

*****September 4, 2019 *****

The Board of County Commissioners met in regular session on Wednesday, September 4 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; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Planning and Zoning Deputy Director; Christa McGaha, Planner; Stephanie Sloop, Planning Coordinator; Lauren Anderson, Interim Public Works Director; Aaron Yoakum, Buildings and Grounds; Linda Lobb, Council on Aging Director; Jackie Davis, Council on Aging; Steve Jack, Brian Habjan, Lisa Haack, Jeremy Greenamyre; LCDC; John Richmeier, Leavenworth Times

Residents: John Matthews, AW Himpel, Joe Herring, Kathy and Steve Rapp, Matthew O'Brien

PUBLIC COMMENT:

Kathy Rapp commented about Homeworks USA tiny homes.

ADMINISTRATIVE BUSINESS:

Mark Loughry inquired about a proposed date to schedule a joint work session with the Leavenworth County Planning Commission.

It was decided to schedule work sessions for September 11th at 5:00 p.m. and October 9th at 5:00 p.m.

Stephanie Sloop updated the Board about Safety Days on September 13, 2019 from 11:00 a.m. to 3:00 p.m.

Commissioner Stieben inquired about the tiny homes matter.

David Van Parys indicated conversation should be discussed in executive session and open communication with any outside attorney.

Commissioner Smith indicated the president of the homeowners association for Timberlakes would like to be placed on the agenda.

Mr. Loughry responded that he can speak during public comment.

Commissioner Kaaz reported she was contacted by the Kansas Business Journal about a KORA request and the waiver of the fees associated with that.

Mr. Van Parys indicated it would require some staff time and indicated he will follow up on the additional request.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the consent agenda for Wednesday, September 4, 2019 as amended.

Motion passed, 4-0, Commissioner Kaaz abstained.

Mr. Loughry requested approval of an agreement with Austin Nichols for the recruitment of a public works director.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the agreement with Austin Nicholas to provide recruitment services for the position of the public work

director on a contingent fee basis with the inclusion that they will not recruit any applicants that we would hire.

Motion passed, 4-0, Commissioner Culbertson abstained.

Linda Lobb requested the chairman's signature on a budget revision for additional allotted funds to the Council on Aging.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz for the chairman to sign the budget revision.

Motion passed, 5-0.

Aaron Yoakum requested approval of a bid from Siefert's Flooring for flooring at the Justice Center.

A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz to approve the bid in accordance with Leavenworth County purchasing policy for Siefert's Flooring not to exceed \$78,000.00.

Motion passed, 5-0.

Lauren Anderson requested approval for an addendum to a contract for construction services to Schlagel on the dust abatement program for groups 1, 2 and 3 to include inspection for the construction process.

A motion was made by Commissioner Kaaz and seconded Commissioner Stieben to approve addendum to contract for additional construction phase services to Schlagel and Associates not to exceed \$53,188.00 with a 10% contingency of \$5,318.80.

Motion passed, 5-0.

Ms. Anderson requested approval of a change order on the County Road 1 repave due to damages.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the change order to authorize repairs required for damage to County Road 1 not to exceed \$13,823.40 .

Motion passed, 4-1 Commissioner Kaaz voted nay.

Planning and Zoning presented Case Number DEV-19-064, an application for a special use permit for Skyline Screen Printing.

Commissioner Smith opened public hearing.

No one spoke in opposition or favor.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve Resolution 2019-22.

Motion passed, 5-0.

Planning and Zoning presented Case Number DEV-19-067, a text amendment to the Leavenworth County Zoning and Subdivision regulations.

Commissioner Smith opened public hearing.

No one spoke in opposition or in favor.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2019-23 amending the articles 3, 22, 31 and 50 of the 2006 Zoning and Subdivision Regulations.

Motion passed, 5-0.

Jeff Joseph addressed a complaint about dust in regards to the Peterson Event Center indicating they are in compliance with the conditions.

It was recommended for staff to contact the owners of the event center and the person complaining to see if cost split on dust abatement is an option.

Steve Jack presented a quarterly report for LCDC.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke that this Board recess from open session and go into a closed executive session to discuss personnel matters of non-elected personnel justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 11:20 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben, County Administrator and Senior County Counselor David Van Parys.

Motion passed, 5-0.

The Board returned to open session at 11:20 a.m. the discussion was limited to non-elected personnel and no decisions was made.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben that this Board recess from open session and go into a closed executive session to discuss personnel matters of non-elected personnel justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 11:35 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben, and County Administrator.

Motion passed, 5-0.

The Board returned to open session at 11:35 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 adjourn.

Motion passed, 5-0.

The Board adjourned 11:34 a.m.

RESOLUTION 2019-22

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a small limited business – Skyline Screen Printing, on the following described property:

A tract of land in the Southwest 1/4 of Section 11, Township 10 South, Range 22 East of the Sixth P.M., in Leavenworth County, Kansas more commonly known as 22983 154th 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 20th day of May, 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 14th day of August, 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 4th day of September, 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 4th day of September, 2019, and incorporated herein by reference;

That Case No. DEV-19-064, Special Use Permit for a small limited business – Skyline Screen Printing 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 6 pm, Monday through Friday.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$220.98
4. The SUP shall be limited to the applicants only and no 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 May 20, 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 11, Township 10 South, Range 22, also known as 22983 154th Street, parcel no. 151-11-0-30-08-004.01 in Leavenworth County, Kansas.

Adopted this 4th day of September, 2019
Board of County Commission
Leavenworth, County, Kansas



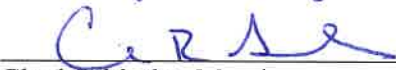
Doug Smith, Chairman



Jeff Culbertson, Member



Vicky Kaaz, Member



Chad Schimke, Member



Mike Stieben, Member



RESOLUTION 2019-23

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article – 22 Special Use Permits and Temporary Use Permits

Section 3 – Procedures;

Following the public hearing, the Planning Commission shall make a recommendation for approval or disapproval of the application to the Board of County Commissioners. A majority vote of the membership of the Planning Commission is required in order to make a recommendation.

When the Planning Commission submits a recommendation of approval or disapproval of a Special Use Permit, the Board of County Commissioners may adopt the same, amend the recommendation, or disregard the recommendation by resolution. Upon receipt of a recommendation of the Planning Commission with which the Board of County Commissioners disagrees, the Board of County Commissioners may return the recommendation to the Planning Commission with a written statement specifying the basis of disagreement. The Planning Commission may choose to reconsider the issue. After reconsideration of the same, the Planning Commission may resubmit their written recommendation, giving the reasons thereof, or submit a new recommendation. The Board of County Commissioners may only return a recommendation to the Planning Commission only one time.

(BOCC Resolution 2007-50; October 2, 2007)

Regardless of the recommendation of the Planning Commission, if a valid protest petition against a proposed amendment or Special Use Permit is filed in the office of the County Clerk within fourteen (14) days after the date of the conclusion of the hearing, duly signed and acknowledged by the owners of twenty (20) percent of the total area, excepting public streets and ways, which is located within one-thousand (1,000) feet of the boundaries of the property for which a Special Use Permit is sought, such permit shall not be approved except by at least a 3/4 vote of the Board of County Commissioners.

Article- 22 Special Use Permits & Temporary Use Permits

Section 10 – Temporary Uses;

The purpose of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. The following types of temporary uses are permitted in any district upon review and finding of the Department of Planning & Zoning that the proposed use is in the public interest. The use shall be approved for a specific short-term duration. The following is a list of typical Temporary Uses which may be reviewed and permitted by the Director of Planning and Zoning. In the event that the Director of Planning and Zoning denies the request, the applicant shall receive written notice from the Director within 10 days of application submittal.

Type 1: Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures used in conjunction with the event. Examples of these types of events include, but are not limited to: fun runs, bicycle races, foot races, ATV rides, auctions and other related activities. The following items shall be required:

- a. Organizations with appropriate documentation of 501(c)(3) status shall be exempt from application fees for a Temporary Special Use Permit.
- b. Organizations with appropriate documentation of 501(c)(3) status shall be required to submit an application for a Temporary Special Use Permit. Applications and all required supporting

documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the anticipated event.

- c. The application shall require review and approval by the Road and Bridge Superintendent if the event is to be held on public roads or public rights-of-way.
- d. The application shall require review and approval by the Department of Emergency Management.
- e. In the event that Sheriff/Deputy presence is needed to control traffic, the applicant shall coordinate payment and scheduling directly with the Sheriff's department. This documentation shall be included with the application submittal.

Type 2: Fund-raising or non-commercial events for for-profit organizations: including any on-site signs and structures used in conjunction with the event. Examples of these types of events include, but are not limited to: fun runs, bicycle races, foot races, ATV rides auctions, and other related activities. The following items shall be required:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2010-10 and as amended.
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the anticipated event.
- c. The application shall require review and approval by the Road and Bridge Superintendent if the event is to be held on public roads or public rights-of-way.
- d. The application shall require review and approval by the department of Emergency Management.
- e. In the event that Sheriff/Deputy presence is needed to control traffic, the applicant shall coordinate payment and scheduling directly with the Sheriff's department. This documentation shall be included with the application submittal.

Type 3: Fireworks stands either non-profit or for-profit: including any on-site signs and structures used in conjunction with the event. The following items shall be required:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2019-XX. (Staff is recommending a fee based upon costs associated with inspections and staff review process)
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the opening of the fireworks stand.
- c. Fireworks stands shall not be permitted on public roads or within public rights-of-way.
- d. Applications shall require review and approval by The Department of Emergency Management.

- e. Fireworks stands shall be located on private property and applicants shall submit with application an "Owner's Authorization" with property owners signature and the Authorization shall be notarized.
- f. Applicants shall submit proof of required insurance and applicable bonds.
- g. Adequate off-street parking shall be required.

Section 11. TEMPORARY USES REQUIRING BOARD OF COUNTY COMMISSION REVIEW
 The following temporary uses are permitted in any district upon review and finding of the Board of County Commissioners that the proposed use is in the public interest. The use shall be approved for a specific short-term duration and shall be subject to conditions.

Type 4: Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary "one-time" activities of a generally short durations, particularly such activities as "locational" work by film companies

Type 5: The temporary placement of a laydown yard, portable asphalt or concrete plant and attendant materials and equipment during construction work on any public road or public infrastructure. All other temporary uses that are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses.

Notification Requirements

Events requiring a Temporary Special Use Permit which requires review and approval by the Board of County Commissioners shall require public notification and a public hearing.

- 1. Events associated with a singular parcel shall require written notification to neighboring property owners within 1000 feet of the property seven (7) days prior to the public hearing.
- 2. Events occurring throughout the County, such as: Filming shall require public notice...via publication in the local Newspaper seven (7) days prior to the public hearing. (BOCC Resolution 2015-35; September 24, 2015)

Application Requirements

The following items shall be required for a Temporary Special Use Permit:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2010-10 and as amended.
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the anticipated event.
- c. The application shall require review and approval by the Road and Bridge Superintendent if the event is to be held on public roads or public rights-of-way.
- d. In the event that Sheriff/Deputy presence is needed to control traffic, the applicant shall coordinate payment and scheduling directly with the Sheriff's department. This documentation shall be included with the application submittal.

- e. Not more than three (3) Temporary Special Use Permits per parcel shall be granted each year. (BOCC Resolution 2015-35; September 24, 2015).

Section 12. PRIVATE EVENTS

Events meeting the definition of "Private Event" as defined by Article 3- Definitions- of these Regulations shall not require a Temporary Special Use Permit.

Article – 31 Amendments

Section 2 – Procedures;

The changes to this regulation are the result of the Board of County Commissioners changing from a three-member body to a five-member body. This results in a change to the application of the "protest petition," Instead of a unanimous vote to overturn a Planning Commission Regulation, a valid protest petition requires a ¾ majority vote.

All applications or requests for amendments, revisions or changes to the Zoning Resolution or the Zoning District Boundary Map or for Special Use Permits shall be made to the Administrative Officer on such forms as are provided. Immediately upon receipt of a complete application, with the fee required by the Leavenworth County Fee Schedule as adopted by the Board of County Commissioners, the Administrative Officer shall note the date and make a permanent record thereof. All such hearings shall be set for hearing before the Planning Commission within sixty (60) days of submission of a complete application. Notice of hearing shall be published in the official county newspaper not less than twenty (20) days prior to the date of the hearing. In addition, notices shall be sent by mail to the owners of all property located within the unincorporated area of the county within one-thousand (1,000) feet of the area proposed to be rezoned (the notice area shall extend two hundred (200) feet in those areas where the notification area extends within the corporate limits of a city) at least twenty (20) days prior to the date of the hearing.

An affirmative vote by a majority of the members present and voting shall constitute a recommendation by the Planning Commission on a zoning change. On any other matter before the Planning Commission, a majority vote of the entire membership is required to make a recommendation or take other action.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the Board of County Commissioners may adopt the same by resolution. Upon receipt of a recommendation of the Planning Commission with which the Board of County Commissioners disagrees, the Board of County Commissioners may return the recommendation to the Planning Commission with a statement specifying the basis of disagreement or take such action as they deem appropriate. If a recommendation is returned to the Planning Commission, it shall, after reconsideration of the same, resubmit their recommendation, giving the reasons thereof, or submit a new recommendation.

Regardless of the recommendation of the Planning Commission, if a valid protest petition against a proposed amendment is filed in the office of the County Clerk within fourteen (14) days after the date of the conclusion of the hearing, duly signed and acknowledged by the owners of twenty (20) percent or more of the property proposed to be rezoned or by the owners of twenty (20) percent of the owners of the total area, excepting public streets and ways, which is located within one-thousand (1,000) feet of the boundaries of the property proposed to be rezoned, such amendment shall not be approved except by a ¾ vote of the Board of County Commissioners.

Article 50 – Minimum Subdivision Design Standards and General Requirements

Section 40.f – Cul-de-sacs;

Cul-de-sacs and Dead-end Streets: Except in cases where the unusual topographic conditions may make it advisable to modify these provisions, the following shall apply:

- 1) The radius of a cul-de-sac shall be as stated above and depends on the type of road. The minimum radius for any road for vehicular turnaround shall be forty (40) feet and the minimum radius for right-of-way shall be fifty (50) feet.
- 2) In the case of temporary dead-end roads, which are stub streets designed to provide future connection with adjoining unsubdivided areas, the Planning Board may require a temporary easement for a turnaround of a nature indicated above.
- 3) When a subdivision is replatted or the existing road ends and is to be extended, the existing cul-de-sac shall be eliminated and removed and the road brought up to the standards specified in Leavenworth County’s Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 14th day of August, 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 amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 4th day of September, 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 4th day of September, 2019 and incorporated herein by reference;


That the amendments listed herein be approved:

Adopted this 4th day of September, 2019
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman

ATTEST



Jeff Gilbertson, Member



Janet Klavmki
Janet Klavinski

Vicky Kaaz
Vicky Kaaz, Member

Chad Schimke
Chad Schimke, Member

Mike Stieben
Mike Stieben, Member

*****September 4, 2019*****

The Board of County Commissioners met in a work session on Wednesday, September 4 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present. Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

The Board held a work session to discuss the job description of public works director.

It was the consensus of the Board to make changes necessary to the job description.

The Board ended the work session at 11:42 a.m.

Final Approved

*****September 4, 2019 *****

The Board of County Commissioners met in a work session on Wednesday, September 4, 2019 at The Guidance Center. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; Linda Lobb, Council on Aging Director; David Ball, Council on Aging Transportation Director; John Richmeier, Leavenworth Times; Representatives from the city of Leavenworth, Lansing and Fort Leavenworth were also present.

The Board attended a work session with local entities and members of the Kansas Department of Transportation, Mid-America Regional Council and KCATA to discuss the Leavenworth County Transit Plan.

Members of the Kansas Department of Transportation, Mid-America Regional Council and KCATA discussed potential route feasibility and the section 5311 grant that would be available for application with a deadline of mid to late November to assist with funding of a transit plan.

It was the consensus of the members present to discuss options with their own entities.

The work session ended at 2:38 p.m.

*****September 11, 2019 *****

The Board of County Commissioners met in regular session on Wednesday, September 11, 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; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk, Helen Klinkenberg, Deputy County Clerk; Lauren Anderson, Public Works Interim Director; Keith Rickard, The Guidance Center Director; Mark Metcalf, Detention Supervisor; Todd Thompson, County Attorney; Pat Kitchens, Leavenworth Chief of Police; Steve Wayman, Lansing Chief of Police; Paul Kramer, City of Leavenworth Administrator; Tim Vandall, Lansing City Administrator; Kim Knight, Leavenworth High School Assistant Principal; John Richmeier, Leavenworth Times

Residents: Bill Trower, John Matthews, AW Himpel, Joe Herring, Linda Johnson, JW Evans, Dannielle Wells, Terri Bell, Diane Garlock, Holly Pittman, Karen Curto, Amy Hutchens, Carol Moner, Chelsi Meyer, Margaret Howard, Mike Powell

PUBLIC COMMENT:

Bill Trower commented about Donahoo Road.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported the Leavenworth Public Library will bring trick or treaters to the Courthouse and the Justice Center on October 18th.

David Van Parys reported the property acquisition transaction has occurred that was discussed in a previous executive session and he will proceed as directed.

Commissioner Smith asked if groups 2 and 3 of the dust abatement program are done for this year.

Mr. Loughry indicated groups 2, 3 and 7 were scheduled to be completed but due to the utility relocation he does not think they will be completed with this construction cycle.

Commissioner Stieben inquired about the scope of the traffic study with Kaw Valley.

Mr. Loughry explained the process with the different studies indicating Olsson and Company has come up with a scope for traffic studies going forward.

Commissioner Kaaz reported that Leavenworth County will participate in the United Way Campaign this year and the Safety Committee volunteered to lead that effort with a kick off date of September 23rd.

Commissioner Culbertson announced an opening in Easton Township for a treasurer position indicating Stephanie Sloop made application for the position.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to appoint Stephanie Sloop as treasurer for the Easton Township Board.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, September 11, 2019.

Motion passed, 5-0

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to adjourn as the Board of County Commissioners and convene as the Board of County Canvassers.

Motion passed, 5-0.

Janet Klasinski reported USD#464 had a mail ballot special election on September 4th with a 52% turnout with a vote of 1,759 voting yes and 1,666 voting no.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the votes for the special mail in ballot election on September 4, 2019 for #464.

Motion passed, 5-0.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to adjourn as the Board of County Canvassers and reconvene as the Board of County Commissioners.

Motion passed, 5-0.

Lauren Anderson requested to approve exchanging federal funds in the amount of \$328,265.29 to be used as reimbursement for constructions projects already done this year.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve exchanging federal funds to state funds in the amount of \$328,265.29.

Motion passed, 5-0.

Keith Rickard and Kim Knight presented a mental health report that was prepared by the mental health task force.

It was determined that the task force continue to meet and finalize communication for legislature as well as cost estimates for the 2021 budget for possible spring election.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to recess for a closed executive meeting for the discussion of possible 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 the Board resume open session 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 and County Administrator Mark Loughry.

Motion passed, 5-0.

The Board returned to open session at 11:15 a.m. no decisions were made and topic was limited to potential/possible litigation.

Commissioner Culbertson attended the Leavenworth City Council meeting.

Commissioner Kaaz indicated the city of Leavenworth is looking for volunteers for Camp Leavenworth.

Commissioner Smith attended the Kansas Officials meeting in Emporia last week and will attend the Basehor City Council meeting this evening.

A brief discussion took place regarding demand transfers.

The Board adjourned at 11:25 a.m.

*****September 11, 2019*****

The Board of County Commissioners met in a work session on Wednesday, September 11, 2019. Commissioner Smith, Commissioner Kaaz, and Commissioner Stieben are present. Commissioner Schimke participated by teleconference; Commissioner Culbertson was absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Jeff Joseph, Director of Public Works; Krystal Voth, Deputy Director of Public Works; Stephanie Sloop, Planner Coordinator; Lauren Anderson, Public Works Director Interim; Mitch Plake, Olsson and Company; Becky Matzeder, Executive Secretary

Planning Commission: Jeff Spink, Janette Labbee-Holdeman, A.W. Himpel, Wolf Schmidt, Steve Rosenthal, John Matthews, Alex Demarco, Mark Denney

Residents: Joe Herring, David Lutgen

The Board of County Commissioners and the Leavenworth Planning Commission met for a joint work session to discuss the benefits and disadvantages of private roads.

Direction was given to staff to research standards the County could possibly adopt for private roads.

The Board ended the work session at 5:57 p.m.

Final Approved

*****September 18, 2019 *****

The Board of County Commissioners met in regular session on Wednesday, September 18, 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; Linda Lobb, Council on Aging Director; Megan Waters, Community Corrections Director; Jeff Joseph, Planning and Zoning Director; Lauren Anderson, Public Works Interim Director; Bob Weber, County Appraiser; Vernon Fields, Basehor City Councilman; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

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

PUBLIC COMMENT:

Nancy Carpenter commented about the Lenape Sand Quarry.

Joe Herring commented about a tract split and final plats.

Sara Williams commented about the Lenape Sand Quarry and KORA requests.

ADMINISTRATIVE BUSINESS:

Mark Loughry indicated the Board received a draft letter regarding the dust abatement program to be sent to individuals affected by utility relocation delays on these projects.

Commissioner Kaaz indicated United Way will kick off October 4, 2019 beginning at 11:00 with County employees.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve the consent agenda for Wednesday, September 18, 2019.

Motion passed, 4-0 Commissioner Kaaz abstained.

Megan Waters requested approval of the adult carryover budget summary.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve the fiscal year 2020 adult carryover reimbursement budget summary.

Motion passed, 5-0.

Ms. Waters requested approval of the juvenile carryover summary for Leavenworth County.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve the 2020 juvenile carryover reimbursement budget summary for Leavenworth County.

Motion passed, 5-0.

Ms. Waters requested approval of the juvenile carryover summary for Atchison County.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve the fiscal year 2020 juvenile carryover reimbursement budget summary for Atchison County.

Motion passed, 5-0.

Ms. Waters requested approval of the end of the year report.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve the fiscal year 2019 end of the year report for Adult Community Corrections.
Motion passed, 5-0.***

Ms. Waters presented the quarterly report for Community Corrections.

Bob Weber requested disaster tax relief for two properties.

***A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to approve disaster tax relief abatement for tax I.D. 1-18155 in the amount of \$5,079.00.
Motion passed, 5-0.***

***A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to approve disaster tax relief abatement for tax I.D. 1-00085 in the amount of \$965.00.
Motion passed, 5-0.***

Mr. Weber requested approval of a board order to approve disaster tax relief for properties affected by the May 28 tornado.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve Board Order 2019-5 an order of the Board of County Commissioners of the County of Leavenworth, Kansas made pursuant to the authority granted to them under K.S.A. 79-1613, making certain findings regarding the applications for the abatement of property taxes on certain homesteads damaged by tornado.
Motion passed, 5-0.***

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

Linda Lobb presented the quarterly report for Council on Aging.

Jeff Joseph presented the quarterly report for Planning and Zoning and the GIS Department.

Commissioner Stieben will attend the LCDC breakfast with a visit from Secretary Toland in Tonganoxie along with Commissioner Smith attending the visit in Basehor and Commissioner Kaaz in Lansing.

Commissioner Stieben attended the Linwood City Council meeting last night.

Commissioner Schimke will attend the LCDC golfing fundraiser today.

Commissioner Kaaz attended the Leavenworth City Commission meeting last night and reminded everyone to attend Camp Leavenworth this weekend.

Commissioner Kaaz will be working with Keith Rickard and Mike Griswold to go over requests and expectations from the Commission and will then schedule a formal meeting.

Commissioner Culbertson met with individuals from MARC to put the 152 bridge on the radar for future projects.

The Board adjourned at 11:32 a.m.

BOARD ORDER 2019- 5

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, MADE PURSUANT TO THE AUTHORITY GRANTED TO THEM UNDER K.S.A. 79-1613, MAKING CERTAIN FINDINGS REGARDING THE APPLICATIONS FOR THE ABATEMENT OF PROPERTY TAXES ON CERTAIN HOMESTEADS DAMAGED BY TORNADO

ON THIS 18th DAY OF SEPTEMBER, 2019, this board, sitting in regular session, considered the applications of the owners of certain homesteads located in the county of Leavenworth for the abatement of property taxes on those homesteads due to the damage to the homesteads by tornado. The board, upon having considered the applications and made inquiry as to whether the properties listed in Exhibit "A", attached hereto and fully incorporated into this Order meet the requirements for the abatement of property taxes as allowed by K.S.A. 79-1613, makes the following findings:

1. That the properties listed in Exhibit "A" meet the definition of "Homestead" as set forth in K.S.A. 79-1613(a)(2) and are owned by the applicants.
2. That on the 28th day of May, 2019, the county of Leavenworth experienced a disaster, in the form of a tornado, which occurrence has been declared a disaster by the governor of the state of Kansas.
3. That the office of the Appraiser of the county of Leavenworth, Kansas, has inspected the homesteads listed in Exhibit "A" and made recommended findings to the board as to the extent of damage to the homesteads caused by said disaster and the appropriate corresponding abatement of property tax for each homestead so listed.
4. That the assessed valuation for each homestead listed in Exhibit "A" is accurate.
5. That the findings of the office of the Appraiser of the county of Leavenworth as set forth in Exhibit "A" are adopted by this board and fully incorporated into this Order and meet the requirements for the abatement of property taxes of those certain homesteads as provided for by K.S.A. 79-1613(d)
6. That the owners of the homesteads listed in Exhibit "A" are entitled under law to the abatement of property taxes on said homesteads in the amount listed in Exhibit "A".

WHEREFORE, it is the Order of this board that the property taxes on those homesteads listed in Exhibit "A" be abated in the amount shown in said exhibit and that the county clerk and county treasurer shall in each case of abatement correct their records in accordance with this Order and that the county clerk shall notify the governing body of any taxing district affected thereby.

ORDERED THIS 18th DAY OF SEPTEMBER, 2019.


DOUG SMITH, CHAIR, 3RD DISTR.


JEFF CULBERTSON, 1ST DISTR.


VICKY KAAZ, 2ND DISTR.


CHAD SCHIMKE, 4TH DISTR.


MIKE STEIBEN, 5TH DISTR.



ATTEST: 
JANET KLASINSKI, CLERK 



Exhibit A

Qref	Tax ID	Owner	House Value	Cost to Repair / Replace	% Damage	House Assessed Value	Abatement %	Abatement Amount	House
R25125	1-29233	Krueger, Carl & Bardon, Erin C Trus	\$393,360	\$633,997	100%	\$45,236	60%	\$27,142	
R29316	1-19947	Soukup, James J & Mikka J; Trust	\$504,100	\$253,270	50%	\$57,972	60%	\$34,783	
R306038	1-37211	Erickson, Seth & Andrea	\$399,710	\$298,297	75%	\$45,967	60%	\$27,580	
R29999	1-20449	Livers, Curtis A & Molly A	\$236,610	\$175,891	74%	\$27,210	60%	\$16,326	
R29428	1-21554	Hurt, Ann M	\$196,060	\$98,749	50%	\$22,547	60%	\$13,528	
R30186	1-20559	Archambeau, Kenneth Brian	\$36,570	\$84,460	100%	\$4,206	60%	\$2,523	
R30212	1-20579	Farr, David L & Ashley M	\$134,420	\$228,406	100%	\$15,458	60%	\$9,275	
R30199	1-20569	Thomas, Donna	\$121,800		95%	\$14,007	60%	\$8,404	No insurance/ Estimates

*****September 18, 2019 *****

The Board of County Commissioners met in work session on Wednesday, September 18, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Commissioner Schimke is absent; Also present: Mark Loughry, County Administrator; Lauren Anderson, Public Works Interim Director; Jeff Joseph, Planning and Zoning Director; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Also in attendance: Matt Schmitz and Mike Spickelmier, City of Lansing

Members of Mid-American Regional Council, Kansas Turnpike Authority, Kansas Department of Transportation and HNTB presented a feasibility study to the Board regarding the KC Outer Loop.

Commissioner Culbertson proposed the idea of a bridge that would connect to 152 Highway on the Missouri side from a road such as Eisenhower Road or Gilman Road.

It was suggested to contact the Kansas Department of Transportation and the Missouri Department of Transportation.

The Board ended the work session at 2:54 p.m.

Final Approved

*****September 25, 2019 *****

The Board of County Commissioners met in regular session on Wednesday, September 25, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present. Commissioner Kaaz is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Jamie Miller, EMS/Health Department Director; Larry Malbrough, Information Systems Director; Lauren Anderson, Public Works Interim Director; Ken Miller, City of Lansing; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Residents: AW Himpel, John Matthews, Joe Herring, Stephanie Marshall, Allan Stork

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry requested an amendment to the agenda for two executive sessions after the work session.

Commissioner Schimke inquired if the County conducts post project review.

Mr. Loughry indicated the reviews are done internally on project closeouts but can have Public Works include these in their quarterly reports.

Commissioner Stieben inquired about the need to update some documents in Planning and Zoning and asked how that will be handled.

Mr. Loughry indicated he has contacted staff to make sure all documents are up to date.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the consent agenda for Wednesday, September 25, 2019.

Motion passed, 4-0.

Larry Malbrough presented the quarterly report for the Information Systems Department.

Mr. Malbrough brought up a proposal that the Board requested for a kiosk in the rotunda of the Courthouse.

It was the consensus of the Board to move forward with the project pricing larger screens.

Mr. Malbrough reported he is still negotiating on managed security services.

Mr. Malbrough asked if the Board has viewed the individual sample links for each Commissioner for the County website.

Mr. Malbrough suggested to get rid of the BOCC comment forms that allows individuals to send emails anonymously and just go with bocc email.

It was the consensus of the Board to implement the changes BOCC website.

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

Mr. Miller reported health assessments will be available to employees and spouses that are on the County insurance indicating he combined with the city of Leavenworth to provide two dates on October 24 and October 25.

Commissioner Culbertson indicated the Workforce is putting together programs for individuals that will be working on the KCI airport.

Commissioner Smith attended the Army Reserve Center ribbon cutting in Tonganoxie and attended the MARC meeting with Commissioner Stieben. He will also be attending the 25th Anniversary CASA event at Crancers this evening, the Small Town Event in Basehor on Saturday and the Fairmount Township meeting tomorrow night.

Commissioner Schimke attended the LCDC golfing fundraiser last week and will attend an economic development conference in Wichita on October 3.

Commissioner Stieben attended the Linwood city council meeting.

The Board adjourned at 10:07 a.m.

The Board reconvened their regular session at 12:08 p.m.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben that the Board recess from open session and go into a closed executive session for a preliminary discussion on 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 12:20 p.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben. Also present will be County Administrator Mark Loughry and Senior County Counselor David Van Parys.

Motion passed, 4-0. Commissioner Culbertson was absent from the room.

The Board resumed open session at 12:20 p.m. discussion was limited to potential property acquisition and no decisions were made.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to have staff proceed as discussed in executive session.

Motion passed, 5-0.

A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz that the Board recess for a closed executive meeting for the discussion of pending litigation in case number 2019-CV-21, as justified by K.S.A. 75-4319(b)(2) for consultation with legal counsel for the Board which would be deemed privileged in attorney-client relationship and that Board resume open meeting at 12:30 p.m. in the meeting room of the Board. Present in executive meeting will be Commissioners Culbertson, Kaaz, Schimke, Smith and Stieben, Senior County Counselor David Van Parys and County Administrator Mark Loughry.

Motion passed, 5-0.

The Board resumed open session at 12:30 p.m. no decisions were made; briefed on a pending legal matter.

A motion was made by Commissioner Schimke that the Board recess for a closed executive meeting for the discussion of legal consequences in case number.

Commissioner Schimke withdrew his motion.

It was decided to add an executive session to next week's agenda.

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

The Board adjourned at 12:32 p.m.

Final Approved

*****September 25, 2019*****

The Board of County Commissioners met in work session on Wednesday, September 25, 2019. Commissioner Smith, Commissioner Culbertson, Commissioner Stieben and Commissioner Schimke are present; Commissioner Kaaz was present for most of the work session; 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; Lauren Anderson, John Richmeier, Leavenworth Times

Other attendees: Matt Schmitz and Mike Spickelmier with the City of Lansing; AW Himpel, John Matthews, Joe Herring, JW Evans

A work session was held to discuss private roads, planned unit developments and right of way on tract splits.

Direction was given to staff to draft a set of standards for private roads.

The Board decided to speak to legal counsel in an executive session regarding right of ways on tract splits.

The Board ended the work session at 12:05 p.m.

Final Approved