

\*\*\*\*\*May 1, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, May 1, 2019. Commissioner Smith, Commissioner Culbertson and Commissioner Stieben are present; Commissioner Schimke and Commissioner Kaaz are absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Christa Mcgaha, Planner; John Richmeier, Leavenworth Times

Residents: Larry Van Fleet, Joe Herring, AW Himpel, Jake Sprague, Christy and Shawn Britz, Chad and Megan Gilliland, David Faherty

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

David Van Parys reported there has been a request for a fence viewing and suggested to appoint himself and Mike Spickelmier as alternate fence viewers.

Commissioner Culbertson suggested there should be one commissioner on the panel.

Commissioner Smith suggested the commissioner whose district it is in should serve if they can.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to appoint David Van Parys and Mike Spickelmier to the fence viewing panel and one member of the board of County Commissioners.***

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

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve the consent agenda for Wednesday, May 1, 2019.***

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

Planning and Zoning requested Case Number DEV-19-019, a special use permit for a dog kennel, be tabled until May 22, 2019.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to table Case Number DEV-19-019, a special use permit consideration to the May 22, 2019 commission meeting.***

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

Planning and Zoning presented Case Number DEV-19-020, a special use permit for a cell tower.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2019-8, issuing a special permit for a communication tower, subject to all conditions.***

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

Planning and Zoning presented Case Number DEV-19-022, a special use permit for Next to Nature Farm.

Commissioner Smith opened the public hearing.

The applicants, Chad and Megan Gilliland, spoke in favor of the permit.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2019-9, issuing a special use permit for an agribusiness for Next to Nature, subject to all conditions for a 10 year permit***

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

Planning and Zoning presented Case Number DEV-19-024, a special use permit for a land fill and rock quarry.

Commissioner Smith opened the public hearing.

The applicant, Christy Britz, spoke in favor of the permit.

No one spoke in opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve Resolution 2019-10, issuing a special use permit for a landfill and rock quarry for Flat Land Excavating for 10 years.***

Mark Loughry indicated the traffic impact fee would be doubled due to the number of years the permit is issued.

The applicant acknowledged the change in the TIF fee.

Commissioner Culbertson added the doubled TIF fee to the motion with Commissioner Stieben adding to his second.

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

Planning and Zoning presented Case Number DEV-19-025, a special use permit for a cabinet shop, Artisan Cabinets.

Commissioner Smith opened the public hearing.

The applicant, David Faherty, spoke in favor of the permit.

No one spoke in opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2019-11, issuing a special use permit for a cabinet shop, Artisan Cabinets, subject to all conditions.***

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

Commissioner Smith indicated KDOT was wanting to have smaller meetings with stakeholders on the Belt Highway.

Commissioner Smith will attend the Southern Leavenworth County Leadership luncheon in Basehor this afternoon.

Commissioners Stieben and Culbertson will attend Law Day today at noon.

Commissioner Stieben reported a meeting was held in Linwood discussing the sand quarry with an attendance of about 100 citizens.

Commissioner Stieben indicated citizens need to talk to their other local governments about property taxes.

Commissioner Stieben reported the Kansas Supreme Court has added Kansas at the top of the list as states as the most liberal on abortion.

Commissioner Smith attended the MARC meeting, Basehor city council meeting, the Council On Aging fundraiser benefit on Friday and harassment training yesterday.

Commissioner Culbertson met with the Workforce Partnership where the topic was the homeless issue indicating there need for programs to be in place to help with work and school.

Commissioner Stieben indicated the citizens in the southern part of Leavenworth County would like to see more law enforcement patrolling in the area.

Commissioner Stieben reported David Van Parys presented a memo to the Linwood City Council informing them the County would be willing to enter into an interlocal agreement with the County to help enforce city codes with the County code enforcement.

The Board adjourned at 9:48 a.m.

## RESOLUTION 2019-8

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Communication Tower 155' monopole structure (tower) on the following described property:

A tract of land in the Northeast of Section 18, Township 11 South, Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas more commonly known as 17775 182<sup>nd</sup> St., Tonganoxie, KS 66086.

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 12<sup>th</sup> day of December, 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 10<sup>th</sup> day of April, 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 1<sup>st</sup> day of May, 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 1<sup>st</sup> day of May, 2019, and incorporated herein by reference;

That Case No. DEV-19-020, Special Use Permit for a Communication Tower 155' monopole structure (tower) be approved subject to the following conditions:

1. The SUP shall be limited to a period of twenty five (25) years.
2. The SUP shall have no limit on hours of operation.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$2.26.
4. The applicant shall adhere to the following memorandums:  
See attached comments:
  - a. Michael Spickelmier, P.E. – Public Works Director, April 2, 2019
  - b. Chuck Magaha – Emergency Management , April 1, 2019
  - c. David Van Parys – Senior County Counselor, March 19, 2019
  - d. Melissa Johnson - Code Enforcement Officer, March 19, 2019
  - e. Mark Lee – City of Basehor, Planning & Zoning Director, March 20, 2019
5. If the tower is not operated for a continuous period of two (2) years, it shall be considered abandoned, and the owner shall remove it within ninety (90) days of a receipt of notice from the governing authority notifying the owner of such abandonment. If such tower is not removed within ninety (90) days, the governing authority may remove the tower at the owner's expense.

6. All proposed towers 150 feet or less, not including lightning rod, shall be designed to accommodate at least one (1) additional PCS/Cellular platform. All proposed towers in excess of 150 feet shall be designed to accommodate at least two (2) additional PCS/Cellular platforms.
7. Pad sites shall be surrounded by a minimum six-foot tall chain linked fence that may use screening inserts or other material that block direct view of the site unless leased parcel has agriculture use surrounding it.
8. Vegetation shall be removed and controlled around the pad site if the property is not used for agricultural purposes.
9. Prior to the issuance of a building permit, the applicant must file and receive approval of a site plan.
10. A 24-hour emergency contact number shall be posted at the facility in the event of an emergency.
11. 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 & Subdivision Regulations.
12. No on-street parking shall be allowed.
13. This SUP shall be limited to the Narrative dated December 27, 2018 submitted with this application.
14. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
15. 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 & Zoning Department within 30 days.

located in Section 18, Township 11 South, Range 22 East, also known as address, 17775 182<sup>nd</sup> St, Tonganoxie, KS 66086, parcel no. 184-18-0-00-00-010.00 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of May, 2019  
 Board of County Commission  
 Leavenworth, County, Kansas

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

  
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 Jeff Culbertson, Member

  
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 Janet Klasinski

  
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 Vicki Kaaz, Member

  
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 Chad Schimke, Member

  
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 Mike Stieben, Member

## RESOLUTION 2019-9

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for an agri-business, for Next to Nature Farm on the following described property:

Lot 6, in Bent Water Subdivision, according to the recorded plat thereof,  
Commonly known as: 23338 Kissinger Rd., Leavenworth, KS 66048

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 22<sup>nd</sup> day of February, 2019, 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 10<sup>th</sup> day of April, 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 1<sup>st</sup> day of May, 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 1<sup>st</sup> day of May, 2019, and incorporated herein by reference;

That Case No. DEV-19-022, Special Use Permit for an agri-business, Next to Nature Farm approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours 10 am to 6 pm Wednesdays and Thursdays, 10 am to 8 pm Fridays, 9 am to 9 pm Saturdays, and noon to 6 pm Sundays.
3. An engineered septic system is required for the construction of the commercial building on the property.
4. The applicant shall work with staff on additional requirements for existing septic system prior to opening short term rental.
5. The applicant shall provide a certificate of liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
6. The applicant shall pay a Traffic Impact Fee (TIF) of \$1,075.45.
7. The SUP shall be limited to one (1) full time and three (3) part-time employees.
8. Noise levels at the property line shall not exceed 60 decibels.
9. The applicant shall adhere to the following memorandums:
  - a. Christa McGaha – Planning and Zoning, March 15, 2019

- b. Melissa Johnson – Codes Enforcement Officer, March 11, 2019
- c. Chuck Magaha – Emergency Management, March 11, 2019
- d. David Van Parys – County Counselor, March 5, 2019
- e. Tim Smith – Tonganoxie Township Fire District, March 11, 2019
- f. Cathy Bowen – Rural Water District 9, March 11, 2019
- g. Amanda Holloway – Free State Electric, March 11, 2019

10. No signage is allowed in the right-of-way. All signage shall be a maximum of 4' x 4' and comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
11. No on-street parking shall be allowed.
12. This SUP shall be limited to the Narrative dated February 20, 2019 submitted with this application.
13. This SUP shall be limited to the site plans submitted with this application
14. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
15. 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 18, Township 10 Range 21E, also known as 23338 Kissinger Road, parcel no. 144-18-0-00-00-003.08 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of May, 2019  
 Board of County Commission  
 Leavenworth, County, Kansas

  
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 Doug Smith, Chairman

  
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 Jeff Culbertson, Member

*absent*  
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 Vicky Kaaz, Member

*absent*  
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 Chad Schimke, Member

  
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 Mike Stieben, Member



*Janeet Klasinski by D-Cox*  
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 Janeet Klasinski

## RESOLUTION 2019-10

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Landfill and Extraction of Raw Materials for a C&D Landfill and Rock Quarry – Flatland Excavation on the following described property:

A tract of land A tract of land in the northwest quarter of Section 20, Township 8 south, Range 21 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas more commonly known as 31358 227<sup>th</sup> Street

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 22<sup>nd</sup> day of February, 2019, 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 10<sup>th</sup> day of April, 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 1<sup>st</sup> day of May, 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 1<sup>st</sup> day of May, 2019, and incorporated herein by reference;

That Case No. DEV-19-024, Special Use Permit for a Landfill and Extraction of Raw Materials for a C&D Landfill and Rock Quarry – Flatland Excavation approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 7:00 Am until 8:00 Pm Monday through Saturday.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$4,714.28.
4. The SUP shall be limited to eight employees other than the property owners.
5. At least one employee shall be on site during operational hours.
6. The applicant shall adhere to the submitted project narrative for the quarry and landfill. Any modifications, alterations or additions to the written description of the use shall require a revision to the approved special use permit.
7. The SUP is limited to four blasting events per year. At least one week prior to each scheduled blasting event the applicant shall inform all neighboring property owners within 1,000 feet of the boundary of the subject property by mail of the date of the blasting activity.



8. The applicant shall provide a certificate of liability insurance with a minimum of \$1,000,000 per occurrence with certificate holder listed as County of Leavenworth. The applicant shall be specifically insured for injury to a customer of the landfill.
9. In the event of a fire, the applicant shall immediately contact the responding fire department and shall report the incident to Planning & Zoning within 48 hours.
10. The applicant shall adhere to the following memorandums:
  - a. Chuck Magaha – Emergency Management, April 4, 2019
11. 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.
12. No on-street parking shall be allowed.
13. This SUP shall be limited to the Narrative dated January 20, 2019 submitted with this application.
14. 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 20, Township 8 Range 21, also known as 31358 227<sup>th</sup> Street, parcel no. 064-20-0-00-00-005.00 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of May, 2019  
 Board of County Commission  
 Leavenworth, County, Kansas

  
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 Doug Smith, Chairman

  
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 Jeff Culbertson, Member

  
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 Janet Klasinski

*absent*  
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 Vicky Kaaz, Member

*absent*  
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 Chad Schimke, Member

  
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 Mike Stieben, Member



## RESOLUTION 2019-11

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for Custom Cabinetry- structure 7,500 Square Feet or Less, for Artisan Cabinet Company Inc., on the following described property:

A tract of land in the Northwest 1/4 of Section 13, Township 11, Range 21, in Leavenworth County, Kansas, more commonly known as 17604 198<sup>th</sup> Street Tonganoxie, Kansas 66086.

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 22<sup>nd</sup> day of February, 2019, 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 10<sup>th</sup> day of April, 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 1<sup>st</sup> day of May, 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 1<sup>st</sup> day of May, 2019, and incorporated herein by reference;

That Case No. DEV-19-025, Special Use Permit for Custom Cabinetry- structure 7,500 Square Feet or Less approved subject to the following conditions:

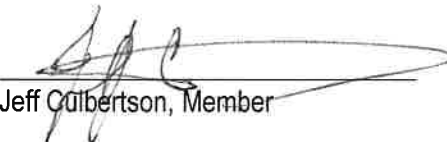
1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 7 am to 5 pm, Monday through Saturday.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$471.43
4. The SUP shall be limited to 3 employees other than the business owner.
5. Noise levels at the property line shall not exceed 60 decibels.
6. The applicant shall adhere to the following memorandums:
  - a. Christa McGaha – Planning and Zoning, March 21, 2019
  - b. Melissa Johnson – Codes Enforcement Officer, March 11, 2019
  - c. Chuck Magaha – Emergency Management, March 11, 2019
  - d. David Van Parys, County Counselor, March 5, 2019
  - e. Ross Harris, Westar Energy, March 11, 2019
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. If the FEMA FIRM map indicates the fabrication shop could be within the floodplain, the applicant shall provide documentation from a licensed surveyor or engineer indicating that the structure is not located within the floodplain within 90 days of the approval of this permit. If the structure is verified to be within the floodplain, the applicant shall meet the Floodplain Management Ordinance.
10. This SUP shall be limited to the Narrative dated February 25, 2019 submitted with this application.
11. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
12. 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.
13. The applicant may apply to expand building up to 7,500 sq. ft. as per the Table of Uses in Article 19 of the Leavenworth County Zoning and Subdivision Regulations.

located in Section 13, Township 11 Range 21E, also known as 17604 198<sup>th</sup> Street, parcel no. 196-13-0-00-00-006.00 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of May, 2019  
 Board of County Commission  
 Leavenworth, County, Kansas

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

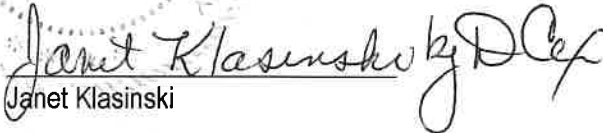
  
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 Jeff Culbertson, Member

absent  
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 Vicky Kaaz, Member

absent  
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 Chad Schimke, Member

  
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 Mike Stieben, Member



  
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 Janet Klasinski

\*\*\*\*\*May 7, 2019 \*\*\*\*\*

The Board of County Commissioners met in a work session on Tuesday, May 7, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Stieben and Commissioner Schimke 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, Planning and Zoning Deputy Director; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, David Thiel, AW Himpel, Janette Labbee-Holdeman, Forest Holdeman

A work session was held to discuss membership to the National Association of Counties.

Direction was given to staff to put NACO on the agenda for a vote.

A work session was held to discuss economic development.

The Board would like to see the Leavenworth County Port Authority give quarterly reports then discuss goals at budget.

A work session was held to discuss temporary special use permits.

Direction was given to staff to bring back an update to the regulations as to fees and a clause about nonprofit organizations.

A work session was held regarding the makeup of the Planning Commission.

Direction was given to staff to have each person interested in serving and on the Planning Commission fill out an application and post to the public and revise resolution to reflect term limits to three.

The Board ended the work session at 11:26 a.m.

\*\*\*\*\*May 13, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Monday, May 13, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, and Commissioner Schimke are present; Commissioner Stieben is late; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Mike Spickelmier, Public Works Director; Jeff Joseph, Planning and Zoning Director; John Richmeier, Leavenworth Times

Residents: John Matthews, Glen Berry, Joe Herring

PUBLIC COMMENT:

Joe Herring requested a plat that had been previously denied be resubmitted to the Board.

ADMINISTRATIVE BUSINESS:

Commissioner Smith read a proclamation recognizing May 19 through May 25 as EMS week.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the consent agenda for Monday, May 13, 2019.*

*Motion passed, 4-0.*

Commissioner Smith suggested appointing Anthony Distefano as the Stranger Township trustee.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve Anthony Distefano as the Stranger Township trustee until January 2021.*

Commissioner Stieben is now present.

*Motion passed, 5-0.*

A resolution was presented for approval setting the make-up and terms of the Planning Commission.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Resolution 2019-12.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve membership to the National Association of Counties in the amount of \$1,525.00 per year.*

*Motion passed, 5-0.*

Mike Spickelmier requested consideration to approve a local service road policy.

*A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to adopt the policy on local service roads as proposed.*

*Motion passed, 5-0.*

Mr. Spickelmier indicated RFP's were issued on the Millwood Road bridge.

Commissioner Kaaz recognized County employees that participated in the county wide baby shower hosted by the County Attorney's Office and St. Luke's hospital. She also attended a Behavior Health fair hosted by the Deltas.

Commissioner Kaaz encouraged everyone to attend the Unity in the Community event this Saturday at 4:00 at Haymarket Square.

Commissioner Smith attended the Basehor city council work session and the LCDC meeting in Tonganoxie along with Commissioner Schimke.

Commissioners Kaaz, Stieben and Culbertson attended the State of Fort Leavenworth Garrison on Friday.

Commissioner Stieben attended the Linwood City council meeting.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to adjourn.  
Motion passed, 5-0.***

The Board adjourned at 9:59 a.m.

RESOLUTION 2019- 12

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, PURSUANT TO THE PROVISIONS OF K.S.A. 12-744, SPECIFYING THE NUMBERS OF MEMBERS OF THE COUNTY PLANNING COMMISSION, THE TERMS OF OFFICE OF SAID MEMBERS, THE PROCEDURE FOR APPOINTMENT, THE MEANS OF FILLING VACANCIES AND THE MEANS FOR THE REMOVAL OF MEMBERS OF THE PLANNING COMMISSION; RATIFYING ALL PRIOR ACTS AND RESOLUTIONS OF PREVIOUS COUNTY COMMISSIONS RELATING TO THE COUNTY PLANNING COMMISSION AND RESCINDING ALL PRIOR RESOLUTIONS OF THE BOARD NOT IN ACCORD WITH THIS RESOLUTION; RESCINDING RESOLUTION 2005-25**

**WHEREAS** the Board of County Commissioners of Leavenworth County, Kansas, has previously established a county planning commission; and,

**WHEREAS** this board has reviewed the acts of previous county commissions in establishing the rules for the composition and appointment of the county planning commission; and,

**WHEREAS** this board has determined that it is in the best interests of the citizens of the county that the rules for the composition and appointment of the county planning commission be set forth as provided for herein,

**NOW BE IT THEREFORE RESOLVED,**

1. That all prior acts and resolutions of previous county commissions relating to the county planning commission are hereby ratified.

2. That the county planning commission shall consist of nine (9) members, each appointed to one of nine positions on the commission. Each county commissioner district shall have apportioned to it one (1) member and not more than two (2) positions on the county planning commission. A person appointed to a position on the county planning commission apportioned to a specific county commissioner district shall reside within that district and shall be qualified as an elector in Leavenworth county. Four (4) members of the commission, selected as provided for herein, shall serve as at-large members. A person appointed to an at-large position on the commission shall be qualified as an elector in Leavenworth county. In order to promote fair representation of all areas of the county no more than *two* (2) members of the county planning commission shall reside within any one county commissioner district. The majority of the members of county planning commission shall reside outside of the corporate limits of any incorporated city in the county. The provisions of K.S.A. 12-744, as amended, shall be

complied with in determining the membership and composition of the planning commission.

3. The term of office for each position on the county planning commission, except as otherwise provided for herein, shall be for three years and until a successor is appointed. The term of office for persons appointed and qualified to serve on the planning commission, unless otherwise specified herein, shall end upon the last day of June three years following their entry into office and until a successor is appointed. No member of the planning commission shall serve more than three consecutive terms on the planning commission, provided that such member may be appointed to serve on the planning commission after a one (1) year absence from the planning commission. The term limitation provision contained herein shall apply prospectively and terms of service on the planning commission occurring before the adoption of this resolution shall not be considered in determining the term limitation applicable to any member of the planning commission serving at the time of the adoption of this resolution.

4. The initial appointment of the members of the planning commission, as provided for by this resolution, shall be by a majority vote of the board and as follows:

(a). On or before May 28, 2019, or on a date thereafter as may be selected by the board, each board member shall nominate a person to serve on the planning commission as the member apportioned to that district. That person, upon qualifying for office, shall serve a term of three years.

(b). On or before May 28, 2019, or on a date thereafter as may be selected by the board, any member of the board may nominate not more than two (2) persons to serve as at-large members of the commission. Those members of the commission, upon qualifying for office, shall serve a term of two (2) years. The term of office for subsequent appointees to those positions on the planning commission shall be for three (3) years.

5. Subsequent to the initial appointment of the members of the planning commission as provided for herein, the following procedures shall be used in appointing persons to serve on the county planning commission:

(a). Each board member shall, for the position on the planning commission apportioned to the county commissioner district of the board member, nominate a person for appointment to a position on the planning commission. The person so nominated must meet the qualifications for membership on the planning commission as set forth in paragraph 2 of this resolution.

(b). Each board member may nominate a person, or persons, to serve as an at-large appointment to the commission. The person so nominated must meet the qualifications for membership on the planning commission as set forth in paragraph 2 of this resolution.



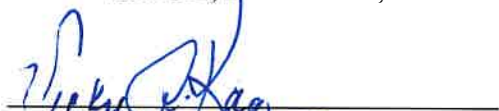
(c). The person nominated to serve on the planning commission shall take office upon the approval of the board, by majority vote, and the execution by that person of an oath of office.


6. Any vacancy on the planning commission shall be filled in the same manner used to make appointments as provided in section 5 of this resolution.

7. Any member of the county planning commission may be removed for cause upon the vote of not less than three (3) members of the board of county commissioners. "Cause", for the purpose of this resolution, shall include, but not be limited to, absenteeism from planning commission meetings, conflicts of interest which render continued membership on the planning commission detrimental to the workings of the planning commission, lack of qualification for membership as defined herein and an exhibited failure to comprehend and apply the planning and zoning regulations of the county.

RESOLVED THIS 13<sup>th</sup> DAY OF MAY, 2019

  
DOUG SMITH, 3<sup>RD</sup> DISTR., CHAIR

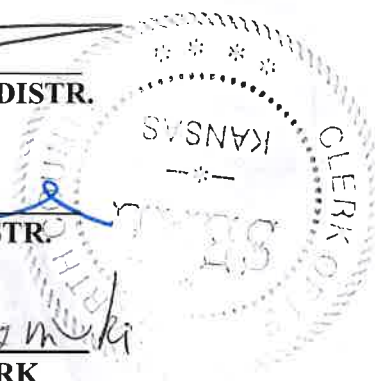
  
VICKY KAAZ, 2<sup>ND</sup> DISTR.

  
MIKE STIEBEN, 5<sup>TH</sup> DISTR.

  
JEFF CULBERTSON, 1<sup>ST</sup>. DISTR.

  
CHAD SCHIMKE, 4<sup>TH</sup> DISTR.

ATTEST:   
JANET KLASINSKI, CLERK



\*\*\*\*\*May 13, 2019 \*\*\*\*\*

The Board of County Commissioners met in a work session on Monday, May 13, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Residents: John Matthews, Glen Berry, Joe Herring

Discussion took place regarding alternating work sessions with regular meetings.

Direction was given to staff to possibly starting the alternating work sessions/meetings after budget sessions.

Discussion took place regarding the Comp plan meeting for stakeholders on May 23.

A work session was held to discuss the 2020 budget process.

Direction was given to staff to schedule all departments for budget hearings.

The work session ended at 11:44 a.m.

Final Approved

\*\*\*\*\*May 22, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, May 22, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke and Commissioner Stieben 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; Megan Waters, Community Corrections Director; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, Krista Spooner, Amy and Marcus Hutchens, Tammy Miller, Kelle Bolton

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

David Van Parys requested approval of a board order authorizing Roger Marrs to initiate tax lien foreclosures.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to authorize initiation of the 2019 tax foreclosure sale.***

***Motion passed, 5-0.***

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

***Motion passed, 5-0.***

The Board recognized Public Works week from May 19 to May 25 with a proclamation.

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, May 22, 2019.***

***Motion passed, 5-0.***

Megan Waters requested approval of the Project C.H.A.N.G.E. reinvestment grant for juvenile community corrections.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve the project C.H.A.N.G.E. grant application.***

***Motion passed, 5-0.***

Krista Spooner requested funding for the Leavenworth Youth Football Association for safety equipment and first aid kits.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve funding request for the Leavenworth Youth Football in the amount of \$1,000.00.***

***Motion passed, 5-0.***

Planning and Zoning presented Case Number DEV-19-019, a request for a special use permit for a dog kennel.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to approve Resolution 2019-13.***

***Motion passed, 5-0.***

Planning and Zoning presented Case Number DEV-19-052, a request for a temporary special use permit for an ATV ride.

Commissioner Smith opened the public hearing.

Amy and Marcus Hutchens spoke in favor of the event.

No one spoke in opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve Case Number DEV-19-052 Alyssa's Ride and waive the \$100.00 application fee.***

***Motion passed, 5-0.***

Planning and Zoning presented Case Number DEV-19-057, a request for a temporary special use permit for a fireworks stand located at 19230 McLouth Road.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve DEV-19-057 the McLouth road fireworks stand.***

***Motion passed, 5-0.***

Planning and Zoning presented Case Number DEV-19-058, a request for a temporary special use permit for a fireworks stand located at 13944 Mitchell Court.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve Case Number DEV-19-058 a special use permit for the fireworks stand at Mitchell Court.***

***Motion passed, 5-0.***

Planning and Zoning presented Case Number DEV-19-059, a request for a temporary special use permit for a fireworks stand located 18807 158<sup>th</sup> St.

Commissioner Smith opened the public hearing

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve Case Number DEV-19-059 for a fireworks stand located 18807 158<sup>th</sup> St.***

***Motion passed, 5-0.***

Commissioner Kaaz recognized Hunter Holtling, Lansing High School, as receiving the Leavenworth County Human Services Council Spirit of Humanitarianism award.

Commissioner Smith received a resignation letter from David Clark for the Planning Commission and thanked him for his service.

Commissioner Kaaz requested a letter of recognition for a young gentleman for achieving Eagle Scout.

Commissioner Stieben attended the Tonganoxie City Council meeting.

Commissioner Culbertson asked for an update on the Millwood Road Bridge.

Mark Loughry indicated we are currently in the solicitation stage for design engineer.

Commissioner Smith will attend the Basehor city council meeting and will attend the Comprehensive Plan meeting.

Commissioner Kaaz attended the Leavenworth City commission meeting last night.

Commissioners Stieben and Schimke will attend a fence viewing later this morning.

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

***Motion passed, 5-0.***

The Board adjourned at 10:06 a.m.

# BOARD ORDER 2019 - 2

An order of the Board of County Commissioners of Leavenworth County, Kansas approved during the regular course of business on the 22nd day of May, 2019, pursuant to K.S.A. 79-2801(a), directing tax counsel Roger L. Marrs to initiate tax lien foreclosure action upon the properties subject to foreclosure due to unpaid delinquent property taxes.

It is so ordered this 22nd day of May, 2019.

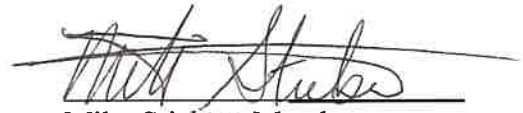
Board of County Commissioners  
of Leavenworth County, Kansas

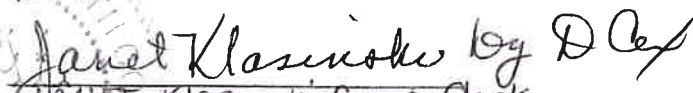
  
\_\_\_\_\_  
Doug Smith, Chairman

  
\_\_\_\_\_  
Chad Schimke, Member

  
\_\_\_\_\_  
Jeff Culbertson, Member

  
\_\_\_\_\_  
Vicky Kaaz, Member  
ATTEST

  
\_\_\_\_\_  
Mike Stieben, Member

  
\_\_\_\_\_  
JANET KLASINSKI, County Clerk



## RESOLUTION 2019-13

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a dog kennel – Dog Palace on the following described property:

A tract of land in the southwest quarter of Section 11, Township 12 South, Range 21 east of the 6<sup>th</sup> PM, in Leavenworth County, Kansas more commonly known as 13372 206<sup>th</sup> Street.

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 11<sup>th</sup> day of February, 2019, 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 10<sup>th</sup> day of April, 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 1<sup>st</sup> day of May, 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 1<sup>st</sup> day of May, 2019, and incorporated herein by reference;

That Case No. DEV-19-019, Special Use Permit for a Dog Kennel – Dog Palace approved subject to the following conditions:

1. The SUP shall be limited to a period of 10 years.
2. The business shall be limited to the hours of 7:30 AM until 5:30 PM seven days a week.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$73.66.
4. The number of dogs six (6) months and older shall be limited to 20.
5. Noise levels at the property line shall not exceed 60 decibels.
6. The SUP shall be limited to no employees other than the applicant and family members.
7. The applicant shall adhere to the following memorandums:
  - a. Chuck Magaha – Emergency Management, March 11, 2019.
8. 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.

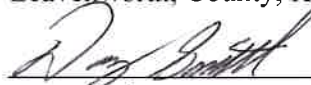
9. No on-street parking shall be allowed.

10. This SUP shall be limited to the Narrative dated February 11, 2019 submitted with this application.

11. 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 11, Township 12 South, Range 21, also known as 13372 206<sup>th</sup> Street, parcel no. 221-11-0-00-00-012.00 in Leavenworth County, Kansas.

Adopted this 1<sup>st</sup> day of May, 2019  
Board of County Commission  
Leavenworth, County, Kansas

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

  
\_\_\_\_\_  
Jeff Calbertson, Member

  
\_\_\_\_\_  
Vicky Kaaz, Member

  
\_\_\_\_\_  
Chad Schimke, Member

  
\_\_\_\_\_  
Mike Stieben, Member





\*\*\*\*\*May 22, 2019 \*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, May 22, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke and Commissioner Stieben 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; Taylor Plummer, Olsson and Co.; Kristin Brighton, New Boston Creative Group; John Richmeier, Leavenworth Times

Residents: Joe Herring, Larry Van Fleet

Discussion took place regarding the functions of the Planning and Zoning Department

Direction was given to staff to put plats on Commission meeting days two weeks after being heard by the Planning Commission.

Direction was given to staff to use 10 years as the standard for special use permits.

Discussion took place with Olsson and Company regarding the goals and engagement and timelines for the Comprehensive Plan.

The work session ended at 4:02p.m.

\*\*\*\*\*May 29, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, May 29, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz and Commissioner Stieben are present; Commissioner Schimke is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Christa McGaha, Planner; Mike Spickelmier, Public Works Director; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, Curtis Oroke, AW Himpel Kelly Angell, Rick and Georgi Sammons, Dirck Hoagland

**PUBLIC COMMENT:**

Dirck Hoagland invited the Board to the Kansas Livestock Association annual meeting on June 13<sup>th</sup> at 6:00 p.m. at the Riverfront Community Center.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry presented a declaration of emergency for flooding and requested approval for authorization for the chairman to sign a new declaration once prepared for the May 28 tornado damage.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the disaster declaration for the river flooding and to authorize the Board chair to sign the declaration regarding the damage associated with the storm and tornado on May 28, 2019.***

***Motion passed, 4-0.***

Commissioner Smith asked if the appraiser's will be on sight to get homes off the tax roll that was destroyed in Linwood.

Mr. Loughry indicated the appraiser's will be evaluating damage and potential flood plains with the State.

Mr. Loughry asked everyone to stay out of the area so emergency staff can work on clean up and keep traffic open for crews.

Commissioner Stieben reported the Elm Grove church will hold a chili supper fundraiser for the Red Cross on Friday at 6:00 p.m.

Commissioner Kaaz indicated the County Attorney's office is drafting a memo regarding price gouging.

Mr. Loughry requested the Board to recommend appointments to the Planning Commission for next week's agenda.

Mr. Loughry reported Nancy Bauder would like a work session with local officials and KDOT on June 12 from 1-3 at the Guidance Center to discuss transportation.

Commissioner Kaaz indicated she will recuse herself from voting on the consent agenda.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve the consent agenda for Wednesday, May 29, 2019.***

***Motion passed, 3-0, Commissioner Kaaz abstained***

The agenda item for the Leavenworth County Sheriff will be moved to next week per his request.

Mike Spickelmier requested approval to award bid to McAnay Construction for bid alternate #2 for dust abatement projects in group 2 in the amount of \$1,722,292.24.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to award bid for bid alternate #2 to McAnay Construction for dust abatement projects in group 2 in the amount of \$1,722,292.24.***

***Motion passed, 4-0.***

Mr. Spickelmier requested approval to award bid to Bettis Asphalt and Construction for bid alternate #2 for dust abatement projects in group 3 in the amount of \$1,845,747.44.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to award bid for alternative #2 to Bettis Asphalt and Construction for dust abatement projects in group 3 in the amount of \$1,845,747.44.***

Mr. Loughry indicated the PRP projects that were approved last year are not in these groups but are under the deficiency review process now indicating a change order will be submitted to the vendor to add these projects.

***Motion passed, 4-0.***

Mr. Spickelmier requesting authorization for Buildings and Grounds to hire JF Denney to install motorized dampers to the HVAC system at the Leavenworth County Annex.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to authorize Buildings and Grounds to hire JF Denney to install motorized dampers to the HVAC system at the Leavenworth County Annex in the amount \$4,884.40***

***Motion passed, 4-0.***

Mr. Spickelmier indicated all RFP's have been received on the Millwood Road Bridge and will be working on a selection committee to start getting them under contract.

Planning and Zoning presented Case Number DEV-19-038, a request for Happy Apple's Farms, an agri-business.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2019-14, issuing a special use permit for an agri-business, Happy Apple's Farm, subject to all conditions for 10 years.***

***Motion passed, 4-0.***

Planning and Zoning presented Case Number DEV-19-043, a request for a special use permit for Suncatcher Lake RV Park.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve Resolution 2019-15, issuing a special use permit for Suncatcher Lake RV Park.***

***Motion passed, 4-0.***

Planning and Zoning presented Case Number DEV-19-037, a rezone from RR 2.5 to a planned unit development.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve Resolution 2019-16, rezoning from RR 2.5 to a planned unit development subject to all conditions.***

***Motion passed, 4-0.***

Planning and Zoning presented Case Number DEV-035/036, a preliminary and final plat for Eldridge Estates.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve Case Number DEV-19-035/036, a preliminary and final plat for Eldridge Estates, subject to all conditions.***

***Motion passed, 4-0.***

Planning and Zoning presented Case Number DEV-19-017, a request for a special use permit for a contractor's yard, Angell's Excavating.

Commissioner Smith opened the public hearing.

The applicant, Kelly Angell, spoke in favor.

No one spoke in opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2019-17, issuing a special use permit for Angell's Excavating, subject to all conditions amending to a 10 year term and amending the traffic impact fee.***

***Motion passed, 4-0.***

Commissioner Smith inquired again about the homes damaged in the tornado that are in the flood plain or not in compliance as to what would happen with them.

Mr. Loughry indicated if they are damaged over 50% and are in the flood plain they have to be compliant with current flood plain regulations and we are required to review that per the State.

Commissioners Smith and Stieben attended the Comprehensive Plan meeting last Thursday.

Commissioner Smith attended the MARC meeting and Basehor City Council meeting.

Commissioner Kaaz attended the Live Well Leavenworth County and Suicide Coalition meetings.

Commissioner Culbertson met with the local Workforce contact and is working on programs for the homeless.

The Board adjourned at 9:55 a.m.

Final Approved

## RESOLUTION 2019-14

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for an agri-business for Happy Apple's Farm on the following described property:

The South 10 acres more or less of the North 20 acres of the Northwest ¼ of the Southeast ¼ of Section 17, Township 11 South, Range 22 East of the Sixth P.M., less any part thereof taken or used for road purposes, In Leavenworth County, Kansas. More commonly known as 17524 178<sup>th</sup> Street Tonganoxie, KS 66086.

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 22<sup>nd</sup> day of March, 2019, 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 8<sup>th</sup> day of May, 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 29<sup>th</sup> day of May, 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 29<sup>th</sup> day of May, 2019, and incorporated herein by reference;

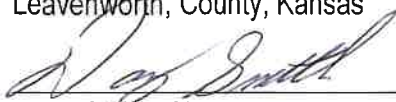
That Case No. DEV-19-038, Special Use Permit for an agri-business, Happy Apple's Farm, approved subject to the following conditions:


1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 8 am to 5 pm on Saturdays.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$176.79
4. The SUP shall be limited to 1 employee other than family members.
5. The applicant shall provide a certificate of liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
6. The applicant shall adhere to the following memorandums:
  - a. Melissa Johnson – Codes Enforcement Officer, April 18, 2019
  - b. David Van Parys, County Counselor, April 26, 2019
7. No signage is allowed in the right-of-way. 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 March 22, 2019 submitted with this application.
- 10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
- 11. 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 17, Township 11 South, Range 22 East, also known as 17524 178<sup>th</sup> Street Tonganoxie, KS 66086, parcel no. 184-17-0-00-00-017.00 in Leavenworth County, Kansas.

Adopted this 29<sup>th</sup> day of May, 2019  
Board of County Commission  
Leavenworth, County, Kansas

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

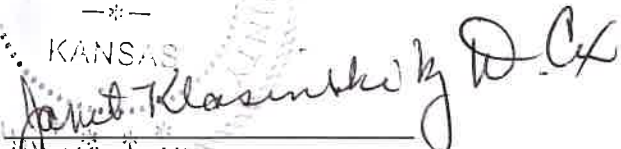
  
\_\_\_\_\_  
Jeff Culbertson, Member

  
\_\_\_\_\_  
Vicky Kaaz, Member

*absent*  
\_\_\_\_\_  
Chad Schimke, Member

  
\_\_\_\_\_  
Mike Stieben, Member



  
\_\_\_\_\_  
Janet Klasinski

## RESOLUTION 2019-15

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for campgrounds, picnic groves, and fishing lakes for Suncatcher Lake RV Park on the following described property:

A tract of land in the Northeast 1/4 of Section 32, Township 9 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas. More commonly known as 24836 Tonganoxie Drive Leavenworth, KS 66086

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 18<sup>th</sup> day of March, 2019, 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 8<sup>th</sup> day of May, 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 29<sup>th</sup> day of May, 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 29<sup>th</sup> day of May, 2019, and incorporated herein by reference;

That Case No. DEV-19-043, Special Use Permit for campgrounds, picnic groves, and fishing lakes for Suncatcher Lake RV Park approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The applicant shall pay a Traffic Impact Fee (TIF) of \$1,473.21
3. The SUP shall be limited to business owners only, no employees.
4. Recreational vehicle campsites are limited to mobile vehicles only, no permanent structures are allowed.
5. All structures are subject to the Leavenworth County floodplain regulations.
6. This site is limited to 39 recreational vehicle campsites and 2 shower stalls as shown on the site plan. To modify the limitation a new site plan shall be submitted to and approved by Planning and Zoning following review.
7. The campers shall comply with 'Suncatcher Lake RV – guidelines to a safe and happy stay with us' as submitted with this application.
8. The applicant shall comply with KDHE regulations regarding the operation and maintenance of the lagoon.




9. Any new outdoor lighting, not attached to a recreational vehicle, shall require the submittal of a photometrics plan indicating the pole, light fixture, shielding/cut off devices, and illumination levels to the Planning and Zoning Department for review prior to installation.
10. Special Events shall require the approval of a Temporary Special Use Permit.
11. Maximum length of stay for patrons shall be twenty four months with a minimum of six weeks before returning to the site.
12. The applicant shall keep records indicating the check-in /out days for all campsites. Records shall be made available to the county as requested.
13. The applicant shall maintain the following:
  - a. Numbering of lots for identification by emergency responders.
  - b. A point of contact sign at the entrance for emergency responders and campers.
  - c. Sign on dam indicating one lane traffic.
14. The applicant shall adhere to the following memorandums:
  - a. Melissa Johnson – Codes Enforcement Officer, April 18, 2019
  - b. Chuck Magaha – Emergency Management, April 25, 2019
  - c. Amanda Holloway- FreeState Electric, April 12, 2019
15. 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.
16. No on-street parking shall be allowed.
17. This SUP shall be limited to the Narrative dated March 10, 2019 submitted with this application.
18. The SUP shall be limited to the site plan submitted with this application.
19. The applicant shall provide a certificate of liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
20. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
21. 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 32, Township 9 South, Range 22 East, also known as 24836 Tonganoxie Drive Leavenworth, KS 66086, parcel no. 109-32-0-00-00-010.00 in Leavenworth County, Kansas.

Adopted this 29<sup>th</sup> day of May, 2019  
Board of County Commission  
Leavenworth, County, Kansas

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

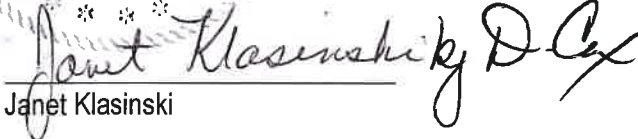
  
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Jeff Culbertson, Member

  
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Vicky Kaaz, Member

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Chad Schimke, Member

  
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Mike Stieben, Member



  
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Janet Klasinski

## RESOLUTION 2019-16

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from Rural Residential 2.5 to Planned Unit Development on the following described property:

ALL OF LOT 3, JANICE VOIGHT SUBDIVISION, A SUBDIVISION OF LAND IN LEAVENWORTH COUNTY, KANSAS AND TRACT OF LAND IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 10, RANGE 22 EAST, OF THE 6TH P.M. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 88°53'26" WEST, ALONG THE SOUTH LINE OF SAID SOUTH HALF, A DISTANCE OF 573.44 FEET; THENCE NORTH 12°33'08" WEST, A DISTANCE OF 493.88 FEET; THENCE NORTH 88°49'33" EAST, ALONG THE NORTH LINE OF SAID SUBDIVISION AS IT EXTENDS WEST, A DISTANCE OF 1041.93 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 40°06'22" EAST, ALONG THE NORTHEAST LINE OF SAID LOT 3 TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON A CURVE TO THE LEFT, ALONG THE EAST LINE OF SAID LOT 3, HAVING A RADIUS OF 50.03 AND AN ARC LENGTH OF 128.34 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 ALSO KNOWN TO BE A POINT ON THE SOUTH LINE OF SAID SOUTH HALF; THENCE SOUTH 88°53'26" WEST, ALONG SAID SOUTH LINE ALSO KNOWN TO BE THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 344.25 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PART TAKEN OR USED FOR ROAD. CONTAINS: 571,919.07 SQUARE FEET OR 13.13 ACRES MORE, in Leavenworth County, Kansas more commonly known as 14131 Mitchel Court & 14096 Mitchell Court

WHEREAS, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 20<sup>th</sup> day of March, 2019, 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 Rezoning on the 8<sup>th</sup> day of May, 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 Rezoning be approved; and

WHEREAS, the Board of County Commissioners considered, in session on the 29<sup>th</sup> day of May, 2019, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners 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 Commissioners in regular session on the 29<sup>th</sup> day of May, 2019, and incorporated herein by reference;


That request for rezoning as described above, also known as **14131 Mitchel Court & 14096 Mitchell Court**, Parcel Identification Number **157-25-0-00-00-033.05 & 157-25-0-00-00-033.08**, is hereby granted subject to the following conditions:


1. Approval of the submitted final plat is required.
2. Any alteration, or significant repair, more than 50%, of the existing septic systems shall require the system to be brought into compliance with the Leavenworth County Sanitary Code which may require an engineered system.
3. Additional residential units shall not be allowed.

4. The applicant shall prepare a maintenance agreement for private maintenance for the extension of the private drive. The agreement shall be approved by the Board of County Commissioners and filed with the Leavenworth County Register of Deeds prior to the recording of the final plat.
5. The applicant shall work with Consolidated Water District #1 to provide property water services to each unit.

Adopted this 29<sup>th</sup> day of May, 2019  
Board of County Commission  
Leavenworth, County, Kansas

  
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Doug Smith, Chairman

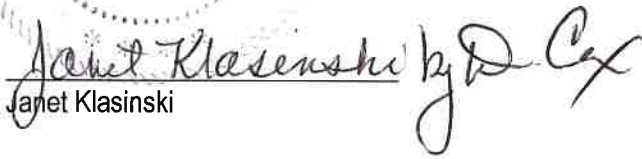
  
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Jeff Culbertson, Member

  
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Vicky Kaaz, Member

*Absent*  
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Chad Schimke, Member

  
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Mike Stieben, Member



  
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Janet Klasinski

## RESOLUTION 2019-17

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a contractor's yard for Angell's Excavating on the following described property:

A tract of land in the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 6, Township 11 South, Range 21 East of the Sixth P.M., more fully described as follows: Beginning at a point that is South 20.00 feet and East 40.00 feet of the Northwest corner of the Southeast  $\frac{1}{4}$  of said Section; thence East 281.03 feet parallel to the North Section line; thence South 330.00 feet; thence West 281.03 feet to a point on the East right of way of K-16 Highway; thence North 330.00 feet to the point of beginning, in Leavenworth County, Kansas. More commonly known as 19230 McLouth 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 2<sup>nd</sup> day of February, 2019, 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 8<sup>th</sup> day of May, 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 29<sup>th</sup> day of May, 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 29<sup>th</sup> day of May, 2019, and incorporated herein by reference;

That Case No. DEV-19-017, Special Use Permit for a contractor's yard, Angell's Excavating is approved subject to the following conditions:


1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours 6:00 am to 6:00 pm.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$1,767.86.
4. The SUP shall be limited to 4 employees other than the business owners.
5. Noise levels at the property line shall not exceed 60 decibels.
6. The applicant shall adhere to the submitted project narrative for the contractor's yard. Any modifications, alterations or additions to the written description of the use shall require a revision to the approved special use permit.
7. All vehicles, parts, equipment, machinery, and similar materials shall be kept enclosed in the perimeter fencing around the storage yard portion of the site and shall be maintained in good condition.

8. The applicant shall adhere to the following memorandums:
  - a. Christa McGaha – Planning and Zoning, March 21, 2019
  - b. Melissa Johnson – Codes Enforcement Officer, March 12, 2019
  - c. Chuck Magaha – Emergency Management, March 11, 2019
  - d. David Van Parys, County Counselor, March 5, 2019
  - e. Tim Smith, Tonganoxie Township Fire District, March 11, 2019
  - f. Amanda Holloway, FreeState Electric, March 11, 2019
  - g. Bob Weber, County Appraiser, March 22, 2019
9. 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.
10. No on-street parking shall be allowed.
11. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
12. 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 6, Township 11 South, Range 21 East, also known as 19230 McLouth Road, parcel no. 193-06-0-00-00-022.00 in Leavenworth County, Kansas.

Adopted this 29<sup>th</sup> day of May, 2019  
 Board of County Commission  
 Leavenworth, County, Kansas

  
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 Doug Smith, Chairman

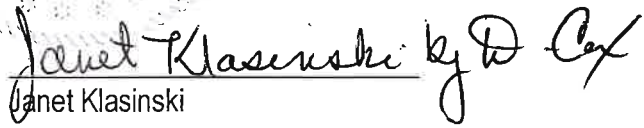
  
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 Vicky Kaaz, Member

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 Chad Schimke, Member

  
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 Mike Stieben, Member



  
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 Janet Klasinski