2018 *****

The Board of County Commissioners met in regular session on Tuesday, July 24, 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; Larry Malbrough, Information Systems Director; Janet Klasinski, County Clerk; Stacy Driscoll, Register of Deeds; Ken Miller, City of Lansing; Keith Rickard, Director of the Guidance Center; Kim Knight, Leavenworth High School; John Richmeier, Leavenworth Times

Residents: Glen Berry, Vicky Kaaz, Joe Herring, Chad Schmike, Wes and Tiffany Cackler, Robert and Vicki Williams, Christy Litz, John Bradford, Joe Buis, Deb Gregor

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Holland to instruct the Leavenworth County Counselor, Mr. David Van Parys to seek a Kansas Attorney General Opinion reference K.S.A. 19-219 to determine if the Chairman of the Board of County Commissioners can be removed from the chairmanship of the Board by a majority vote of the Board. I request Mr. Van Parys make this inquiry to the AG's office no later than July 26, 2018 and seek an answer back to the Board by July 31, 2018. I am asking for a second to my motion.

Commissioner Smith seconded motion for discussion.

Motion passed, 2-1 Commissioner Klemp voting nay

Commissioner Holland attended the Workforce Partnership meeting indicating the Leavenworth location is up for lease.

Commissioner Klemp requested the Senior County Counselor to draft a letter to representatives to change the law for mail in ballots for every election and requested the County Clerk to list the pros and cons of the mail in ballots.

It was the consensus of the majority of the Board to leave the ballot process as is.

A motion was made by Commissioner Smith and seconded by Commissioner Klemp to approve the consent agenda for Tuesday July 24, 2018.

Motion passed, 3-0.

Larry Malbrough requested authorization to purchase routers and voice gateways in the amount of \$72,655.60 through depreciation.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp to approve the purchase of routers and voice gateways in the amount of \$72,655.60.

Motion passed, 3-0.

Kim Knight presented a mental health initiative for all five school districts in Leavenworth County requesting a question to be placed on the ballot to raise the mill levy up to two mills for the proposal.

Janet Klasinski indicated she would need to look into the legality of the questions posed to the voters.

It was the consensus of the majority of the Board to have staff look into the proposal.

Commissioner Klemm announced the resignation of the clerk for the Delaware Township Board and reported Stacy Driscoll was the only applicant for the position.

A motion was made by Commissioner Klemm and seconded by Commissioner Holland to appoint Stacy Driscoll as the clerk of the Delaware Township Board.

Motion passed, 3-0.

The Board adjourned at 1:52 p.m.

Final Approved

*****July 31, 2018*****

The Board of County Commissioners met in regular session on Tuesday, July 31, 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; Megan Waters, Adult Community Corrections Director; David Lutgen, Public Works Director; Krystal Voth, Senior Planner; Christa Mcgaha; Jamie Miller, Janet Klasinski, County Clerk; Ken Miller, City of Lansing; Chip DeMoss, Attorney at Law

Residents: John Matthews, Glen Berry, AW Himpel, Joe Herring, Dee Lewis, Chad Schimke, Janette Labbee-Holdeman, Mark Breuer, Crystal Blackdeer, Randy Herrman, Dave Clevenger, Brian Mason, Dan and Amy Lungu, Rita Decarsky, Kathy LaMoe

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

David Van Parys requested the Board to accept a check from Ms. Marilyn Kay Parsons trust for air conditioning at the old Annex building.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to accept the check for \$12,549.40 from Marilyn Kay Parsons irrevocable trust.

Commissioner Klemp indicated the annex does not need an air conditioner.

Mr. Van Parys indicated it will go to any repairs of the air conditioning.

It was the consensus of the Board to have a plaque placed at the Annex for recognition of Ms. Parsons donation.

Motion passed, 3-0.

Commissioner Holland indicated he was subpoenaed to Court therefore he will need to bring back his attorney.

It was the consensus of the Board to allow Commissioner Holland to retain an attorney.

Commissioner Klemp inquired if the request to the Attorney General's office has been accomplished.

Mr. Van Parys indicated the Attorney General's office has not yet offered an opinion.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the consent agenda for Tuesday July 31, 2018.

Motion passed, 3-0.

Megan Waters requested approval and chairman's signature of the FY2018 quarterly budget adjustments, FY2019 behavioral health budget and FY2019 revised grant funding proposal for Adult Community Corrections.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to authorize the chairman to sign the approval of the Community Corrections grant funds.

Commissioner Klemp inquired about possible signature discrepancies on letters from the State of Kansas and requested a correction.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to authorize the chairman to sign the application providing there are two matching signatures.

Motion passed, 3-0.

David Lutgen requested to award a contract to Schlagel and Associates to provide professional services for Leavenworth County's Dust Abatement program in the amount of \$130,000.00 or \$6,500.00 per mile for 20 miles.

A motion was made by Commissioner Holland and seconded by Commissioner Klemp to approve a contract to Schlagel and Associates to provide services for the dust abatement program for discussion.

Commissioner Holland inquired how the list Mr. Lutgen provided was determined.

Mr. Lutgen indicated it's based on 2016 highest traffic counts.

Commissioner Klemp asked for a consensus that the roads are in design be brought to the Commission to look at for possible dust abatement.

Commissioner Smith indicated he would like to see the cities involvement within the three mile radius of the city limits.

It was the consensus of the Board to have Mr. Lutgen bring back the roads that are in design to the Commission.

Motion passed, 3-0.

Mr. Lutgen requested approval to proceed with the scope of work for a design build update of EMS Station #2 provided by Brunson Builders with the base amount of \$115,277.00 with an two additional options which increase the amount by \$34,614.00 for a total project budget of \$150,000.00.

Mr. Lutgen indicated an additional optional item would be to redo the parking lot in the amount of \$80,000.00 to be bid as a separate project.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve the scope of work from Brunson Builders for a design build of the EMS Station at 425 Laming Road for \$150,000.00 for discussion.

Discussion took place regarding the size of the Annex and equipment storage.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV-17-141, a special use permit for D.L. Granite Designs.

Commissioner Holland asked about the noise level.

Commissioner Klemp opened public hearing.

No one spoke in opposition.

Chip DeMoss, Attorney at Law and Dan Lugo spoke in favor.

Commissioner Klemp closed public hearing.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve Case Number DEV-17-141 for 5 years; subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve Resolution 2018-16 authorizing a special use permit for D.L. Granite.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV- 18-055, a special use permit for Brunson Builders, a contractor's yard.

Commissioner Klemp opened the public hearing.

No one spoke in opposition or in favor.

Commissioner Klemp closed public hearing.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve Case Number DEV-18-055 for 10 years, subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve Resolution 2018-17 authorizing a special use permit for Brunson Builders.

Motion passed, 3-0.

Planning and Zoning presented Case Number DEV- 18-059, a special use permit for Sands Construction.

Commissioner Klemp opened public hearing.

Randy Herrman, Rita Decarsky and Kathy LaMoe spoke in opposition.

Commissioner Klemp closed public hearing.

A motion was made by Commissioner Smith and seconded by Commissioner Klemp to approve Case Number DEV-18-059, subject to all conditions.

Motion passed, 2-1 Commissioner Holland voting nay.

A motion was made by Commissioner Smith and seconded by Commissioner Klemp to approve resolution 2018-18 authorizing a special use permit for Sands Construction.

Motion passed, 2-1 Commissioner Holland voting nay.

Planning and Zoning presented Case Number DEV-18-040 consideration of a text amendment for definition of a kennel.

Commissioner Klemp opened public hearing.

Crystal Blackdeer spoke in favor.

No one spoke in opposition.

A motion was made by Commissioner Smith and seconded by Commissioner Holland to approve Case Number DEV-18-040; subject to all conditions.

Motion passed, 3-0.

A motion was made by Commissioner Holland and seconded by Commissioner Smith to approve Resolution 218-19 amending the 2006 Subdivision and Zoning Regulations.

Motion passed, 3-0.

Commissioner Klemp wants to take the Master Plan for Leavenworth County to the cities for their input.

A motion was made by Commissioner Smith to authorize the County Counselor to make contact with former Commissioner Bixby to return any personnel files that he may have in his possession.

A new motion was made by Commissioner Smith to authorize the County Counselor to take whatever action he needs to get back any personnel files in the possession former County Commissioner Dennis Bixby.

Commissioner Holland offered to contact former Commissioner Bixby by phone himself to obtain any documents.

Commissioner Smith added to the motion that something needs to be heard by next meeting.

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

The Board adjourned at 11:14 a.m.