

*****October 2, 2019*****

The Board of County Commissioners met in regular session on Wednesday, October 2, 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; Aaron Yoakum, Buildings and Grounds; Bob Weber, County Appraiser; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, AW Himpel, Steven Rosethal, Janette Labbee-Holdeman, Joe Herring, Sarah and Justin Oberndorfer, Molly Parker, Steve Scott, Cameron Kelly, Kristian and Echo VanMeteren, John Altevogt, Dan Marshall, Rex Malson, Darrell Lucas, Kathy Mainville, Steven Mainville, Stephanie Marshall, Terry and Lori Sines, Victoria Holloway, Ed MCCarty, Roger Pfortmiller, Renee Cornelius, Gene Cornelius, Elizabeth Maher, Vicki McCarty, Terry Williams, Melony King, Andrea Erickson, Elizabeth Groff, Wendell Espeland, John Chidley

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry indicated Commissioner Kaaz requested a letter to employees about the United Way campaign.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson that the Board of County Commissioners sign the letter to the employees of the County asking them to participate in the United Way campaign for 2019/2020.

Motion passed, 5-0.

Mr. Loughry requested a motion for approval of the purchase of property.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to authorize the purchase of real property commonly known as 319 Walnut, city of Leavenworth, for the purchase price of \$140,000.00, subject to any reasonable and necessary closing expenses, and that the chairman be authorized to execute all necessary documents to affect the purchase.

Motion passed, 5-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve the consent agenda for Wednesday, October 2, 2019.

Motion passed, 4-0 Commissioner Kaaz abstained.

Aaron Yoakum requested approval to award bid to Lientz Lawn and Construction for the paving of the Transfer Station indicating the closure would take place October 12 and reopen October 21.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the low bid for the Transfer Station paving 2019 from Lientz Lawn and Construction in the amount of \$62,460.76 not to exceed \$68,000.00 as a contingency.

Motion passed, 5-0.

Bob Weber requested approval of a board order granting tax abatement for homes destroyed by the tornado.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve Board Order 2019-6.

Motion passed, 5-0.

Krystal Voth presented a consideration for a renewal of a special use permit for Kerby Pumpkin Patch.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition of the permit.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve Resolution 2019-24, a request to renew special use permit for Kerby Pumpkin Patch.

Motion passed, 5-0.

Ms. Voth presented a consideration of a rezone from RR 2.5 to a Planned Unit Development.

Commissioner Kaaz addressed the negative actions and comments that the opposition of the rezone are receiving.

Commissioner Stieben reminded everyone to keep this case about zoning issues.

Commissioner Smith limited public hearing to one hour and allow the citizens within 1,000 feet to speak first.

Commissioner Smith opened public hearing.

The applicants, Sara and Justin Oberndorfer spoke in favor of the rezone with a brief presentation.

Commissioner Stieben read a letter from the previous owner of the property with concerns about the driveway.

Molly Parker, Betsy Hermreck, Elizabeth NovoGradac, John Altevogt, John Chidly, Sarah Strom, Cameron Kelly, Steve Scott, Wendell Espeland and Steve Rosenthal spoke in favor of the rezoning.

Dan Marshall, Stephanie Marshall, Terry Sines, Charles Graham, Ed McCarty, Joanne Cook, Lavont Cook, Lori Sines and William Hamilton spoke in opposition of the zoning.

Commissioner Smith closed public hearing.

Commissioner Stieben asked if there was a valid protest petition.

Ms. Voth indicated there was a valid protest petition.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz that the PUD proposed in dev-19-078 be approved subject to conditions, 1 through 12, as listed on page 4 of the staff report under staff recommendations, modified as follows:

1. That the intersections of the private road with 166th street and 170th street be constructed to county standards.

2. *That the private interior road be constructed and maintained as hard surfaced (asphalt or chip and seal) as per county standards.*
 3. *That the county be granted easements sufficient to allow the improvement of the private road to county standards.*
 4. *That the park and community center be private and owned and maintained by the home owners association.*
 5. *That the number of dwelling units within the PUD be approved as follows:*
 - a. *an initial approval of not more than four (4) dwelling units, to include the existing dwelling unit.*
 - b. *future approval of not more than three (3) additional dwelling units conditioned upon a review, after a five (5) year period, of the impact of the PUD upon the character of the neighborhood and traffic and safety issues.*
 - c. *that the dwelling units within the PUD shall comply with the design and number of residents as detailed in the submitted PUD plan.*
- Motion passed, 4-1 Commissioner Schimke voting nay.*

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to adopt a rezone from a 2.5 to a planned unit development as amended. (Resolution 2019-25).
Motion passed, 5-0

The Board recessed for 5 minutes.

Commissioner Kaaz encouraged the Commission to participate in the United Way campaign kickoff this Friday.

Commissioner Culbertson has been working with taxpayers on roads and culverts.

Commissioner Kaaz will attend the Mental Health Task Force meeting tomorrow.

Commissioner Smith attended the Basehor city council meeting, the CASA dinner, Fairmount Township meeting indicating they are asking for rent to house an ambulance. He also attended the Small Town Saturday in Basehor and acknowledged October as breast cancer awareness month.

Commissioner Kaaz reported tomorrow night the Harlem Wizards will be playing school staff at Leavenworth High School. She also indicated the Operation Awareness Concert for Suicide Prevention was rescheduled to this Saturday at Haymarket Square at 4:00 p.m.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson that the Board recess for a closed executive meeting for the discussion of a matter involving the legal interests of the County, 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 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 and County Administrator Mark Loughry.

Motion passed, 5-0

The Board resume regular session at 11:30 a.m.; no decisions were made; no action was taken.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to adjourn and reconvene at 1:00 p.m.

Motion passed, 5-0.

The Board reconvened at 1:00 p.m.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke that the Board recess from open session and go into a closed executive session to discuss personnel matters of non-elected personnel as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in the meeting room at 2:00 p.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben, County Administrator Mark Loughry, Senior County Counselor David Van Parys and others invited into the executive meeting.

Motion passed, 5-0.

The Board resumed regular session at 2:00 p.m.; no decisions were made; no action was taken.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson that the Board recess from open session and go into a closed executive session to discuss personnel matters of non-elected personnel as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in the meeting room at 2:15 p.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke and Mike Stieben, County Administrator Mark Loughry, Senior County Counselor David Van Parys.

Motion passed, 5-0.

The Board resumed regular session at 2:15 p.m.; no decisions were made; no action was taken.

The Board adjourned at 2:15 p.m.

BOARD ORDER 2019- 60

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 2nd DAY OF OCTOBER, 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:

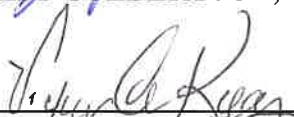
1. That the properties listed in Exhibit "A" meet the definition of "Homestead" as set forth in K.S.A. 79-1613(a)(2) and are owned by the applicants.
2. That on the 2nd day of October, 2019, the county of Leavenworth experienced a disaster, in the form of a tornado, which occurrence has been declared 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 2ND DAY OF OCTOBER, 2019.


DOUG SMITH, CHAIR, 3RD DISTR.


JEFF CULBERTSON, 1ST DISTR.


VICKY KAAZ, 2ND DISTR.


CHAD SCHIMKE, 4TH DISTR.


MIKE STEIBEN, 5TH DISTR.

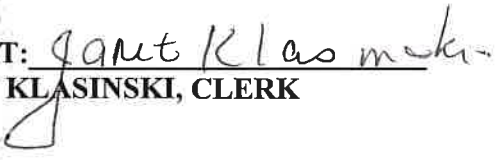
ATTEST: 
JANET KLASINSKI, CLERK



Exhibit A

Qref	Tax ID	Owner	House Value	Cost to Repair / Replace	% Damage	House Assessed Value	Abatement %	Abatement Amount House
R25087	1-17819	Bailey, Jaden D & Kelsi E	\$209,350	\$171,810	82%	\$24,075	60%	\$14,445
R29891	1-28600	Greenlee, Ian & Brittany	\$237,700	\$382,273	100%	\$27,336	60%	\$16,401
R29430	1-27604	Roberts, Dennis D SR	\$76,740	\$84,524	100%	\$8,825	60%	\$5,295
R30178	1-20551	Foster, Jack R & Donna B	\$259,600		100%	\$29,854	60%	\$17,912
R30003	1-20453	Campos, Javier & Maria v	\$98,600		100%	\$11,339	60%	\$6,803

RESOLUTION 2019-24

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a agri-business – Kerby Pumpkin Patch on the following described property:

A tract of land in the Southeast 1/4 of Section 27, Township 11 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas more commonly known as 15943 158thth 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 21st day of July, 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 11th day of September, 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 2nd day of October, 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 2nd day of October, 2019, and incorporated herein by reference;

That Case No. DEV-19-081, Special Use Permit for an agri-business– Kerby Pumpkin Patch 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 10 am to 6 pm on Saturday and Sunday. On Monday through Friday, the business shall be open for scheduled school tours.
3. The pumpkin patch shall be limited to begin on the last week of September and end on the last day of October.
4. The applicant shall pay a Traffic Impact Fee (TIF) of \$348.66.
5. The number of employees shall be limited to nine (9) other than immediate family members.
6. The applicant shall adhere to the following memorandums:
 - a. Code Enforcement Officer – Melissa Johnson – Memo – August 16,2019
 - b. Emergency Management – Chuck Magaha – Memo – August 13, 2019
7. There shall be a minimum of two (2) portable toilets on site when the pumpkin patch is open for business, and they shall be cleaned at least once a week.

8. The applicant shall post emergency contact numbers for responders outside each building in plain view in the event that an emergency occurs.
9. A contingency plan shall be in place to guide employees/guests in the event of an emergency. This includes instances of severe weather.
10. An All Hazard Weather Radio shall be on-site.
11. No signage is allowed in the right-of-way. No signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
12. No on-street parking shall be allowed.
13. The applicant shall provide the Planning and Zoning Department a copy of the KDHE license to serve food.
14. This SUP shall be limited to the submitted with this application.
15. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
16. 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 27, Township 11 South, Range 22, also known as 15943 158thth Street, parcel no. 188-27-0-00-00-005.00 & 188-27-0-00-00-005.01 in Leavenworth County, Kansas.

Adopted this 2nd day of October, 2019
 Board of County Commission
 Leavenworth, County, Kansas



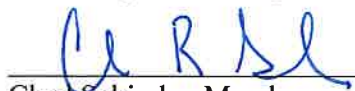
 Doug Smith, Chairman



 Jeff Culbertson, Member



 Vicky Kaaz, Member

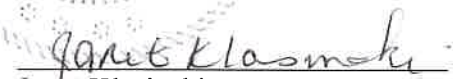


 Chad Schimke, Member



 Mike Stieben, Member





 Janet Klasinski

RESOLUTION 2022-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH COUNTY, KANSAS, AUTHORIZING A REZONING OF A CERTAIN TRACT OF REAL PROPERTY; SETTING FORTH THE CONDITIONS TO BE APPLIED TO THE SUBJECT TRACT; REPEALING THE TWO RESOLUTION DESIGNATED AS RESOLUTION 2019-25; RELATING THIS RESOLUTION BACK TO THE DATE OF THE 2ND DAY OF OCTOBER, 2019.

WHEREAS the owners of a tract of real property in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE1/4) of Section 16, Township 12 South, Range 22 East of the Sixth P.M. Leavenworth County, Kansas more commonly known as 12400 170th Street desire to have the tract rezoned from Rural Residential 2.5 to Planned Unit Development; and

WHEREAS, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 26th day of July, 2019, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Rezoning on the 11th day of September, 2019; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon its consideration, entered specific findings of fact, considered herein, and did recommend that the Rezoning be denied; and

WHEREAS, the Board of County Commissioners considered, in session on the 2nd day of October, 2019, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 2nd day of October, 2019 and incorporated herein by reference that request for rezoning a certain tract of real property, as described above, and more commonly known as 12400 170th Street, Parcel Identification Number 235-16-0-00-00-025.01, is hereby granted subject to the following conditions:

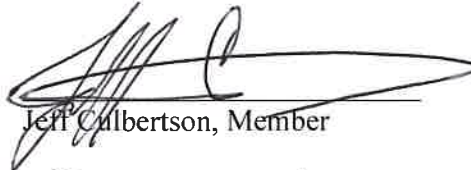
1. The property shall be platted prior to the building of additional homes.
2. The proposed public amenities shall be provided.
3. The applicants shall work with Staff on further developing the submitted site plan to accommodate for a conservation-style subdivision.
4. The applicant shall abide by the site plan approved by the Planning & Zoning Department. Failure to abide by the approved site plan may initiate the process to rescind approval of the Planned Unit Development, such procedure to be the same procedure that was followed in approving the original rezoning request.
5. A maintenance agreement shall be filed with the Register of Deeds Office for the maintenance of the private road.
6. Private roadway signs with street designations shall be provided by the developer at the intersection or the private road and the public road.

7. The road shall meet the minimum requirements listed in the Public Works engineering standards for private road, provided also that the private interior road be constructed and maintained as hard surface (asphalt or chip and seal) as per County standards.
8. The subdivision will be governed by a mandatory Homeowner's Association that will also own and manage all areas designated as Tracts and Open Space for the benefit of the residents thereof.
9. All applicable codes, covenants and restrictions shall be filed with the Leavenworth County Register of Deed's Office.
10. The development shall comply with the Leavenworth County Sanitary Code.
11. The applicant shall work with the water district, emergency management, and the fire district regarding the requirements for fire hydrants.
12. The community center shall be used for private events only.
13. That the intersections of the private road with 166th Street and 170th Street be constructed to County standards.
14. That the County be granted easements sufficient to allow the improvement of the private road to County standards.
15. That the park and community center be private and owned and maintained by the home owners association.
16. That the number of dwelling units within the PUD be approved as follows:
 - a) An initial approval of not more than four (4) dwelling units, to include the existing dwelling unit.
 - b) Future approval of not more than three (3) additional dwelling units conditioned upon a review, after a five (5) year period, of the impact of the PUD upon the character of the neighborhood and traffic and safety issues.
 - c) That the dwelling units within the PUD shall comply with the design and number of residents as detailed in the submitted PUD plan.

NOW BE IT FURTHER RESOLVED that the two county resolutions previously adopted, and designated as Resolution 2019-25, are hereby repealed and that the effective date of this resolution shall relate back to October 2, 2019.

ADOPTED THIS 3RD DAY OF AUGUST, 2022.

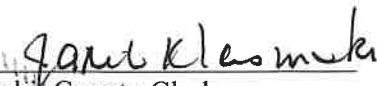

 Mike Smith, Chair


 Jeff Culbertson, Member

absent
 Vicky Kaaz, Member


 Doug Smith, Member


 Mike Stieben, Member

ATTEST: 
 Janet Klasinski, County Clerk



*****October 9, 2019 *****

The Board of County Commissioners met in regular session on Wednesday, October 9, 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; Lauren Anderson, Public Works Interim Director; Vincent Grier, Road and Bridge Superintendent; Chris Collins, Fleet Superintendent; Aaron Yoakum, Building and Grounds Superintendent; Janet Klasinski, County Clerk; Sonya Murphy, 4H Agent; David Arterberry George Baum and Company; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring

PUBLIC COMMENT:

Sonya Murphy informed the Board that it is National 4 H week.

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz thanked the employees of Leavenworth County and members of the Safety Committee for the United Way Campaign kickoff participation.

Commissioner Smith read a proclamation for Breast Cancer Awareness month.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, October 9, 2019.

Motion passed, 5-0.

Chris Collins, Fleet Superintendent, requested disposal of surplus property on PurpleWave.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to disposal of the surplus equipment.

Motion passed, 5-0.

Mr. Collins requested authorization to purchase a trailer in the amount of \$11,595.00 from Austin Trailers.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the replacement for one new trailer through Austin Trailers Sales in the amount of \$11,595.00.

Motion passed, 5-0.

Vincent Grier, Road and Bridge Superintendent, presented the quarterly report for the County Shop.

Mr. Collins updated the Board on the fleet maintenance for the County Shop.

Lauren Anderson presented the quarterly report for Public Works to include the sales tax projects, dust abatement program, bridge projects, personnel and budget.

Commissioner Schimke requested that Olsson and Company review the easement/right of way policy.

Tammy Saldivar presented the quarterly report for the Solid Waste Department.

Aaron Yoakum presented the quarterly report for Buildings and Grounds Department.

David Arterberry with George Baum and Company, informed the Board of the process for issuing a temporary note for various projects.

Commissioner Schimke and Commissioner Smith will attend the LCDC meeting on Thursday.

Commissioner Kaaz indicated the Mental Health Task Force met and will be moving forward with answering questions from the Board.

Commissioner Smith attended the VFW candidate forum in Tonganoxie, the Basehor car show, Germanfest for Lutheran church, Fairmount Township Fire Department open house this Saturday from 10-2, Alliance Against Family Violence will be holding a fundraiser dinner on October 26.

Commissioner Culbertson attended the Easton City Council meeting indicating Mayor Watkins has stepped down due to health issues. He reported the city would like to put up solar panels on FEMA property the County owns.

Commissioner Schimke attended the Comprehensive Plan charrette indicating feedback from developers has been negative.

Commissioner Stieben attended the Sherman Township open house and VFW candidate forum in Tonganoxie.

A work session is to be scheduled as to what the Commission wants to present to legislators.

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 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 11:15 a.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, 5-0.

The Board returned to regular session at 11:15 a.m.; Commissioner Stieben had to leave. no decisions were made, no action taken.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to have staff proceed as discussed.

Motion passed, 4-0.

The Board adjourned at 11:15 a.m.

*****October 9, 2019 *****

The Board of County Commissioners met in work session on Wednesday, October 9, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Stieben and Commissioner Schimke are present; Commissioner Culbertson is absent; 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, Stephanie Sloop, Planning Coordinator

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

Other attendees: Joe Herring, Stacy Driscoll

David Van Parys provided an overview to the County Commission and Planning Commission of the language of motions made on rezoning, planned unit developments and special use permits in conjunction with the Golden Factors.

The Board ended the work session at 5:54 p.m.

Final Approved

*****October 16, 2019*****

The Board of County Commissioners met in regular session on Wednesday, October 16, 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; Lauren Anderson, Public Works Interim Director; Rob Krewson and Chris Harper with Benesch Engineering

Residents: Dean Oroke, John Matthews, Joe Herring, Curtis Oroke, AW Himpel, Christy Crews, Anne Brockhoff, Jack Willis, Bradley Shade, Brian Huseman, Julie Downes

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry presented a request from the Leavenworth Chapter NSDAR to clean the Dough boy statue for Veteran's Day.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve the NSDAR project to clean the Doughboy statue with the caveat that they make contact with the County Administrator to make certain that no products are used that would damage the coating that's placed on the statue.

Motion passed, 5-0.

Mr. Loughry addressed a request from an applicant asking for an exception to the rule to resubmit an application less than a year from original application submission.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to allow the applicant to resubmit the application for consideration for rezoning.

Motion passed, 5-0.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, October 16, 2019.

Motion passed, 5-0.

Lauren Anderson requested additional funds for the Group 1 dust abatement project in the amount of \$28,329.70.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the dust abatement additional expense for Group 1.

Motion passed, 4-0. Commissioner Kaaz abstained.

David Van Parys recommended to table both motions for the County Road 1 rezone indicating the Planning Commission are working on a table of uses to be adopted in coordination with both regulations relating to the use and rezone for County Road 1.

A motion was made by Commissioner Stieben to table.

Motion dies for a lack of second.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to table consideration of amendments to the zoning and subdivision regulations to articles 4 and 18.

Motion passed, 5-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to table the consideration of the County Road 1 rezone Case Number DEV-19-083.

Motion passed, 5-0.

Rob Krewson and Chris Harper with Benesch updated the Board on the Millwood Road bridge and the 2020 Biennial bridge inspections.

Commissioner Stieben attended the Tonganoxie City Council meeting and met with Commissioner Mike Brown from Johnson County, a Townhall meeting and Women's Republican meeting.

Commissioner Kaaz attended the City of Leavenworth meeting and the Governor Affairs meeting for the Chamber of Commerce; she announced Leavenworth High School is putting on a dinner theater fundraising event Saturday night at June's Northland.

Commissioner Smith attended Basehor City Council meeting, LCDC meeting, Fairmount Township open house and will attend the Basehor Chamber meeting.

Commissioner Schimke mentioned the services that Cushing Hospital will no longer be providing and how that will affect the services provided by Leavenworth County and reminded everyone of advanced voting.

Commissioner Culbertson announced the Fresh Mobile Pantry by Second Harvest at the Cornerstone Church the second Thursday of the month in Tonganoxie.

Commissioner Stieben mentioned the Alliance Against Family Violence Dinner on October 26th.

The Board adjourned at 10:19 a.m.

*****October 16, 2019 *****

The Board of County Commissioners met in work session on Wednesday, October 16, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Stieben, Commissioner Culbertson and Commissioner Schimke are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Jeff Joseph, Planning and Zoning Director; Krystal Voth, Planning and Zoning Deputy Director; Lauren Anderson, Public Works Interim Director;

Other attendees: Janette Labbee-Holdeman, AW Himpel, Joe Herring, John Matthews

A work session was held to discuss traffic impact fees and the formula on how the fees are calculated.

Direction was given to staff to draft policy changes to include a threshold for the number of vehicles, a flat fee for certain uses and a traffic impact study for larger uses.

A work session was held to discuss right of way for tract splits.

Direction was given to legal counsel for policy changes.

A work session was held to discuss private roads with a questionnaire for the Board.

Direction was given to staff to draft a policy based on questionnaire answers from the Board.

The Board ended the work session at 11:55 a.m.

*****October 23, 2019*****

The Board of County Commissioners met in regular session on Wednesday, October 23, 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; Lauren Anderson, Public Works Interim Director; Janet Klasinski, County Clerk; Gina Riekhof of Gilmore & Bell; David Arteberry of Stifel, Nicholas & Company; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, Wes Anderson

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Janet Klasinski requested a special meeting on Tuesday, November 12 to canvass an election.

Ms. Klasinski requested the Board to appoint a voting delegate for the KAC conference.

It was the consensus of the Board to appoint Commissioner Kaaz as the voting delegate and Commissioner Smith as an alternate.

David Van Parys addressed a letter to the Board that reflects issues with a county survey indicating he will prepare a response to the property owner.

Mr. Van Parys reported the lawsuit Kane County vs. United States Government has concluded and the judgement for Leavenworth County was \$37,000.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the consent agenda for Wednesday, October 23, 2019.

Motion passed, 4-0. Commissioner Kaaz abstained.

David Arteberry requested the approval of a resolution to authorize staff to start the process of issuing temporary notes.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to adopt resolution 2019-26 to issue temporary notes for Leavenworth County road projects.

Motion passed, 5-0.

Lauren Anderson requested to award bid to Aramark Uniforms for weekly uniform maintenance.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the bid to Aramark Uniforms.

Motion passed, 5-0.

Ms. Anderson requested additional services from GBA for construction period services and utility coordination for bridge E-58 in an amount not to exceed \$21,051.00.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz approve the supplement for GBA for the E-58 bridge construction adjusted amount.

Motion passed, 5-0.

Ms. Anderson requested to approve 235th street supplemental from Wilson for utility coordination services, environmental permitting and geotechnical information in an amount not to exceed \$23,000.00.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the supplemental coordination of utilities on 235th St. not to exceed \$23,000.00.

Motion passed, 5-0.

Ms. Anderson requested approval of Schlagel's addendum to contract for utility coordination for dust abatement group 4 and 5 in an amount not to exceed \$21,846.00.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the Schlagel addendum to contract to include utility coordination services for groups 4 and 5.

Motion passed, 5-0.

Ms. Anderson requested to approve a change order and contract addendum from Schlagel for construction phase services for dust abatement groups 2, 3, 7, 4 and 5.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to approve Schlagel change order and contract addendum for construction phase services for dust abatement Groups 2, 3, 7, 4 and 5 not to exceed \$114,439.60.

Motion passed, 5-0.

Discussion took place about dust abatement contract extensions.

Mark Loughry indicated that McAnany has agreed to honor their pricing from 2019 and extend it to Groups 4 and 5 for the dust abatement projects and asked the Board if there was an interest to do so.

It was the consensus of the Board to add this as an agenda item.

Commissioner Kaaz attended the Fire District 1 meeting, Leavenworth City Council meeting, Livewell Suicide Prevention Coalition meeting, fundraiser for USD #453 Education Foundation and will attend the Mental Health Task Force tomorrow.

Commissioner Culbertson reported the Delaware Cemetery will be on the historical register.

Commissioner Smith attended the MARC meeting, the Basehor Chamber of Commerce meeting, the Westglen Subdivision ribbon cutting Basehor City Council this evening and the Alliance fundraiser on Saturday.

Commissioner Stieben attended the Tonganoxie City Council meeting and tomorrow evening Susan Wagle will speak in Tonganoxie at 1866 at 6:30 p.m.

Commissioner Stieben inquired about a Republican meeting on November 4th where all Commissioners will be present.

Mr. Van Parys advised the Board to not discuss County business.

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

The Board adjourned at 10:29 a.m.

Final Approved

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
LEAVENWORTH COUNTY, KANSAS
HELD ON OCTOBER 23, 2019**

The governing body met in regular session at the usual meeting place in the County, at 9:00 a.m., the following members being present and participating: Chairman Doug Smith, Commissioners Vicky Kaaz and Jeff Culbertson, Chad Schimke and Mike Stieben.

Absent: n/a.

The Chairman declared that a quorum was present and called the meeting to order.

(Other Proceedings)

The matter of providing for the offering for sale of General Obligation Temporary Notes, Series 2019-1, came on for consideration and was discussed.

~~Commissioner~~ Chairman Kaaz presented and moved the adoption of a Resolution entitled:

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL
OBLIGATION TEMPORARY NOTES OF LEAVENWORTH COUNTY, KANSAS.**

Commissioner Culbertson seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: 5

Nay: 0

The Chairman declared the Resolution duly adopted; the Clerk designating the same Resolution No. 2019-24.

(Other Proceedings)

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of Leavenworth County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.



Janet Klasinski
Clerk

RESOLUTION NO. [] 2019-26

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES OF LEAVENWORTH COUNTY, KANSAS.

WHEREAS, Leavenworth County, Kansas (the "Issuer"), pursuant to Resolution No. 2016-35, K.S.A. 68-580 *et seq.* and Charter Resolution 2016-1, has previously authorized certain road improvements described as follows:

1. The improvement of 147th Street from Fairmount Road to Parallel Road;
2. The improvement of McIntyre Road from K-7/U.S. 73 Highway to K-5 Highway;
3. The improvement of Eisenhower Street (County Road 34) from approximately one-half mile east of 20th Street of the City of Leavenworth to County Road 5; and
4. The improvement of the secondary road system of the County;

(collectively, the "Road Improvements"), and the issuance of general obligation bonds in an amount not to exceed \$30,000,000 plus costs of issuing the bonds to pay the costs of the Road Improvements; and

WHEREAS, the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Road Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Road Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issue; and

WHEREAS, general obligation bonds previously authorized have been issued in the amount of \$12,513,928 to pay a portion of the costs of the Road Improvements and the Issuer proposes to issue its temporary notes in the principal amount of approximately \$9,100,000 to pay a portion of the costs of the Road Improvements; and

WHEREAS, the Issuer hereby selects the firm of Stifel, Nicolaus & Company, Incorporated (the "Financial Advisor"), as financial advisor for temporary notes of the Issuer in order to provide funds to temporarily finance the Road Improvements; and

WHEREAS, the Issuer desires to authorize the Financial Advisor to proceed with the offering for sale of the temporary notes and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to the temporary notes; and

WHEREAS, the Issuer desires to authorize Gilmore & Bell, P.C., Kansas City, Missouri, the Issuer's bond counsel ("Bond Counsel"), in conjunction with the County Administrator and County Clerk, to proceed with the preparation and distribution of a preliminary official statement and notice of note sale and to authorize the distribution thereof and all other preliminary action necessary to sell the temporary notes.

BE IT RESOLVED BY THE GOVERNING BODY OF LEAVENWORTH COUNTY, KANSAS, AS FOLLOWS:

Section 1. The Issuer is hereby authorized to offer at competitive public sale the Issuer's General Obligation Temporary Notes, Series 2019-1 (the "Notes") as described in the Notice of Note Sale to be prepared by Bond Counsel, in conjunction with the County Administrator and County Clerk. All proposals for the purchase of the Notes shall be delivered to the Governing Body at its meeting to be held on the day immediately following the sale date referenced in the Notice of Note Sale, at which meeting the Governing Body shall review such bids and award the sale of the Notes or reject all proposals.

Section 2. The Chairman, County Administrator and County Clerk, in conjunction with Bond Counsel, are hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Notes (the "Preliminary Official Statement"), and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Notes.

Section 3. The County Clerk, in conjunction with the Financial Advisor and Bond Counsel, is hereby authorized and directed to give notice of the note sale by distributing copies of the Notice of Note Sale and Preliminary Official Statement to prospective purchasers of the Notes. Proposals for the purchase of the Notes shall be submitted upon the terms and conditions set forth in the Notice of Note Sale, and awarded or rejected in the manner set forth in the Notice of Note Sale.

Section 4. For the purpose of enabling the purchaser of the Notes (the "Purchaser") to comply with the requirements of Rule 15c2-12 of the Securities Exchange Commission (the "Rule"), the County Administrator and County Clerk are hereby authorized: (a) to approve the form of the Preliminary Official Statement and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Chairman, County Administrator and County Clerk, and the other officers and representatives of the Issuer are hereby authorized and directed to execute the engagement letter related to services to be provided by the Financial Advisor, in substantially the form attached hereto as *Exhibit B*.

Section 7. This Resolution shall be in full force and effect from and after its adoption.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

ADOPTED by the governing body on October 23, 2019.



Ray Smith
Chairman

Dicky DeKey
Commissioner

AB
Commissioner

ATTEST:

Ganet Klasmski
Clerk

Mark Stahl

C R S

EXHIBIT A

**CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL**

To: _____

Re: Approximately \$9,100,000 General Obligation Temporary Notes, Series 2019-1

The undersigned are the duly acting County Administrator and Clerk of Leavenworth County, Kansas (the "Issuer"), and are authorized to deliver this Certificate to the purchaser (the "Purchaser") of the above-referenced notes (the "Notes") on behalf of the Issuer. The Issuer has previously caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the Notes.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Notes depending on such matters.

LEAVENWORTH COUNTY, KANSAS

By: 
Title: County Administrator

By: 
Title: Clerk

EXHIBIT B

FORM OF FINANCIAL ADVISOR ENGAGEMENT LETTER

Mark Loughry, County Administrator
Leavenworth County, Kansas
300 Walnut
Leavenworth, Kansas 66048

RE: FINANCIAL ADVISORY SERVICES for \$9,100,000 (subject to change) General Obligation Temporary Notes, Series 2019-1

Stifel, Nicolaus & Company, Incorporated ("Stifel") presents for your acceptance this agreement to retain Stifel as financial advisor to Leavenworth County, Kansas ("Issuer") for the proposed General Obligation Temporary Notes, Series 2019-1 (the "Notes") estimated to be issued in the aggregate principal amount of approximately \$9,100,000. This agreement will be effective on the date signed by an authorized representative of Issuer and will authorize Stifel to act as financial advisor through the completed sale of the proposed Notes, at which time this agreement will terminate. This agreement may also be terminated on thirty (30) days written notice by either party.

1. Scope of Work. Stifel agrees to perform the following services for Issuer with respect to the Notes :
 - a. Assume overall responsibility for the financial analysis and structuring recommendations for the Notes;
 - b. Assist counsel to the Issuer in preparation of the preliminary and final official statements for the Notes consistent with all federal and state requirements;
 - c. Coordinate with consultants, accountants, bond counsel, other attorneys and staff in connection with the sale of the Notes;
 - d. Coordinate financing time schedule, distribution of documents, preliminary and final official statement printing, wire-transfer of funds, delivery of notes and note closing;
 - e. Assist Issuer on the matter of note rating(s) for the proposed issue and coordinate the preparation of credit information for submission and presentation to the rating agency(ies);
 - f. If requested, assist Issuer in procuring any appropriate ancillary financing-related products and services including, credit enhancement (e.g., bond insurance), paying agent/registrar/trustee, escrow agent (if applicable), escrow investments, and other such products and services as Issuer may deem necessary or desirable in connection with any financing.
 - g. Attend Issuer meetings as requested, with reasonable advance notice;
 - h. Provide such other services as are mutually agreed upon in writing by Issuer and Stifel.

2. Issuer's Obligations. Issuer agrees that, with respect to the Notes, its staff and consultants will cooperate with Stifel and make available any data in the possession of Issuer necessary to perform Stifel's financial advisory services and regulatory obligations as described in Exhibit A to this agreement.

3. Regulatory Disclosures:

- a. Issuer is aware of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Securities and Exchange Commission's adopted rule commonly known as the "Municipal Advisor Rule" (SEC Rule 15Ba1-1 to 15Ba1-8 -"the Rule"). Stifel will be serving as a municipal advisor to the Issuer under the Rule and this agreement documents the municipal advisory relationship between Stifel and the Issuer.
- b. MSRB Rule G-42 requires that a municipal advisor provide its client with certain written disclosures. Please see Exhibit A to this agreement for those disclosures.

4. Compensation:

For Stifel's financial advisory services and expenses in processing this bond series to be sold in a single competitive sale, Stifel shall be paid a fee equal to \$3.00 per \$1,000 of notes sold to be paid at the completion of the sale of the Notes. This amount includes all out of pocket expenses.

5. Authority to Direct Financial Advisor:

The following individuals have the authority to direct Stifel's performance of its scope of work under this agreement: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; and Janet Klasinski, County Clerk.

Respectfully submitted this ___ day of _____.

STIFEL, NICOLAUS & COMPANY, INCORPORATED

By: _____

Name: _____

Title: _____

ACCEPTANCE

I, _____ [insert title], upon approval by the governing body of Leavenworth County, Kansas, hereby accept the agreement as submitted by Stifel, Nicolaus & Company, Incorporated relative to the financial advisory services, as described herein.

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT A

Leavenworth County, Kansas
FINANCIAL ADVISORY SERVICES for \$9,100,000 (subject to change)
General Obligation Temporary Notes, Series 2019-1

MSRB Rule G-42 Disclosures

As municipal advisor to Leavenworth County, Kansas (“you”), Stifel Nicolaus (“Stifel” or “we”) is subject to the rules of the Municipal Securities Rulemaking Board (MSRB), including MSRB Rule G-42, which took effect on June 23, 2016. We do not believe that Rule G-42 has substantively changed our obligations to you. The rule does, however, direct us to make certain disclosures to you. Please review the following disclosures and contact your Stifel municipal advisor if you have any questions.

Our Duties as Your Municipal Advisor

Rule G-42 describes our basic duties to you. Most importantly, we owe you a fiduciary duty, the principal element of which is a duty of loyalty. Under the duty of loyalty, we are required to deal honestly and in the utmost good faith with you and to act in your best interests without regard to our financial or other interests. We may not serve as your municipal advisor if we believe that we have any conflicts of interest that we cannot manage or mitigate so that we can act in your best interests.

Rule G-42 also provides that we owe you a duty of care. As part of that duty, we must possess the degree of knowledge and expertise needed to provide you with informed advice. Also, under that duty, when we make recommendations to you or help you to evaluate the recommendations of others, we may need to ask questions to make sure that we have all the relevant facts.

Disclosure of Conflicts

Rule G-42 requires us to disclose to you any known material, actual or potential conflicts of interest that could reasonably be expected to impair our ability to provide you with advice, including any conflicts associated with contingent fee arrangements. As described in our engagement letter, the payment of our fee will be contingent on the closing of the bond issue described in the engagement letter and the amount of compensation will be based on a percentage of the principal amount of the bond issue. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since we may have an incentive to recommend a transaction to you that is unnecessary or to recommend that the size of the bond issue be larger than is necessary. We would, of course, be willing to discuss an alternative fee arrangement, if that is your preference.

Stifel has not identified any additional potential or actual material conflicts that require disclosure

Legal and Disciplinary Event Disclosures

Each firm that is registered as a municipal advisor with the U.S. Securities and Exchange Commission (SEC) is required to file Form MA with the SEC and update that form periodically and as events change. The firm is also required to file a Form MA-1 for each of its employees who is engaged in municipal advisory activities. Stifel’s most recent Form MA and the Form MA-1 for each current Stifel municipal advisor employee may be found on the SEC’s EDGAR website using the following hyperlink:

<http://www.sec.gov/cgi-bin/browse-edgar?CIK=0000094403&owner=exclude&action=getcompany&Find=Search>.

Item 9 of Form MA requires each municipal advisor firm to disclose any criminal, regulatory violations, or self-regulatory violations and certain civil litigation. Because we are a broker-dealer firm, Form MA permits us to cross-reference to our Form BD, which is available on the website of the Financial Industry Regulatory Authority (FINRA), and our Form ADV, which is available on the SEC website. For your convenience, you may access our Form BD by using the following hyperlink: <http://brokercheck.finra.org/Firm/Summary/793>. You may access our Form ADV by using the following hyperlink: <https://www.adviserinfo.sec.gov/IAPD/IAPDSearch.aspx> and entering Firm 793 in the search field. Item 6 of each Form MA-I requires comparable disclosure about a municipal advisor individual, as well as customer complaint, arbitration, investigation, termination, financial, and judgment/lien disclosure. When an individual has a disciplinary history, Form MA-1 permits us to cross-reference to that individual's Form U-4. The disciplinary history on an individual's Form U-4 is accessible entering the individual's name in FINRA's "Broker-Check" service, using the following hyperlink: <http://brokercheck.finra.org/>.

Our Form MA was amended on July 14, 2017 to reflect the following settlement with FINRA:

In June 2017, Stifel agreed to pay a fine of \$125,000 to settle an alleged violation of MSRB Rule G-23. Stifel determined that a private placement with the county in which Stifel's school district client was located was a lower cost alternative for the school district than a public offering. Stifel presented the idea to the school district, which agreed to hire Stifel as its placement agent. Nevertheless, two months elapsed before Stifel provided disclosure to the school district that, in its role as placement agent, it was not a fiduciary to the school district as required by MSRB Rule G-23. The FINRA settlement document states that: "Because it failed to provide the role disclosure required by MSRB Rule G-23 in a timely manner, Stifel acted as both financial advisor and placement agent for the [school district] in connection with the [Bonds], in violation of MSRB Rule G-23." The alleged violation took place in 2012. Stifel now has robust procedures in place that are designed to result in timely G-23 disclosures to underwriting/placement clients.

We do not believe that any of the legal or disciplinary event disclosures described in our Form MA is material to our ability to serve as your municipal advisor.

Evaluation of Recommendations/Suitability

As provided in our engagement letter, we will assist you in evaluating recommendations, whether made by Stifel or, upon your written request, by third-parties, such as underwriters. We will provide you with our evaluation of the material risks, potential benefits, structure, and other characteristics of the transaction or product. We will discuss with you why we think a recommendation we make is suitable for you. In the case of recommendations made by an underwriter or other third-party that you request in writing that we review, we will discuss with you why we think the recommended transaction or product is or is not suitable for you. We will also inform you of any other reasonably feasible alternatives considered.

In order for us to evaluate whether we think a recommendation is suitable for you, we are required to consider the following factors and we may need information from you about those factors, much as if you were opening a brokerage account:

- financial situation and needs,
- objectives,
- tax status,
- risk tolerance,
- liquidity needs,
- experience with municipal securities transactions or municipal financial products generally or of the type and complexity being recommended,
- financial capacity to withstand changes in market conditions during the term of the municipal financial product or the period that municipal securities to be issued in the municipal securities transaction were reasonably expected to be outstanding, and
- any other material information known by the municipal advisor about the client and the municipal securities transaction or municipal financial product, after reasonable inquiry.

Additional Information

We also wish to inform you that Stifel is registered as a municipal advisor with both the SEC and the MSRB. Information about the duties of a municipal advisor, as well as the procedures for filing a complaint, may be found on the MSRB's website by clicking on the following link: <http://www.msrb.org/~media/Files/Resources/MSRB-MA-Clients-Brochure.ashx?la=en>. The general website for the MSRB is www.msrb.org. If you have any questions, please contact your municipal advisor.

*****October 23, 2019 *****

The Board of County Commissioners met in work session on Wednesday, October 23, 2019. Commissioner Smith, Commissioner Kaaz, Commissioner Stieben, Commissioner Culbertson and Commissioner Schimke are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Other attendees: Joe Herring, John Matthews, Wes Anderson

A work session was held to discuss economic development.

A letter of support for 152 bridge to stakeholders for a feasibility study was discussed.

Direction was staff to change letter to a preliminary feasibility with up to \$25,000.00 towards the study with a division of costs by the total number of participants.

Discussion took place as to what the County's role in economic development.

The Board ended the work session at 12:24 p.m.

Final Approved

*****October 30, 2019 *****

The Board of County Commissioners met in regular session on Wednesday, October 30, 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; Lauren Anderson, Public Works Interim Director;

Residents: John Matthews, Joe Herring, AW Himpel, Kelly Angell, Mike Kermasheck, Timothy Ney

PUBLIC COMMENT:

Kelly Angell commented about TIF he is being charged using a KDOT highway.

Timothy Ney commented accidents that occur on 158th Street.

ADMINISTRATIVE BUSINESS:

Mark Loughry indicated Mr. Van Parys will get a demolition permit for 319 Walnut.

Mr. Loughry is asking for an executive session for non-elected personnel.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, October 30, 2019 as presented.

Motion passed, 5-0.

Lauren Anderson requested approval of a change order from MHS to extend construction inspection services for an additional 11 days in the amount of \$6,325.00.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve change order to extend construction inspection services for an additional 11 days not to exceed \$6,325.00.

Motion passed, 5-0.

Ms. Anderson requested approval of a change order for additional expenses for completion of County Road 1 hot mix in place recycle asphalt in the amount of \$9,981.34.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the additional expense for the completion of County Road 1 hot mix in place recycle asphalt in an amount not to exceed \$9,981.34.

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

Ms. Anderson requested approval of Leavenworth County's participation in the Local Road Safety Plan with a cost share of \$5,152.66.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve Leavenworth County's participation in Local Road Safety Plan project number 106C-4790-03 in the amount of \$5,152.66.

Motion passed, 5-0.

Planning and Zoning presented a consideration of a renewal of a special use permit for Country View Kennels.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition of the permit.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Schinke and seconded by Commissioner Stieben to approve Resolution 2019-27 a request to renew a special use permit for Country View Kennels for 10 years.

Motion passed, 5-0.

Planning and Zoning presented a consideration of a request for rezoning from I-3, heavy industrial to RR-5, rural residential.

Commissioner Smith opened the public hearing.

No one spoke in favor of the rezone.

Joe Herring asked if rezoning this property between two industrial parcels would put additional restrictions on the industrial being next to a residential.

Krystal Voth indicated staff would evaluate that at the time of the application.

Commissioner Smith closed public hearing

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve a request to rezone from I-3 to RR5, Resolution 2019-28.

Motion passed, 5-0.

Commissioner Smith attended the Basehor City Council meeting and the Alliance Against Family Violence fundraiser dinner.

Commissioners Schinke and Stieben will be attending the Port Authority meeting this morning.

Commissioner Kaaz reported the Veteran's Day Committee has planned several events leading up to the Veteran's Day Parade.

Commissioner Culbertson attended Mayor Watkins funeral on Tuesday.

Commissioner Kaaz attended the Mental Health Task Force meeting last Thursday.

Commissioner Stieben reported the President of the Senate gave a speech in Tonganoxie and inquired about the Republican meeting on November 4th.

Mr. Van Parys indicated the open meetings act does apply and the Commission should not conduct any County business but can speak on general issues of the County.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schinke that this Board recess from open session and go into a closed executive session to discuss personnel matters of non-

elected personnel as justified by K.S.A. 75-4319 (b)(1) and that this Board resume open session in this meeting room at 10:30 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schinke and Mike Stieben, County Administrator Mark Loughry and Senior County Counselor David Van Parys.

Motion passed, 5-0.

The Board returned to open session at 10:30 a.m. topic was limited to non- elected personnel; 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 at 10:30 a.m.

Final Approved

RESOLUTION 2019-27

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

A tract of land in the East Half of the Southeast Quarter of Section 11, Township 10, Range 22 east of the 6th P.M in Leavenworth County, Kansas

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 23rd day of August, 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 9th day of October, 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 30th day of October, 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 30th day of October, 2019, and incorporated herein by reference;

That Case No. DEV-19-096, Special Use Permit for a Dog Kennel – Country View Kennels be approved subject to the following conditions:

1. The SUP shall be limited to a period of 10 years.
2. The business shall be in operation for 24 hours a day, 7 days a week.
3. The SUP shall be limited to no employees other than the applicants.
4. The applicant shall pay a Traffic Impact Fee (TIF) of \$294.64.
5. The number of dogs shall be limited to twenty (20) dogs.
6. All noise generated by this Special Use Permit shall not exceed a decibel level of 60 at the property line. All dogs shall be kept inside a structure constructed to mitigate noise during the hours of 10 pm to 6 am.
7. A sign within the facility shall be posted stating emergency procedures in the event of severe weather, fire, or medical emergency.

8. An emergency plan shall be posted with contact information for responders in case of an emergency. The emergency plan shall be kept up-to-date. A copy of the plan shall be provided to the Planning & Zoning Department.
9. An All Hazard Weather Radio shall be on-site.
10. No signage is allowed in the right-of-way. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
11. No on-street parking shall be allowed.
12. The applicant shall adhere to the narrative submitted with this application.
13. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
14. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office within 30 days.
15. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

located in Section 11, Township 10 South, Range 22, also known as 23115 148th Street, parcel no. 151-11-0-00-01-015.00 in Leavenworth County, Kansas.

Adopted this 30th day of October, 2019
 Board of County Commission
 Leavenworth, County, Kansas



 Doug Smith, Chairman



 Jeff Culbertson, Member



 Vicky Kaaz, Member





 Chad Schimke, Member



 Mike Stieben, Member



ATTEST


 Janet Klasinski 

RESOLUTION 2019-28

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from I-3, Heavy Industrial to RR-5, Rural Residential on the following described property:

A tract of land in the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 12 South, Range 22 East and the Southeast 1/4 of the Northeast. 1/4 of Section 13, Township 12 South, Range 21 East more fully described as follows: Beginning at a point on the South line of the Northeast 1/4 of Section 13, at the intersection of the Southerly right of way line of K-32 highway; thence East along said line to the Southwest corner of the Northwest 1/4 of Section 18, Thence continuing East 1002 feet; thence North 578.00 ; thence North 89 degrees 45 minutes west 501.20 feet, more or less to the Easterly right of way line of K-32 highway, thence Southwesterly along said right of way to the point of beginning in Leavenworth County, Kanas. More commonly known as 12815 189th Street

WHEREAS, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 21st day of August, 2019, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Rezoning on the 9th day of October, 2019; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Rezoning be approved; and

WHEREAS, the Board of County Commissioners considered, in session on the 30th day of October, 2019 the recommendation of the Leavenworth County Planning Commission.

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

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


That request for rezoning as described above, also known as 12815 189th Street, Parcel Identification Number 234-18-0-00-00-007.00, is hereby granted.

Adopted this 30th day of October, 2019
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman

ATTEST



Jeff Gilbertson, Member

Janet Klasinski
Janet Klasinski By: *Kleinberg*



Vicky Kaaz
Vicky Kaaz, Member

Chad Schimke
Chad Schimke, Member

Mike Stieben
Mike Stieben, Member