

\*\*\*\*\*January 3, 2019\*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, January 3, 2019. Commissioner Smith, Commissioner Holland and Commissioner Kaaz are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Jeff Culbertson, Commissioner –Elect; John Richmeier, Leavenworth Times

Residents: Glen Berry, Chad Schimke, Joe Herring, Betty Klindedinst, William Trower, John Matthews, Tammy Hane, Steve Myers, Joyce McMillen, Sherri Eberth

**PUBLIC COMMENT:**

William Trower commented about easements on Donahoo Road.

Mark Loughry will follow up with Public Works.

Glen Berry commented.

Joe Herring requested a previous case denied in May by the Planning Commission be heard again.

Mr. Loughry suggested having Mr. Herring meet with Planning and Zoning and go through the process.

**ADMINISTRATIVE BUSINESS:**

Mr. Loughry indicated a PRP/dust abatement easement update will be on next week's agenda.

Commissioner Smith reported he has been attending the mental health task force meetings and they want to make it a coalition. He asked Commissioner Kaaz to take over in representing the County on this.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Holland to approve the consent agenda for Tuesday, January 3, 2019 (to include two previous attorney bills that were removed from the check register on December 11, 2018).***

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

Janet Klasinski requested approval of a resolution that waives the GAAP requirement for auditing purposes.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Holland to approve Resolution 2019-1.***

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

Mr. Loughry indicated he will schedule meetings at the end of January with department heads and elected officials with the Board to give a presentation on what their departments do and their budgets for upcoming year.

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

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

The Board adjourned at 9:32 a.m.

RESOLUTION 2019-1

WHEREAS the County of Leavenworth, Kansas, has determined that the financial statements and financial reports for the year ended 2018 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of County of Commissioners or the members of the general public of the County of Leavenworth and

WHEREAS there are no revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with. K.S.A. 75-1120a(a) for the year ended 2018.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Leavenworth County, Kansas, in regular meeting duly assembled this 3rd day of January, 2019 that the Board of County Commissioners waives the requirements of K.S.A. 75-1120a(a) as they apply to the County of Leavenworth for the year ended 2018.

BE IT FURTHER RESOLVED that the Board of County Commissioners shall cause the financial statements and financial reports of the County of Leavenworth to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of the state of Kansas.

  
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Doug Smith, Chairman

  
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Robert Holland, Member

  
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Vicky A. Kaaz, Member



  
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Attest: Janet Klasinski, County Clerk

\*\*\*\*\*January 8, 2019\*\*\*\*\*

The Board of County Commissioners met in regular session on Tuesday, January 8, 2019. Commissioner Smith, Commissioner Holland and Commissioner Kaaz are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; David Lutgen, Public Works Director; Jeff Culbertson, Commissioner – Elect; John Richmeier, Leavenworth Times

Residents: Glen Berry, Betty Klinedinst, Tammy Hane, Joe Herring, Chad Schimke, Curtis Oroke, Harold Sommerfeldt, Troy Smith, Zane Yunghans, John Matthews

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry requested approval or denial of the memberships to the Kansas Association of Counties and the Kansas County Commissioners Association.

Commissioner Smith suggested tabling the Kansas County Commissioners Association dues for further research.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Holland to pay the dues to the Kansas Association of Counties.***

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

***A motion was made by Commissioner Holland and seconded by Commissioner Kaaz to approve the consent agenda for Tuesday, January 8, 2019.***

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

David Lutgen updated the Board on the PRP program/dust abatement easements.

Harold Sommerfeldt requested direction as to the process of the current PRP and dust abatement programs.

Commissioner Kaaz requested a work session on the PRP/dust abatement program.

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

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

The Board adjourned at 9:21 a.m.

\*\*\*\*\*January 15, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Tuesday, January 15, 2019. Commissioner Smith, Commissioner Holland and Commissioner Kaaz are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Jeff Culbertson, Commissioner – Elect; Andy Dedeke, Leavenworth County Sheriff; Janice Van Parys, County Treasurer; Jamie Miller, EMS Director; Megan Waters, Adult Community Corrections Director; Janet Klasinski, County Clerk; Jeff Joseph, Planning and Zoning Director; David Lutgen, Public Works Director; Stacy Driscoll, Register of Deeds; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: Glen Berry, John Matthews, Joe Herring, Dean Oroke, Curtis Oroke, JW Evans, Betty Klinedinst; Chad Schimke, Troy Smith, Tammy Hane, Bill Loechler

**PUBLIC COMMENT:**

Bill Loechler inquired about the status of the chip and seal on 219<sup>th</sup> Street.

Commissioner Smith stated 219<sup>th</sup> Street had 100%.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry reminded everyone that the Courthouse will be closed on Monday in observance of Martin Luther King Day.

*A motion was made by Commissioner Holland and seconded by Commissioner Kaaz to approve the consent agenda for Tuesday, January 15, 2019.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Holland and seconded by Commissioner Kaaz to have the current board adjourn into sine die.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to appoint Commissioner Smith as temporary chair to the Leavenworth County Commission.*

*Motion passed, 3-0.*

Commissioner Smith reconvened as the regular Board of County Commissioners.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to appoint Doug Smith as the permanent chairperson.*

*Motion passed, 3-0.*

The Commission meeting days were discussed.

Commissioner Culbertson suggested to do away with the night meetings.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to have the regular meeting of the County Commission on Wednesday mornings at 9:00 a.m. with no evening meetings.*

*Motion passed, 3-0.*

Glen Berry suggested live streaming the meetings.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to live stream the regular meetings of the County Commission.***

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

Commissioner Smith requested to consider the official County newspaper.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to have the Leavenworth Times as the official Leavenworth County paper.***

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

Janet Klasinski requested to continue with Commerce Bank as the County official depository.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to continue with Commerce Bank as the official depository for Leavenworth County.***

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

The wages for the Elected Officials were discussed.

Commissioner Smith indicated that Human Resources was placed under the County Clerk and inquired about a stipend due to the additional duties.

Mr. Loughry recommended to make the step a multiple of 2% to keep on the current pay plan.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to do the proposed budget amount and table the Clerk's additional amount until further discussion.***

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

Megan Waters requested the reappointment of members to the Adult Community Corrections Advisory Board.

Commissioner Smith indicated he would like to see these positions advertised to the community.

Mr. Loughry indicated he will run advertising for 30 days for the positions to the Advisory Board.

The appointment to the Adult Community Corrections Advisory Board was tabled.

Commissioner Smith will attend the marketing workshop on January 16<sup>th</sup>.

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

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

The Board adjourned at 9:29 a.m.

\*\*\*\*\*January 24, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Thursday, January 24, 2019. Commissioner Smith, Commissioner Kaaz and Commissioner Culbertson 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; Krystal Voth, Planning and Zoning Deputy Director; David Lutgen, Public Works Director; Paul Kramer, City of Leavenworth Administrator; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, Glen Berry, Tammy Hane, Joe Herring, Hank and Marla Spellman, Chad Schmike, Kent King, Chris King, Kay Johnson

**PUBLIC COMMENT:**

Tammy Hane commented about industrial hemp and suggested a work session.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry presented an agreement with the Leavenworth County Health Officer indicating the only change is reallocating the stipend to his salary for him to take advantage of retirement benefits.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the agreement with the County Health Officer.***

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

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the consent agenda for Thursday, January 24, 2019.***

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

Planning and Zoning presented Case Number DEV-19-003, a temporary special use permit for King's Construction.

No one spoke in opposition.

Glen Berry commented.

Commissioner Kaaz questioned the coordinates of the Notice of Intent.

The applicant, Chris King, the notice of intent is for borrow and taking trees and burning brush.

King's construction indicated the coordinates will be corrected.

Commissioner Kaaz asked about signage on the highway for trucks entering and leaving, large stockpile of dirt and fencing along the wetland.

Kent King commented they were not aware certain permits were required.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve Case Number DEV-19-003 to add a condition to allow for a 9 month permit after all necessary permits are approved as the official start date, subject to all other conditions.***

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

David Lutgen presented an agreement with KDOT with Noxious Weeds to spray in the state owned right of way indicating the only change is the labor rate.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the KDOT agreement with Noxious Weeds.***

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

Commissioner Smith asked where to get Neighborhood Watch signs.

Mr. Lutgen indicated he is not aware where to get them.

Commissioner Kaaz indicated she believes there is a formal program for Neighborhood Watch.

Paul Kramer spoke about the Association of Defense Communities indicating it is an information sharing organization for cities that have military installations.

It was the consensus of the Board to have the County Administrator obtain more information on the Association of Defense Communities and the Kansas County Commission Association and place on the agenda in two weeks.

Mr. Loughry indicated a vacancy will be open on the Leavenworth County Port Authority asking the direction of the Board on how to handle the appointment.

Commissioner Smith reported in June that the County presented the city a new agreement and never heard anything back.

Commissioner Kaaz indicated there should be a new agreement and each municipality should have a representative serve on the Port Authority.

Mr. Kramer indicated the issue with the agreement was that it gave the County unilateral authority to appoint members.

David Van Parys reported that expansion of the Port Authority Board does not require legislative approval.

Mr. Loughry suggested the Board come back with ideas for a work session in two weeks.

It was the consensus of the Board to allow the city of Leavenworth to move forward with the appointment of a member to the Port Authority.

Commissioner Kaaz and Commissioner Culbertson reported information from the New Commissioners Orientation conference.

Commissioner Smith attended the small business workshop, Basehor city council meeting, Local Government Day, LCDR Annual Meeting, Kansas for Life Vigil, MARC meeting and announced that the Linwood Elementary School will hold a fundraiser for playground equipment on January 25th.

Commissioner Kaaz announced a Ladies Night Out fundraiser on Saturday, January 26<sup>th</sup> at 4:00 p.m. at the Heritage Center with proceeds going to the Alliance Against Family Violence and CASA.

Mr. Loughry inquired if anyone would be interested in attending the Workforce meetings that Commissioner Holland attended.

Commissioner Culbertson indicated he would attend Workforce and MARC.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson that the Board recess from open session and go into a closed executive session to discuss personnel matters of non-elected personnel as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 10:45 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, and Doug Smith, County Administrator Mark Loughry, Senior County Counselor David Van Parys.*

*Motion passed, 3-0.*

The Commission returned at 10:45 a.m. No decisions were made at this time.

*A motion was made Commissioner Culbertson and seconded by Commissioner Kaaz that the Board recess from open session and go into a closed executive session to discuss personnel matters of non-elected personnel as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 11:05 a.m.*

*Motion passed, 3-0.*

The Commission returned at 11:05 a.m. No decisions were made and discussion was non-elected personnel.

Mr. Van Parys requested to consider adoption of Resolution of 2019-2 that references the creation of the office of County Administrator and directs the chairman sign an agreement with Mr. Loughry for those services.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve Resolution 2019-2.*

*Motion passed, 3-0.*

*A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to adjourn.*

*Motion passed, 3-0.*

The Board adjourned at 11:07 a.m.



**RESOLUTION 2019-2**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE AN AGREEMENT BETWEEN THE BOARD AND MARK LOUGHRY FOR COUNTY ADMINISTRATOR SERVICE**

**WHEREAS** Resolution 2007-42 established the office of county administrator as provided for by K.S.A 19-3a02(a), and;

**WHEREAS** Upon due consideration this board finds that it is in the best interests of the citizens of Leavenworth county that the professional services of a county administrator be provided, and;

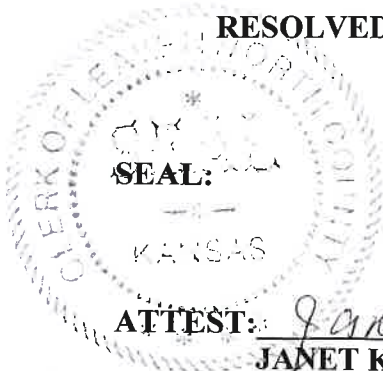
**WHEREAS** This board has consulted with Mark Loughry and determined that an agreement whereby he would provide to the county the professional services of a county administrator is in the best interests of the citizens of the county, and;

**WHEREAS** An agreement has been reached whereby Mark Loughry would provide to the county the professional services of a county administrator;

**NOW BE IT THEREFORE RESOLVED:**

1. That the board authorizes and directs the chair of the board to execute the agreement reached between the board and Mark Loughry whereby Mark Loughry shall provide to the county the professional services of a county administrator as described in the agreement and the job description for the position of county administrator.
2. That upon the subsequent execution of the agreement by Mark Loughry he commence to provide the services detailed in the agreement and job description for the position of county administrator. It is the specific intent of the board that the county administrator have, among other duties and responsibilities outlined in the job description, responsibility for the evaluation, compensation, suspension or dismissal of all non-elected Department Directors and that he occupy the position of county administrator at the pleasure of the board and under the terms and conditions of the agreement entered into.

**RESOLVED THIS 24TH DAY OF JANUARY, 2019.**



  
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**DOUG SMITH, CHAIR, 3RD DISTRICT**

  
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**JEFF CULBERTSON, 1ST DISTRICT**

**ATTEST:**   
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**JANET KLASINSKI**

  
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**VICKY KAAZ, 2ND DISTRICT**

\*\*\*\*\*January 30, 2019\*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, January 30, 2019. Commissioner Smith, Commissioner Kaaz and Commissioner Culbertson are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Linda Lobb, Council on Aging Director; Megan Waters, Adult Community Corrections Director; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Planning and Zoning Deputy Director; Christa McGaha, Planner; Jamie Miller, EMS/Health Dept. Director; Janet Klasinski, County Clerk; Bob Weber, County Appraiser; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, Glen Berry, Chad Schimke, Michael and Eileen Willcott, Damien Willcott, Dean Oroke, Curtis Oroke, David Frese, Troy Smith, Connie Olson, Rick and Donna Prentiss, Bob Heckman, Kelly Angell

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

David Van Parys indicated a complaint was received of surfacing of septic water at a residence and is currently being investigated if it is gray water or black water.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the consent agenda for Wednesday, January 30, 2019.***

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

Planning and Zoning presented Case Number DEV-18-101, a special use permit for Willcott Woodworks requesting a 10 year permit.

Commissioner Smith opened the public hearing.

Michael Willcott spoke in favor of the permit.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve Resolution 2019-3 to include a 15 year permit, subject to all other conditions.***

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

Mark Loughry requested to approve the Annual Noxious Weed Eradication Progress Report and Noxious Weed Management plan.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to accept the Noxious Weed Management Plan.***

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

Mr. Loughry requested to remove 187<sup>th</sup> Street from the PRP list that will close out that program.

Commissioner Kaaz indicated she would like the County on the website answer questions about the dust abatement for the public so they know their options and the costs associated with it.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to remove 187<sup>th</sup> Street from the PRP project.***

Commissioners Kaaz indicated that staff needs to follow up the individuals who are affected by this removal.

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

Mr. Loughry requested to approve advertising for bids for the groups that have been submitted for deficiency reviews.

Commissioner Smith felt 174<sup>th</sup> Street could be done by staff.

Commissioner Smith reported that 182<sup>nd</sup> and 179<sup>th</sup> are falling apart.

Mr. Loughry will be meeting with the vendor to address the issue on 182<sup>nd</sup> and 179<sup>th</sup>.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve advertising for bid for Group I, II, III and Group PRP for construction 2019.***

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

Presentations were given by Adult Community Corrections, Planning and Zoning/GIS, EMS/Health Department, Council on Aging and the County Appraiser as to what their departments do and how they operate.

Commissioner Smith and Commissioner Culbertson will attend the LCDC meeting tomorrow.

Commissioner Kaaz will attend the City of Lansing's Power Lunch on Friday.

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

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

The Board adjourned at 10:49 a.m.

## RESOLUTION 2019-3

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for Home Remodeling and Light Construction Supply/Sales on the following described property:

A tract of land in the South Half of the Northeast Quarter of Section 29, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas more commonly known as 25757 Tonganoxie Road.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 14<sup>th</sup> day of November, 2018, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 9<sup>th</sup> day of January, 2019; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 30<sup>th</sup> day of January, 2019, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 30<sup>th</sup> day of January, 2019, and incorporated herein by reference;

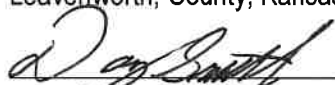
That Case No. DEV-18-101, Special Use Permit for Home Remodeling and Light Construction Supply/Sales, Willcott Woodworks is approved subject to the following conditions:

1. The SUP shall be limited to a period of 15 years.
2. The business shall be limited to the hours of 7 am to 6 pm daily.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$198.88.
4. The SUP shall be limited to 1 employee other than business owners.
5. The noise level shall be limited to 60 decibels at the property line.
6. The applicant shall adhere to the following memorandums:
  - a. Christa McGaha – Planning and Zoning, December 12, 2018
  - b. David Lutgen, P.E. – Public Works, November 29, 2018
  - c. Melissa Johnson – Codes Enforcement Officer, December 6, 2018
  - d. Chuck Magaha – Emergency Management, December 12, 2018
  - e. David Van Parys – County Counselor, November 29, 2018
  - f. Becky Fousek – Rural Water District No 8, November 29, 2018
  - g. Amanda Holloway – Free State Electric Cooperative, November 29, 2018
7. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.

- 8. No on-street parking shall be allowed.
- 9. This SUP shall be limited to the Narrative dated November 14, 2018 submitted with this application.
- 10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

located in Section 29, Township 9 Range 22 East, also known as 25757 Tonganoxie Road, parcel no. 109-29-0-00-00-007.00 in Leavenworth County, Kansas.

Adopted this 30<sup>th</sup> day of January, 2019  
Board of County Commission  
Leavenworth, County, Kansas

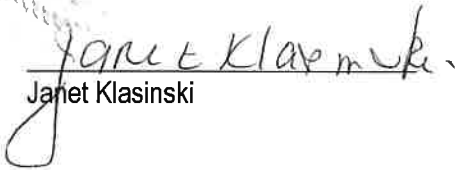
  
\_\_\_\_\_  
Doug Smith, Chairman

  
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Jeff Culbertson, Member

  
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Vicky Kaaz, Member



ATTEST

  
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Janet Klasinski