

\*\*\*\*\*July 3, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, July 3, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Stieben, and Commissioner Schimke are present. Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Planner; Megan Waters, Community Corrections Director; Mike Spickelmier, Public Works Director; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, Larry and Lori Van Fleet, AW Himpel, Lynn Heiserman, Gretchen Meitler, Brenda Burns

PUBLIC COMMENT: No public comment.

ADMINISTRATIVE BUSINESS:

Mark Loughry indicated the budget schedule is moving forward and will start scheduling meetings with the individual departments the week of the 15<sup>th</sup>.

Mr. Loughry reported there is a request from the White House for a meeting with their staff indicating it is not a budgeted item and would need discussion and approval from the Board.

Commissioner Kaaz and Commissioner Stieben indicated they have already registered.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to authorize payment for two Commissioners to go to the White House.***

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

Mr. Loughry addressed the invitation to the Republican Women's luncheon where the Commissioners have been asked to speak.

Commissioner Smith asked if staff would be required to take minutes.

David Van Parys indicated if the invitation is accepted and two or more Commissioners speak, then minutes would be required to be taken. He indicated he believes the County was invited to speak about economic development and comments should be limited to that specific topic cautioning straying from that topic could affect future hearings or deliberations by this Board.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, July 3, 2019.***

***Motion passed, 4-0. Commissioner Kaaz abstained.***

Megan Waters requested approval of a revision to the budget of the Behavioral Health grant.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to authorize the chairman to sign the revision to the Behavioral Health Grant fund.***

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

Mr. Van Parys requested approval of a revised Open Records Act policy noting the changes to the fee schedule and electronic copies.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the adoption of the updated Open Records policy.***

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

Mr. Van Parys presented a revised Drug Testing policy noting the changes to post accident testing and post offer testing.

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the updated Drug Testing policy***

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

Planning and Zoning presented Case Number DEV-19-60, a consideration of a final plat for Pride Estates.

Joe Herring commented.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Case Number DEV-19-060 final plat for Pride Estates with waiver for streetlights.***

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

Planning and Zoning presented Case Number DEV-19-055 a special use permit for Fletcher Financial.

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 2019-18 for Fletcher Financial.***

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

Planning and Zoning presented Case Number DEV-19-056, a special use permit for LIFE Learning Academy.

Commissioner Smith opened the public hearing.

The applicant, Gretchen Meitler, spoke in favor of the permit addressing the traffic impact fee.

Jeff Joseph indicated the traffic impact fee is required on all special use permits.

Mr. Loughry suggested to revise the policy to set a threshold on small business permits.

No one spoke in opposition.

Commissioner Smith closed the public hearing.

***A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to approve Resolution 2019-19 a special use permit for LIFE learning academy subject to all conditions less the traffic impact fee.***

***Motion passed, 3-2 Commissioners Kaaz and Culbertson voting nay.***

Commissioner Smith reminded everyone the County Appraisers will be in Linwood on July 8 and 9 from 1:00 p.m. to 7:00 p.m. to help with getting damages from the tornado off the tax roll and also reminded everyone about Basehor Fireworks on July 4<sup>th</sup> with a parade at 7:30 p.m. at the high school. He also attended the Basehor City Council meeting last week.

Commissioner Stieben reported the breakfast with the Secretary of Commerce has been changed to September 19<sup>th</sup>.

Commissioner Schimke attended the Lansing City Council meeting and attended the Institute of World Politics meeting.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to move that Board recess for a closed executive meeting for the discussion of potential litigation, as justified by K.S.A. 75-4319 (b)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that Board resume open meeting at 11:15 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Schimke, Smith and Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and County Engineer Mike Spickelmier.***

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

The Board returned to regular session at 11:15 a.m. no decisions were made; discussion was limited to pending legal.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to move that Board recess for a closed executive meeting for the continued discussion of potential litigation, as justified by K.S.A. 75-4319 (b)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that Board resume open meeting at 11:30 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Schimke, Smith and Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and County Engineer Mike Spickelmier.***

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

The Board returned to regular session at 11:30 a.m.; discussion was limited to consultation with legal counsel and no decisions were made.

The Board adjourned at 11:31 a.m.

## RESOLUTION 2019-18

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for financial services – Fletcher Financial, Inc. on the following described property:

A tract of land in the Northwest 1/4 of Section 16, Township 12 South, Range 22 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas more commonly known as 17620 Golden 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 24<sup>th</sup> day of April, 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 12<sup>th</sup> day of June, 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 3<sup>rd</sup> day of July, 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 3<sup>rd</sup> day of July, 2019, and incorporated herein by reference;

That Case No. DEV-19-055, Special Use Permit for a financial services – Fletcher Financial, Inc. 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, Monday through Friday.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$441.96
4. The SUP shall be limited to three employees.
5. 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.
6. No on-street parking shall be allowed.
7. This SUP shall be limited to the Narrative dated April 24, 2019 submitted with this application.
8. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.

9. 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 16, Township 12 South, Range 22, also known as 17620 Golden Road, parcel no. 235-16-0-00-00-022.00 in Leavenworth County, Kansas.

Adopted this 3<sup>rd</sup> day of July, 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

  
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Chad Schimke, Member

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



  
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Janet Klasinski

## RESOLUTION 2019-19

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a childcare facility – LIFE Learning Academy on the following described property:

A tract of land the West ½ of the Northeast ¼ of Section 20, Township 11, Range 21, in Leavenworth County, Kansas more commonly known as 22552 Honey Creek 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 26<sup>th</sup> day of April, 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 12<sup>th</sup> day of June, 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 3<sup>rd</sup> day of July, 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 3<sup>rd</sup> day of July, 2019, and incorporated herein by reference;

That Case No. DEV-19-056, Special Use Permit for a childcare facility – LIFE Learning Academy approved subject to the following conditions:

1. The SUP shall be limited to a period of nine (9) years to align with the applicant's other Special Use Permit.
2. The business shall be limited to the hours of 7:00am to 6:00pm, Monday through Friday.
3. The SUP shall be limited to three (3) employees.
4. The applicant shall adhere to the following memorandums:
  - a. Christa McGaha – Planning and Zoning, May 28, 2019
  - b. Christa McGaha – Planning and Zoning, May 29, 2019
  - c. Melissa Johnson – Codes Enforcement Officer, May 16, 2019
  - d. David Van Parys – County Counselor, May 14, 2019
  - e. Tonganoxie Township Rural Fire Department – May 15, 2019
5. 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.

6. No on-street parking shall be allowed.
7. A professional engineer licensed in the State of Kansas is required to approve and sign off that the lagoon on the property is fit for the amount of people intended for the business.
8. The applicant shall provide a certificate of liability insurance with a minimum of \$1,000,000 per occurrence with the certificate holder being listed as Leavenworth County.
9. The applicant shall provide a copy of the State License annually.
10. This SUP shall be limited to the Narrative dated April 26, 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.

located in Section 20, Township 11 South, Range 21, also known as 22552 Honey Creek Road, parcel no. 194-20-0-00-00-002.01 in Leavenworth County, Kansas.

Adopted this 3<sup>rd</sup> day of July, 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 Kaz, Member

  
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 Chad Schimke, Member

  
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 Mike Stieben, Member



  
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 Janet Klasinski

\*\*\*\*\*July 10, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, July 10, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Schimke are present. Commissioner Stieben is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Jamie Miller, EMS/Health Department Director; Mike Spickelmier, Public Works Director; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry clarified on a question from last week about a check indicating it was for payment for commercial appraisals.

David Van Parys indicated the Planning and Zoning Commission has a meeting this evening and suggested the main office door and interior door to the Commission office remain locked at all times for security purposes.

Commissioner Smith inquired if a schedule has been set for budget meetings.

Mr. Loughry indicated the Clerk has scheduled meetings for Monday, Tuesday and Wednesday of next week and Wednesday the following week starting at 9:00 a.m.

Commissioner Culbertson will speak at the International Student's Honorary Citizen's Day on Tuesday, July 16, 2019 at 11:15 a.m.

Commissioner Smith indicated four commissioners will be speaking at the Leavenworth County Republican Women's Luncheon on Monday, July 15.

Mr. Van Parys advised the Board to refrain from making comments regarding any Planning and Zoning cases and limit the discussion to the topic they were asked to speak about which will be economic development.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the consent agenda for Wednesday, July 10, 2019.***

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

Jamie Miller requested authorization to replace two staff vehicles for the Health Department and award bid to Henry Martens in a total cost not to exceed \$54,746.00.

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to replace two staff vehicles and award bid to Henry Martens not to exceed \$54, 746.00.***

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

Mr. Miller requested authorization to list the current vehicles on Purple Wave for auction.



***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to place existing vehicles to be sold on Purple Wave.***

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

Mr. Miller requested approval to contract with Stroke Prevention Plus to provide health screenings to County employees. He mentioned the possibility to extend hours and appointments into the evening to provide screenings to spouses currently on the County health insurance.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve the health screenings by Stroke Prevention Plus for County employees and to open it up for spouses on the County health insurance.***

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

Mike Spickelmier requested to award bid to McAnany Construction for the extension of Group 7 of the dust abatement program in the amount of \$424,486.91. Mr. Spickelmier indicated this an extension of Group 2.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to award Group 7 dust abatement to McAnany Construction in the amount of \$424,486.91.***

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

Mr. Spickelmier requested to enter into a contract with GBA Engineers for consulting services on Bridge E-58, Millwood Road Bridge in the amount of \$279,071.00.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to enter into contract with GBA Engineers.***

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

Jeff Joseph updated the Board on policy changes they are working on through suggestions by the Board and will be taking those to the Planning Commission in August and September. He indicated staff will be scheduling meetings with the cities to discuss urban growth boundaries.

Mr. Joseph announced a Planning Commissioner resigned in the first District and will bring this before the Board next week.

Commissioner Smith will attend the Basehor City Council meeting tonight.

Commissioner Schimke will attend the Planning and Zoning meeting tonight, the LCDC meeting on Thursday and the Women's Republican Luncheon on Monday.

Commissioner Culbertson attended the Leavenworth City Council meeting last night.

The Board adjourned at 9:40 a.m.

\*\*\*\*\*July 15, 2019 \*\*\*\*\*

The Board of County Commissioners met in a budget hearing work session on Monday, July 15, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Janet Klasinski, County Clerk; Linda Scheer, County Clerk's Office; Mike Spickelmier, Public Works Director; Aaron Yoakum, Buildings and Grounds; Vincent Grier, Road and Bridge; Chris Collins, Fleet Manager; Tammy Saldivar, Solid Waste; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

The Board discussed the budget for Road and Bridge.

The Board discussed the budget for Local Service Roads.

The Board discussed the budget for Buildings and Grounds.

The Board discussed the budget for the Noxious Weed Department.

The Board discussed the budget for the Solid Waste Department.

There will be no changes in the sewer districts.

The Board discussed the budget for Information Systems.

The Board ended the budget hearings at 11:07 a.m.

Final Approved

\*\*\*\*\*July 15, 2019 \*\*\*\*\*

The Board of County Commissioners spoke at the Leavenworth County Republican Women's Luncheon on Monday, July 15, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Schimke and Commissioner Stieben are present.

Commissioner Culbertson spoke about changes in policies that Leavenworth County is working on.

Commissioner Kaaz spoke about the cohesiveness of the five member County Commission. She reported that she and Commissioner Stieben will be traveling to Washington D.C. to discuss with White House staff the issues and concerns that are unique to local governments.

Commissioner Schimke spoke about beginning the budget hearings and touched on Fire District #1 and the McIntyre Road project. He also spoke about the County's Comprehensive Plan indicating they are working on trying to get more meetings in Lansing and Basehor.

Commissioner Stieben spoke about changes to the Planning Commission indicating that each Commissioner has an appointee and there are four at large planning commissioners. He also spoke about the budget hearing process.

Commissioner Smith spoke about roads and changes in the way they are getting done. He also spoke about County Road 1 and the Comprehensive Plan.

The Commissioners answered questions regarding the Comprehensive Plan, the Centennial Bridge, relationship with other cities and plans for transportation.

The luncheon ended at 1:03 p.m.

\*\*\*\*\*July 16, 2019 \*\*\*\*\*

The Board of County Commissioners met in a budget hearing work session on Tuesday, July 16, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Janet Klasinski, County Clerk; Linda Scheer, County Clerk's Office; Andy Dedeker, Leavenworth County Sheriff, Mary Ward, Sheriff Office Manager; Janice Van Parys, Leavenworth County Treasurer; Todd Thompson, County Attorney; Nancy Theis, County Attorney Office Manager; Stacy Driscoll, Register of Deeds, Tim Goetz, Chelsi Meyer, Jonell Thomas, Karol Lohman, Extension Office; Linda Lobb, Council on Aging Director; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

The Board discussed the budget for Juvenile Detention.

The Board discussed the budget for the Leavenworth County Sheriff's Department.

The Board discussed the budget for the Leavenworth County Clerk's office to include the Election budget and the Human Resources budget.

The Board discussed the budget for the Leavenworth County Treasurer's Department.

The Board discussed the budget for the County Attorney's office.

The Board discussed the budget for the Register of Deeds office.

The Board ended hearings at 11:15 a.m. and resumed hearings at 1:00 p.m.

The Board discussed the budget for the Extension office.

The Board discussed the budget for the Council on Aging Department.

The Board ended hearings at 2:10 p.m.

\*\*\*\*\*July 17, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, July 17, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and 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, Planner; Bob Weber, County Appraiser; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, AW Himpel, Joe Herring, Wally Brawner, Jerry Dixon

**PUBLIC COMMENT:**

Wally Brawner commented about property taxes.

Jerry Dixon commented about lack of building codes.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry requested to hire a project management firm to administer the sales tax projects.

It was the consensus of the Board to have Commissioner Schimke on the selection committee.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the consent agenda for Wednesday, July 17, 2019.***

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

Bob Weber requested two vehicles be declared surplus property.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to surplus a 2005 Ford Taurus and 2008 Ford Fusion on Purple Wave.***

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

Mr. Weber requested approval to abate assessed value in the 2019 tax year for the following properties: Tax I.D. 1-20570 in the amount of \$2,511.00; Tax I.D. 1-32705 in the amount of \$25,113.00; Tax I.D. 1-20119 in the amount of \$5,772.00; Tax I.D. 1-27131 in the amount of \$17,976.00; Tax I.D. 1-20536 in the amount of \$5,203.00; Tax I.D. 1-28354 in the amount of \$9,443.00; Tax I.D. 1-31852 in the amount of \$9,525.00; Tax I.D. 1-19958 in the amount of \$8,982.00; Tax I.D. 1-20560 in the amount of \$15,426.00.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve abatement of assessed value in the 2019 tax year for \$2,511.00 for Tax I.D. 1-20570.***

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

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve abatement of assessed value in the 2019 tax year for \$25,113.00 for Tax I.D. 1-32705.***

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

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve abatement of assessed value in the 2019 tax year for \$5,772.00 for Tax I.D. 1-20119.***

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

*A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve abatement of assessed value in the 2019 tax year for \$17,976.00 for Tax I.D. 1-27131.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve abatement of assessed value in the 2019 tax year for \$5,203.00 for Tax I.D. 1-20536.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve abatement of assessed value in the 2019 tax year for \$9,443.00 for Tax I.D. 1-28354.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve abatement of assessed value in the 2019 tax year for \$9,525.00 for Tax I.D. 1-31852.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve abatement of assessed value in the 2019 tax year for \$8,982.00 for Tax I.D. 1-19958.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve abatement of assessed value in the 2019 tax year for \$15,426.00 for Tax I.D. 1-20560.*

*Motion passed, 5-0.*

Jeff Joseph reported a vacancy on the Planning Commission in the first district.

Commissioner Culbertson indicated he would like time to speak to the individual he has in mind.

Commissioner Culbertson attended the Leavenworth City Council meeting and spoke at the International Student's Honorary Citizen's Day.

Commissioner Kaaz will attend the Juvenile Corrections Advisory Board meeting this afternoon and the Mental Health Task Force meeting tomorrow and also attended the Leavenworth City Council meeting.

Commissioner Smith will attend Juvenile Corrections Advisory Board meeting this afternoon and attended the Basehor City Council meeting last week.

Commissioner Stieben attended the Tonganoxie City Council meeting and the International Student's Honorary Citizen's Day.

The Board adjourned at 9:53 a.m.

\*\*\*\*\*July 17, 2019\*\*\*\*\*

The Board of County Commissioners met in a budget hearing work session on Wednesday, July 17, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Linda Scheer, County Clerk's Office; Jamie Miller, EMS/Health Department Director; Jeff Joseph, Planning and Zoning Director; Bob Weber, County Appraiser; Megan Waters, Adult Community Corrections Director; Becky Matzeder, David Van Parys, Senior County Counselor; Executive Secretary; John Richmeier, Leavenworth Times

The Board discussed the budget for the EMS Department.

The Board discussed the budget for the Health Department.

The Board discussed the budget for the Planning and Zoning Department to include the GIS Department.

The Board discussed the budget for the County Appraiser's Office.

The Board discussed a proposed budget for Adult Community Corrections.

The Board discussed the budget for the County Counselor.

The Board discussed the budget for the County Commission.

The Board ended hearings at 11:36 a.m.

Final Approved

\*\*\*\*\*July 23, 2019\*\*\*\*\*

The Board of County Commissioners met in a budget hearing work session on Tuesday, July 23, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Linda Scheer, County Clerk's Office; Keith Rickard, The Guidance Center; Karen Baker and David Price, Riverside Resources; Kelly Meyer, Heather Green, Steve Meyer, CASA; Jennifer Marsh, Alliance Against Family Violence; Bonita Boneswit, St. Vincent Clinic; Jeff Heim, Soil Conservation; Chief Judge David King and Steve Crossland, District Court; Steve Jack, Harland Russell, Brian Habjan, Blaine Weeks, Dan Gutshall, Lisa Haack, Dick Shrader, LCDC; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

The Board discussed the budget for the Guidance Center.

The Board discussed the budget for Riverside Resources.

The Board discussed the budget for the Alliance Against Family Violence.

The Board discussed the budget for CASA.

The Board discussed the budget for St. Vincent Clinic.

The Board discussed the budget for Soil Conservation.

The Board discussed the budget for District Court.

The Board discussed the budget for LCDC.

The Board ended the budget hearings at 12:09 p.m.



\*\*\*\*\*July 24, 2019\*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, July 24, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Schimke and Commissioner Stieben are present. Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Andy Dedeke, Leavenworth County Sheriff, Rhonda Berry, Community Corrections Business Manager; Aaron Yoakum, Buildings and Grounds; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, AW Himpel, David Heintzelman, Nancy Carpenter

PUBLIC COMMENT:

David Heintzelman spoke about property taxes.

Joe Herring reported Mr. Willming will reapply his preliminary plat and requested a waiver of the preliminary plat fee and can he submit in 30 days not the 45 days.

David Van Parys indicated the deadline still stands and would not require a second fee.

Nancy Carpenter made public comment.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported staff has requested additional information from the Kaw Valley Sand Quarry and asked for a continuance to August 28, 2019.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the consent agenda for Wednesday, July 24, 2019 removing the Lenape Sand Plant.***

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

Andy Dedeke requested approval of a contract with Summit Food Service for food service for inmates and the juvenile detention center.

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the contract with Summit Foods with annual increases not exceed the CPI following the term that the contract be renewed on an annual basis***

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

Rhonda Berry requested approval of adjustments made to the line items for the adult and juvenile community corrections budget.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve the adjustment to budget line items for the adult community corrections quarterly report and authorize the chair to sign the document.***

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

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve the adjustment to budget line items for the juvenile community corrections quarterly report and authorize the chair to sign the document.***

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

Mr. Van Parys requested approval of a resolution to establish a policy for the closure or restriction on certain county roads.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve Resolution 2019-20 a resolution of the Board of County Commissioners of Leavenworth County, Kansas, establishing a policy for closure or restriction of travel upon certain county roads as authorized pursuant to K.S.A. 68-126; establishing the financial responsibility of such restriction or closure.***

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

***A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz to adopt a board order authorizing a gate across 227<sup>th</sup> at the request of the petition property owners.***

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

***A revised motion was made by Commissioner Schimke and seconded by Commissioner Kaaz to adopt a board order authorizing a gate across 227<sup>th</sup> at the request of the petition property owners pursuant to Board Order 2019-3.***

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

Aaron Yoakum requested to accept bid for the asphalt mil and overlay of the Justice Center north parking lot from Little Joe's in the amount of \$82,735.00.

***A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz to accept low bid for the asphalt mil and overlay of the Justice Center north parking lot from Little Joe's in the amount of \$82,735.00.***

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

***A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to go into a closed executive session to discuss personnel matters of non-personnel as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 10:05 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben.***

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

The Board returned to regular session at 10:05 a.m. The topic was limited to personnel and no decisions were made.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to go into a closed executive session to discuss personnel matters of non-personnel as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 10:25 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben.***

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

The Board returned to regular session at 10:25 a.m. The discussion was limited to non -elected personnel and no decisions were made.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to go into a closed executive session to discuss personnel matters of non-personnel as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 10:50 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke, Mike Stieben, County Administrator Mark Loughry and Senior County Counselor David Van Parys.***

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

The Board returned to regular session at 10:50 a.m. The discussion was limited to non -elected personnel and no decisions were made.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to go into a closed executive session to discuss personnel matters of non-personnel as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 11:15 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke, Mike Stieben, County Administrator Mark Loughry and Senior County Counselor David Van Parys.***

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

The Board returned to regular session at 11:15 a.m. The discussion was limited to non -elected personnel and no decisions were made.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to go into closed executive session for the preliminary discussion of the acquisition of real property as justified by K.S.A. 75-4319(b)(6) and that this Board resume open session in this meeting room at 11:30 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben, County Administrator Mark Loughry and Senior County Counselor David Van Parys.***

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

The Board returned to regular session at 11:30 a.m. The discussion was limited to property acquisition and no decisions were made.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to authorize the county administrator to proceed as discussed with no authority to finalize any action until brought before the Board in open session.***

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

The Board adjourned at 11:32 a.m.

**RESOLUTION 2019-20**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
LEAVENWORTH COUNTY, KANSAS, ESTABLISHING A POLICY FOR THE  
CLOSURE OR RESTRICTION OF TRAVEL UPON CERTAIN COUNTY ROADS AS  
AUTHORIZED PURSUANT TO K.S.A. 68-126; ESTABLISHING THE FINANCIAL  
RESPONSIBILITY OF SUCH RESTRICTION OR CLOSURE**

**WHEREAS**, K.S.A 68-126 authorizes the board of county commissioners of any county of the state of Kansas to close or restrict public travel upon roadways of the county under certain conditions; and,

**WHEREAS**, the board of county commissioners of Leavenworth county, Kansas, (“the board”) has, from time to time, received requests from owners of property adjacent to certain county roadways that such closure or restriction of travel by the public be implemented; and,

**WHEREAS**, the closure or restriction of travel by the public upon county roadways should be undertaken only in certain limited circumstances and with the cost of such closure or restriction to be borne by the owners of property adjacent to those roadways affected;

**WHEREAS**, the establishment of a stated policy for the closure or restriction of travel by the public upon certain county roadways will apprise the owners of property adjacent to those certain roadways of the terms and conditions upon which such closure or restriction shall take place;

**NOW BE IT THEREFORE RESOLVED:**

1. That the closure or restriction of travel by the public upon any county roadway, as authorized pursuant to K.S.A. 68-126, shall undertake by an order of this board only in the following instances:

- (a). When such roadway does not serve any residential structure; and,
- (b) When such closure or restriction of travel by the public will minimally impact the general public; and,
- (c) When such closure or restriction is requested, in signed writing, by all owners of property adjacent to and served by such roadway; and,
- (d) When the purpose of such closure or restriction is to protect the property of the owners of property adjacent to and served by such roadway through reducing trespass upon such property, the dumping of trash and debris upon such property and the misuse of the public roadway for purposes other than travel by the general public; and,
- (e) When the closure or restriction of travel upon such roadway is done in such manner as to not preclude travel upon such roadway by emergency or utility vehicles or persons who have a lawful need for travel upon such roadway; and,
- (e) When the owners of property adjacent to and served by such roadway have agreed to bear all costs for the closure or restriction of travel by the public upon such roadway, to include the construction and maintenance of any gates or fences as authorized by the board, all necessary and appropriate signage notifying the public of such closure or restriction as deemed necessary and appropriate by the board and the costs of the removal of all gates or fences and signage upon the conclusion of the period of closure or restriction of travel by the public upon such roadway; and,
- (f) When the owners of property adjacent to and served by such roadway have agreed to construct and maintain all gates or fences and signage as authorized by the board and have

prepared and submitted to the board the design of such gates or fences and signage for approval by the board; and,

(f) When the owners of property adjacent to and served by such roadway have agreed that the roadway be designated as a low-volume, low-maintenance road by the county and that the county shall perform no maintenance upon such roadway during the period of closure or restriction of travel by the public; and,

(g) When the owners of property adjacent to and served by such roadway have posted with the county clerk, as required by the board, adequate surety in the form of a bond or letter of credit, as approved by the board, to cover the future costs of the removal of all gates or fences and signage and the costs of the reopening of such roadway upon the conclusion of the period of closure or restriction of travel by the public upon such roadway; and,

(h) When such other requirements for the closure or restriction of travel by the public upon such roadway as the board may find necessary and proper have fulfilled.

2. That the period of time during which the closure or restriction of travel by the public upon such roadway is authorized pursuant to this resolution shall end upon;

(a) A determination by the board that it is in the best interests of the public that such closure or restriction of travel by the public upon such roadway come to an end; or,

(b) The request of any owner of property adjacent to and served by the roadway.

3. That prior to any closure or restriction of travel by the public upon any county roadway made pursuant to this resolution that the matter of the request for such closure or restriction be heard and considered by the board in open session with the matter having been listed on the agenda of the board.

RESOLVED THIS 24<sup>th</sup> DAY OF July, 2019.

  
DOUG SMITH, CHAIR

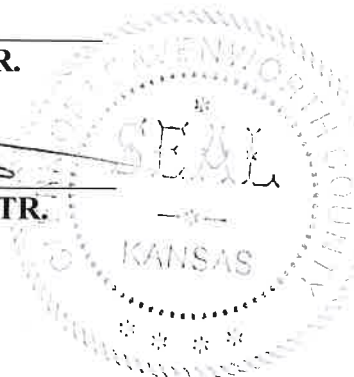
  
JEFF CULBERTSON, 1<sup>ST</sup> DISTR.

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

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

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

  
ATTEST: JANET KLASINSKI  
COUNTY CLERK



BOARD ORDER 2019-3

**AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, PURSUANT TO THE AUTHORITY GRANTED TO THEM BY K.S.A 68-126, AUTHORIZING AND PERMITTING THE CONSTRUCTION AND MAINTENANCE OF A GATED FENCES RESTRICTING ACCESS TO 227<sup>TH</sup> STREET AS IT LIES SOUTH OF THE INTERSECTION OF SAID STREET WITH K-92 HIGHWAY TO THE INTERSECTION OF SAID STREET WITH BAUSERMAN ROAD; DECLARING SAID SECTION OF 227<sup>TH</sup> STREET TO BE A MINIMUM MAINTENANCE ROAD**

**WHEREAS**, the board of county commissioners of Leavenworth County, Kansas, has received a petition, signed by the owners of property located adjacent to 227<sup>th</sup> Street as it lies south of the intersection of said street with K-92 Highway to the intersection of said street with Bauserman Road, requesting that the county authorize the construction and maintenance of gated fences restricting access to that section of 227<sup>th</sup>; and,

**WHEREAS**, the board finds that no residential structures lie upon the section of 227<sup>th</sup> Street to be restricted, that all of the property owners adjacent to that section of 227<sup>th</sup> Street have requested the restriction of access, that the purpose of the restriction of access is to prevent destruction of crops, damage to private fences and acts of trespass upon private property; and,

**WHEREAS**, the board finds that the construction and maintenance of gated fences along that section of 227<sup>th</sup> Street will not materially affect the convenience of the travelling public,

**WHEREAS**, the board finds that the section of 227<sup>th</sup> Street referenced herein qualifies as a minimum maintenance road with minimal value to the general public.

**IT IS HEREBY ORDERED**


1. That the construction and maintenance of gated fences restricting access to 227<sup>th</sup> Street as it lies south of the intersection of said street with K-92 Highway to the intersection of said street with Bauserman Road is hereby authorized. That appropriate signage, as approved by the County Engineer, and paid for by the owners of property adjacent to that section of 227<sup>th</sup> Street to which travel is restricted shall be posted at both intersections indicating restriction of public access to the street.
2. That the owners of property adjacent to that section of 227<sup>th</sup> Street to which travel is restricted shall be responsible for the costs of the construction, maintenance and signage of said gated fences, that the gates to said fences may be locked and that public service and safety agencies shall at all times be provided with access through the gates.
3. That the gated fences shall allow for free access to the restricted section of 227<sup>th</sup> Street to all owners of property adjacent to said section of 227<sup>th</sup> Street and those members of the public demonstrating lawful need for access.

4. That the section of 227<sup>th</sup> Street to which public access is restricted is declared to be a minimum maintenance road and that during such time as access is restricted no maintenance of said street shall be undertaken by the county.


ORDERED THIS 24<sup>th</sup> DAY OF JULY, 2019.

  
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DOUG SMITH, CHAIR

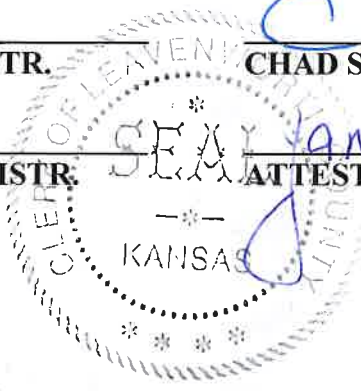
  
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JEFF CULBERSTON, 1<sup>ST</sup> DISTR.

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

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

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

  
\_\_\_\_\_  
ATTEST: JANET KLASINSKI, CLERK



\*\*\*\*\*July 24, 2019 \*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, July 24, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Stieben and Commissioner Schimke are present; Commissioner Kaaz was absent; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Linda Shearer, County Clerk's Office; John Richmeier, Leavenworth Times

The Board discussed the enhancements of outside agencies requesting funding.

It was the consensus of the Board to fund Riverside Resources as requested.

It was the consensus of the Board to fund the Extension Office as requested with a 1.5% increase.

It was the consensus of the Board to fund Soil Conservation as requested.

Commissioner Smith and Commissioner Stieben are in favor of a quarter of a mil reduction.

Commissioner Schimke, Commissioner Kaaz and Commissioner Culbertson are in favor of a flat mil levy.

It was the consensus of the Board to fund St Vincent Clinic, historical societies, fair building, fair premium and BOCC contributions as requested.

It was the consensus of the Board to fund Economic Development with a 1.5% increase.

It was the consensus of the Board to fund the Alliance Against Family Violence with a 1.5% increase.

It was the consensus of the Board to fund CASA with full enhancements.

It was the consensus of the Board to fund the Guidance Center with an \$89,000.00 enhancement.

The work session ended at 12:59 p.m.



\*\*\*\*\*July 30, 2019 \*\*\*\*\*

The Board of County Commissioners met in a work session on Tuesday, July 30, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Stieben and Commissioner Schimke are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Linda Shearer, County Clerk's Office

The Board further discussed the 2020 Leavenworth County budget.

The work session ended at 10:12 a.m.

Final Approved

\*\*\*\*\*July 31, 2019 \*\*\*\*\*

The Board of County Commissioners met in regular session on Wednesday, July 31, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present. Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Jeff Joseph, Planning and Zoning Director; Ken Miller, City of Lansing; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Residents: John Matthews, AW Himpel, Janette Labbee-Holdeman, Joe Herring, Stacey Schmitt, Ralph Wiggins, Matthew O'Brien

PUBLIC COMMENT:

Matt O'Brien spoke about the dust generated from Deer Ridge Estates.

Ralph Wiggins spoke about the sand pit.

ADMINISTRATIVE BUSINESS:

Mark Loughry thanked everyone for working through the budget.

David Van Parys advised the Board to refrain from speaking with individuals who are represented by legal counsel.

Commissioner Smith reported he was invited to a State legislative summit in Riley County on August 29th in Riley County. Commissioner Kaaz will also attend.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the consent agenda for Wednesday, July 31, 2019.***

***Motion passed, 4-0 Commissioner Kaaz abstained.***

Planning and Zoning presented Case Number DEV-19-065/066, consideration of a preliminary and final plat for Madeline's Meadows indicating it has additional regulations because it is near an airfield.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve Case Number DEV-19-065/066, for final plat for Madeline's Meadow's subdivision.***

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

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to 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 the meeting room at 10:00 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben, County Administrator Mark Loughry, County Engineer, Mike Spickelmier and Senior County Counselor David Van Parys.***

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

The Board returned to open session at 10:00 a.m. Discussion was limited to non-elected personnel and no decisions were made.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to 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 the meeting room at 10:30 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben, County Administrator Mark Loughry, County Engineer Mike Spickelmier and Senior County Counselor David Van Parys.***

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

The Board returned to open session at 10:30 a.m. Discussion was limited to non-elected personnel and no decisions were made.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to 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 the meeting room at 10:50 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben, County Administrator Mark Loughry, County Engineer Mike Spickelmier and Senior County Counselor David Van Parys.***

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

The Board returned to open session at 10:50 a.m. Discussion was limited to non-elected personnel and no decisions were made.

Commissioner Smith attended the Basehor City Council meeting and the Fair parade.

Commissioners Stieben updated the Board about the trip to Washington D.C.

Commissioner Schimke will attend the Port Authority meeting today.

Commissioner Culbertson attended Workforce Partnership meeting and met taxpayers that have flood ground in the Missouri River bottoms.

The Board adjourned at 10:53 a.m.

\*\*\*\*\*July 31, 2019 \*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, July 31, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present. Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Jeff Joseph, Planning and Zoning Director; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Residents: Stacey Schmitt, AW Himpel, Joe Herring, John Matthews, Steve Rosenthal

A work session was held to discuss building codes for new residential structures.

It was the consensus of the Board to look into forming a committee for building codes without inspections.

The Board ended the work session at 11:38 a.m.

Final Approved