

*****January 8, 2020*****

The Board of County Commissioners met in regular session on Wednesday, January 8, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz and Commissioner Stieben are present; Commissioner Schimke is absent; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk; Krystal Voth, Planning and Zoning Interim Director; Lauren Anderson, Public Works Interim Director; Janice Van Parys, County Treasurer; Jennifer Schermbeck, Deputy County Treasurer; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: AW Himpel, John Matthews, Joe Herring, JW Evans, Janette Labbee-Holdeman, Katherine and Gustavo de la Cruz, Connie Forge, Connie Jobe, Dale Stamp, Janna Fackrell, Rae Lynne Bergman, Mark Barron, Holly Pittman, Eilene Campsey, Linda Johnson

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Janet Klasinski requested appointment to the Delaware Township for the trustee position.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to appoint Travis Hunsecker as trustee for the Delaware Township.

Motion passed, 4-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, January 8, 2020 as presented.

Motion passed, 4-0.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to adjourn in sine die.

Motion passed, 4-0.

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

Motion passed, 3-0. Commissioner Kaaz abstained.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to convene.

Motion passed, 4-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to appoint Commissioner Smith as the chairperson.

Motion passed, 3-0, Commissioner Smith abstained.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to keep meeting days on Wednesdays at 9:00 a.m.

Motion passed, 4-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to make the Leavenworth Times as the official newspaper for the County.

Motion passed, 4-0.

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

Motion passed, 4-0.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve Resolution 2020-5 for elected officials' salaries.

Motion passed, 3-1, Commissioner Stieben voting nay.

Lauren Anderson requested approval of 2020 funds for utilization of the Olsson Master Agreement for professional services.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the agreement for professional services with Olsson not to exceed \$150,000.00.

Motion passed, 4-0.

Krystal Voth presented a special use permit request for Pupachinos Doggy Daycare indicating the Planning Commission and staff recommended denial of this request due to the size of the property.

Commissioner Smith opened public hearing.

Elaine Campsey, the property owner, spoke in favor.

Janette Labbee-Holdeman spoke in favor.

Connie Forge spoke in favor.

Connie Jobe spoke in favor.

No one spoke in opposition of the public hearing.

Commissioner Smith closed public hearing.

The applicant, Katherine de la Cruz, spoke about the lot size.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve Case Number DEV- 19-103, Pupachinos Doggy Daycare, with the conditions of a 5 year SUP instead of 10 and that they work with Planning to come up with a six foot wood privacy fence and a row of evergreen tress outside of that.

Motion passed, 4-0.

A resolution with additional conditions will be presented next week for approval.

Ms. Voth presented Resolution 2020-1 a request for a renewal of a special use permit for Vidas Mechanical.

Commissioner Smith opened the public hearing.

The applicant, Dale Stamp, spoke in favor.

No one spoke in opposition.

Commissioner Smith closed the public hearing.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve Resolution 2020-1.

Motion passed, 4-0.

Ms. Voth presented Resolution 2020-2, a request for a special use permit for a bait and tackle shop.

Commissioner Smith opened public hearing.

The applicant, Mark Barron, spoke in favor.

No one spoke in opposition.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2020-2, a special use permit for a bait and tackle shop as outlined and less the traffic fee.

Motion passed, 4-0.

Ms. Voth presented Resolution 2020-3, a request for a special use permit for a bed and breakfast for Sacred Hearts Healing Center.

Commissioner Smith opened public hearing.

The applicant, Janna Fackrell, was available for questions.

No one spoke in opposition.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2020-3, a special use permit for a bed and breakfast for Sacred Hearts Healing Center less the traffic impact fee.

Motion passed, 4-0.

Ms. Voth presented Resolution 2020-4, a request for a text amendment, definition of a group home.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve Resolution 2020-4.

Motion passed, 4-0.

Commissioner Stieben attended the Tonganoxie City Council meeting and the Republican town hall.

Commissioner Smith attended VFW breakfast and Willie Dove's town hall on Saturday. He will attend the Basehor City Council meeting tonight.

Commissioners Kaaz and Culbertson will attend the government affairs meeting for the Chamber.

Commissioner Culbertson will attend the Soil Conservation meeting on February 1.

Commissioner Culbertson attended the Easton City Council meeting and the Leavenworth City Commission meeting.

Commissioner Kaaz reported the County will not be going out inspecting properties in the County. She indicated there has been discussion by the Board of County Commissioners to look at the possibility and study the potential for minimal safety codes for residential new construction for homes.

Commissioner Smith sent information to MARC about the appointment of Commissioner Culbertson.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson that this Board recess from open session and go into a closed executive session to discuss security measures as justified by K.S.A. 75-4319(b)(13) and that this Board resume open session in this meeting room at 10:45 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Chad Schimke (via telephone) Mike Stieben, County Treasurer Janice Van Parys, Deputy County Treasurer Jennifer Schermbeck, County Administrator Mark Loughry and Senior County Counselor David Van Parys.

Motion passed, 4-0.

The Board returned to open session at 10:45 a.m. No action taken no decisions made topic was limited to the discussion of security.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz 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 11:30 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Dough Smith, Chad Schimke (via telephone) and Mike Stieben. Also present will be County Administrator Mark Loughry and Senior County Counselor David Van Parys.

Motion passed, 4-0.

The Board returned to open session at 11:30 a.m. The topic limited to property acquisition, no final decisions were made; staff to continue as discussed.

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

The Board adjourned at 11:32 a.m.

RESOLUTION 2020-01

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for an Auto Service Station & Repair –Vidas Mechanical on the following described property:

A tract of land beginning at a point 880 feet south of the NE corner of the NW quarter of Section 15, Township 10 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas, more commonly known as 15911 Fairmount Road.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 1st day of October, 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 December, 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 8th day of January, 2020, 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 8th day of January, 2020, and incorporated herein by reference;

That Case No. DEV-19-110, Special Use Permit for an Auto Service Station & Repair –Vidas Mechanical 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 7am to 7pm Monday through Friday, and 8am to 12pm Saturdays.
3. Vehicles/equipment to be picked up within 48 hours after repairs are completed.
4. The SUP shall have no employees other than the applicant.
5. The applicant shall adhere to the following memorandums:
 - a. Chuck Magaha – Emergency Management, November 27, 2019
6. No signage is allowed in the right-of-way. Signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
7. The proper disposal of used equipment fluids as addressed in Mr. Stamp's narrative shall be followed.

8. No parts shall be stored in the view of the public.
9. No burning of construction debris, nor debris allowed to be brought in from off site.
10. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
11. No on-street parking shall be allowed.
12. This SUP shall be limited to the Narrative dated October 1, 2019 submitted with this application.
13. 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 15, Township 10 South, Range 22, also known as 15911 Fairmount Road, parcel no. 155-15-0-00-00-011.00-0 in Leavenworth County, Kansas.

Adopted this 8th day of January, 2020
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman



Jeff Culbertson, Member



Vicky Kaaz, Member

absent

Chad Schimke, Member



Mike Stieben, Member


ATTEST


Janet Klasinski

RESOLUTION 2020-02

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Small Limited Business – Bait & Tackle Shop on the following described property:

A tract of land in the southwest quarter of Section 26, Township 10 South, Range 20 east of the 6th PM, in Leavenworth County, Kansas more commonly known as 25054 Leavenworth Road, Tonganoxie Kansas 66086.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 18th day of October, 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 December, 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 8th day of January, 2020, 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 8th day of January, 2020, and incorporated herein by reference;

That Case No. DEV-19-114, Special Use Permit for a Small Limited Business – Bait & Tackle Shop approved subject to the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 6am to 6pm Tuesday through Sunday.
3. The SUP shall be limited to one (1) employee other than the applicant and immediate family members.
4. The applicant shall adhere to the following memorandums:
 - a. Email – Terry Parsons – Olsson Engineering, November 12, 2019
5. No signage is allowed in the right-of-way. 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 October 18, 2019 submitted with this application.

8. 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 126, Township 10 South, Range 20, also known as 25054 Leavenworth Road, parcel no. 137-26-0-00-00-009.00-0 in Leavenworth County, Kansas.

Adopted this 8th day of January, 2020
Board of County Commission
Leavenworth, County, Kansas




Doug Smith, Chairman

ATTEST



Janet Klasinski



Jeff Culbertson, Member



Vicky Kaaz, Member

absent

Chad Schimke, Member



Mike Stieben, Member

RESOLUTION 2020-03

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Bed & Breakfast – Sacred Hearts Healing Center on the following described property:

A tract of land in the southeast $\frac{1}{4}$ of Section 14, Township 11 South, Range 20 East and a tract of land in the southwest $\frac{1}{4}$ of Section 13, Township 11 South, Range 20 East of the 6th P.M, in Leavenworth County, Kansas. More commonly known as 17468 246th 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 25th day of October, 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 December, 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 8th day of January, 2020, 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 8th day of January, 2020, and incorporated herein by reference;

That Case No. DEV-19-121, Special Use Permit for a Bed & Breakfast – Sacred Hearts Healing Center approved subject to the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The SUP shall be limited to no employees other than the property owners.
3. The applicant shall adhere to the following memorandums:
 - a. Chuck Magaha – Emergency Management, November 13, 2019
4. 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.
5. No on-street parking shall be allowed.
6. The applicant shall provide a certificate of liability insurance with a minimum of \$1,000,000 per occurrence with the certificate holder listed at County of Leavenworth.
7. This SUP shall be limited to the Narrative dated October 28, 2019 submitted with this application.

8. 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 14, Township 11 South, Range 20 East AND Section 13, Township 11 South, Range 20 East, also known as 17468 246th Street, parcel no. 206-14-0-00-00-006.02 in Leavenworth County, Kansas.

Adopted this 8th day of January, 2020
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman



Jeff Culbertson, Member



Vicky Kaaz, Member

absent

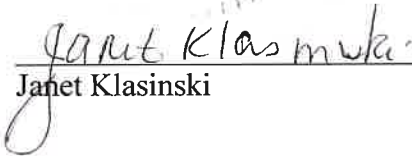
Chad Schimke, Member



Mike Stieben, Member



ATTEST



Janet Klasinski

RESOLUTION 2020-04

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

Article 3– Definition – Group Home

"Group Home"

Type One: Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals with a disability who need not be related by blood or marriage and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the eight or fewer other said individuals, who are occupying and living together in a single-family dwelling licensed by a regulatory agency of the State of Kansas as a group home. For purposes of this definition, the term "disability" means, with respect to an individual:

- A. A physical or mental impairment which substantially limits one or more of such individual's major life activities;
- B. A record of having such an impairment; or
- C. Being regarded as having such an impairment.

Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

Type Two: Any dwelling occupied by not more than ten individuals including a) eight (8) or fewer individuals who need not be related by blood or marriage and who are:

- A. assigned to a community corrections program or a diversion program, or
- B. on parole from a correctional institution or on probation for a felony offense, or
- C. in a state mental institution following a finding of not guilty by reason of insanity pursuant to K. S. A. 22-3428, and amendments thereto, or
- D. mentally ill individuals who have either not been evaluated by a licensed provider or who have been evaluated by a licensed provider and such provider has determined that the mentally ill individual is dangerous to others or such provider has determined that the mentally ill individual is unsuitable for placement in a Group Home Type One; and b) not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home.

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 11th day of December, 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 8th day of January, 2020, 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 8th day of January, 2020 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 8th day of January, 2020
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman



Jeff Culbertson, Member



Vicky Kaaz, Member

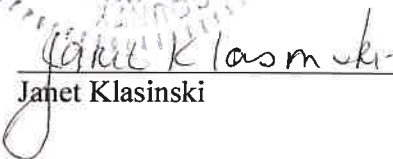
absent

Chad Schimke, Member



Mike Stieben, Member





Janet Klasinski

RESOLUTION 2020 - 5

A RESOLUTION SETTING THE SALARIES OF ELECTED OFFICIALS

WHEREAS, it is the duty of the Board of County Commissioners of Leavenworth County, Kansas, to set the annual salaries of the Elected Officials of Leavenworth County, Kansas:

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that the following salaries be set for the elected officials for the year 2020, effective January _____, 2020, as approved in the 2020 budget:


County Commissioners	\$ 42,991.42
County Clerk	\$ 87,730.50
County Treasurer	\$ 87,730.50
Register of Deeds	\$ 87,730.50
County Attorney	\$ 109,483.00
Sheriff	\$ 111,841.60

Adopted this 8th day of January, 2020.


BOARD OF COUNTY COMMISSIONERS
LEAVENWORTH COUNTY, KANSAS



Doug Smith Chairman



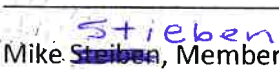
Jeff Culbertson, Member



Vicki Kaaz, Member

absent

Chad Schmike, Member



Mike Stieben, Member

ATTEST: 

Janet Klasinski, Leavenworth County Clerk



*****January 15, 2020*****

The Board of County Commissioners met in regular session on Wednesday, January 15, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Krystal Voth, Planning and Zoning Interim Director; Lauren Anderson, Public Works Interim Director; John Richmeier, Leavenworth Times

Residents: John Matthews, AW Himpel, Joe Herring, Gustavo and Katherine de la Cruz, Nancy Carpenter, Sarah Williams, Bill Leonhart, Dan Hays, Zach Copeland, Evaline Campsey, Frank Gilbert

PUBLIC COMMENT:

Frank Gilbert spoke about property taxes.

Sara Williams asked about the status of the Lenape Sand Quarry.

Nancy Carpenter spoke about KORA requests.

ADMINISTRATIVE BUSINESS:

Mark Loughry inquired if any Commissioners will be attending the NACO Legislative conference.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to authorize Commissioners Culbertson and Schimke to attend the NACO conference.

Motion passed, 5-0.

Mr. Loughry presented a FAQ's sheet on the County Road 1 land use and requested input from the Board before it is sent out indicating Commissioner Stieben would like to include a document as well.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to allow staff to mail out the frequently asked questions on County Road 1 land border use plan and authorize Commissioner Stieben to put in information on his meeting.

Motion passed, 5-0.

Commissioner Smith requested a letter to the MARC board for the appointees that were approved.

Mr. Loughry indicated the only one left was to the 911 committee.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to allow Commissioner Culbertson to serve on the MARC 911 committee.

Motion passed, 5-0.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve the consent agenda for Wednesday, January 15, 2020 as presented.

Motion passed, 5-0.

Krystal Voth presented Resolution 2020-6 for Pupachinos Doggy Daycare.

The applicant, Katherine de la Cruz requested a vinyl fence instead of wood.

Mr. Van Parys suggested to strike wooden and just use privacy fence.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Resolution 2020-6, issuing a special use permit for Pupachinos Doggy Daycare subject to conditions with one change to condition 6 striking the word wooden.

Motion passed, 5-0.

Lauren Anderson requested approval of a contract addendum with Napier in the amount of \$6,250.00 for 178th Street roadway design.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to approve contract addendum with Napier for additional expenses for the completion of 178th Street roadway design in the amount of \$6,250.00.

Motion passed, 5-0.

Ms. Anderson requested approval to award bid to Benesch for the 2020 biannual bridge inspections in the amount of \$85,900.00.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to accept the selection committee recommendation for the 2020 bridge inspections and asset management services and award to Benesch in the amount of \$85,900.00.

Motion passed, 5-0.

Ms. Anderson requested approval a change order for a deduction and extension of maintenance bond with Cutler Repaving for County Road 1.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the credit.

Motion passed, 5-0.

Mr. Van Parys requested approval of an amended agreement for the Leavenworth County Port Authority and requested forwarding the agreement to the city of Leavenworth for consideration of approval.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to approve an amended Leavenworth County Port Authority agreement and transmission of the same to the city of Leavenworth for consideration of approval.

Motion passed, 5-0.

Mr. Van Parys requested approval an agreement with the Kansas Judicial Administration in which case of an emergency they would be able to temporarily relocate to Leavenworth County.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to adopt the resolution and authorize the chairperson to execute Exhibit A.

Motion passed, 5-0.

Commissioner Smith will attend local government days in Topeka on the 22nd and the Basehor-Linwood fundraiser on the 17th.

Commissioner Kaaz will attend the League of Women's Voters on the 18th and the Martin Luther King celebration.

Commissioner Schimke recognized Mr. Major as being appointed to the Lansing City Council and will be attending the meeting tomorrow.

Commissioner Smith recognized the Public Works Department for the work on the storm over the weekend.

Commissioner Culbertson attended the Leavenworth City Commission meeting last night and the Chamber Government Affairs meeting.

The Board adjourned at 10:39 a.m.

Final Approved

RESOLUTION 2020-6

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a dog kennel – dba Pupachinos Doggy Daycare and Boarding on the following described property:

A tract of land located in the southeast ¼ of Section 16, Township 8, Range 22 east of the 6th P.M. in Leavenworth County, Kansas more commonly known as 16425 Fort Riley Road.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 26th day of September, 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 13th day of November, 2019; and reconsidered the request on the 11th day of December, 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

WHEREAS, the Board of County Commissioners considered, in session on the 8th day of January, 2020, the recommendation of the Leavenworth County Planning Commission, the record of this matter, testimony presented at the time of the public hearing conducted by the board, all other relevant information before the board and the application of such facts and evidence to the Golden Standards.

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

1. Based upon the record on this matter, to include the findings of fact adopted by the Board of County Commission in regular session on the 8th day of January, 2020, and incorporated herein by reference;

That Case No. DEV-19-109, Special Use Permit for a Dog Kennel – Pupachinos Doggy Daycare and Boarding be approved subject to the following conditions:

1. The Special Use Permit shall be limited to a period of five (5) years.
2. Hours of operation shall, be limited to 6AM until 9PM for “Doggy Daycare.”
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$1,031.25.
4. The applicant shall provide a certificate of Liability Insurance in the amount of \$1,000,000 per occurrence with the certificate holder listed as Leavenworth County.
5. The total number of dogs including daycare and boarding shall not exceed 20 dogs at any given time.
6. That the noise level emanating from the operation, as measured at the boundaries of the property, shall not reach the level of a public or private nuisance, with a level at or below 60 decibels recommended. All dogs shall be kept inside a structure constructed to mitigate noise during the hours of 9PM until 6AM.
7. A privacy fence, six feet tall shall be built around the perimeter of the yard(s) where the dogs are kept. The fence shall not obstruct the sight triangle for traffic on Fort Riley Road.

8. Evergreen trees with a caliper width of 2.5" and spaced 15' apart shall be placed along the exterior of the privacy fence, with no obstruction to the sight triangle for traffic on Fort Riley Road.
9. A sign within the facility shall be posted stating emergency procedures in the event of severe weather, fire, or medical emergency.
10. 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.
11. An All Hazard Weather Radio shall be kept on-site.
12. No signage is allowed in the right-of-way. No signage is requested with this permit. Proposed signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
13. No on-street parking shall be allowed.
14. The applicant shall adhere to the narrative submitted with this application.
15. The SUP shall comply with all local, state, and federal rules and regulations that may be applicable.

located in Section 16, Township 8 South, Range 22, also known as 16245 Fort Riley Road, parcel no. 075-16-0-00-03-013.00 in Leavenworth County, Kansas.

Adopted this 15th day of January, 2020
 Board of County Commission
 Leavenworth, County, Kansas



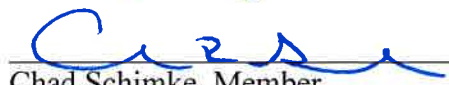
 Doug Smith, Chairman



 Jeff Culbertson, Member



 Vicky Kaaz, Member




 Chad Schimke, Member



 Mike Stieben, Member





 Janet Klasinski

*****January 15, 2020*****

The Board of County Commissioners met in a work session on Wednesday, January 15, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; Krystal Voth, Planning and Zoning Interim Director; Lauren Anderson, Public Works Interim Director;

Residents: John Matthews, Joe Herring

A work session was held to discuss dust control fees and forms.

Direction was given to staff to place on the agenda for formal action.

Discussion took place regarding the usage of RIF, DIF and TIF fees.

Direction was given to staff to figure out what a flat building permit fee would be and bring back to the Board for formal action.

The Board ended the work session at 2:29 p.m.

Final Approved

*****January 22, 2020*****

The Board of County Commissioners met in regular session on Wednesday, January 22, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Krystal Voth, Planning and Zoning Interim Director; Megan Waters, Community Corrections Director; Vincent Grier, Road and Bridge Superintendent; Alan Phillips, Noxious Weeds, Bob Weber, County Appraiser; Wayne Malnicof, County Surveyor; Lauren Anderson, Public Works Interim Director; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, Sarah Williams, Anthony Schmitt, Kara Lee, Betsy Hermreck, Brian Lee, Ben Morgan

PUBLIC COMMENT:

Joe Herring commented about dust abatement.

Sarah Williams asked about digital open records and the sand pit.

Tony Schmitt commended the County on the roads and commented about the Kaw Valley Sand Pit.

ADMINISTRATIVE BUSINESS:

Mark Loughry indicated the County Counselor has requested an executive session.

David Van Parys cautioned the Board about serial meetings with individuals.

Commissioner Kaaz commented the public can email the Commissioners individually so a potential serial meeting can be avoided.

Commissioner Smith asked what if the opponents hire an attorney.

Mr. Van Parys indicated communication should be through the legal counsel at that time.

Commissioner Smith read a proclamation declaring January 22, 2020 as Crisis Pregnancy Awareness Day.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the consent agenda for Wednesday, January 22, 2020 as presented.

Motion passed, 5-0.

Wayne Malnicof requested approval of Board Order 2020-1, vacating a portion of 166th Street referred to as McConnel Griffith Road.

Commissioner Smith opened public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schinke to approve a vacation of a portion of 166th Street by Board Order 2020-1, as it no longer serves as a public utility or anticipate utilities and will serve as public right of way known as McConnell Griffith Road.

Commissioner Culbertson asked about acquiring existing right of way.

Mr. Malnicof indicated by statutory prescription the right of way exists on 166th Street.

Motion passed, 5-0.

Mr. Van Parys requested consideration for approval of the purchase of property adjacent to the County Shop to serve as an addition to the County Shop.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve an agreement to purchase 10.39 acres of real property located directly east of and adjacent to the County Shop property.

Motion passed, 5-0.

Alan Phillips requested approval of the 2020 KDOT Spray contract, the 2020 Noxious Weed Management Plan and the 2019 Annual Noxious Weed Eradication report.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the 2020 KDOT Spray Contract.

Motion passed, 5-0.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the 2020 Noxious Weed Management Plan

Motion passed, 5-0.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the 2019 Noxious Eradication Report.

Motion passed, 5-0.

Lauren Anderson requested approval of the scope of work from Olsson for an RFP for the 152 Bridge extension.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schinke to approve the proposed scope for requests for the proposal of the Eastern Gateway Concept study for the Bridge 152 extension.

Motion passed, 5-0.

Ms. Anderson requested approval of the 2020 dust control form.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the 2020 dust control request form.

Motion passed, 4-1 Commissioner Smith voting nay.

Krystal Voth presented Case Number DEV-19-139, a consideration of a temporary special use permit for a laydown yard for Probst Electric.

Commissioner Smith opened public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed public hearing.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Case Number DEV-19-139, temporary special use permit for Probst Electric for a laydown yard until January 2021.

Motion passed, 5-0.

Krystal Voth presented the quarterly report for the Planning and Zoning Department.

Bob Weber presented the quarterly report for the Appraiser's office.

Megan Waters presented the quarterly report for Adult and Juvenile Community Corrections.

Commissioner Smith reported the fundraiser at Linwood school was rescheduled to this Friday.

Commissioner Kaaz attended to the Garrison Commanders meeting last week, the League of Women's Voters meeting, the NAACP meeting, the Martin Luther King celebration and the Leavenworth City Commission meeting.

Commissioner Schimke will attend the Fire District 1 meeting tonight and reported the Lansing City Council is proposing a large parks and rec master plan. He will also attend the LCDC Annual Meeting.

Commissioner Kaaz will attend the LCDC annual meeting.

Commissioner Culbertson will attend a Lunch and Learn with Community Corrections on Friday.

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 subject 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 could be deemed privileged in the attorney-client relationship and that the Board resume open meeting at 11:35 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 from executive session at 11:35 a.m. No decisions were made, subject was limited to legal matters.

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

Motion passed, 5-0.

The Board adjourned at 11:36 a.m.

BOARD ORDER 2020-01

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, VACATING A PORTION OF 166th STREET LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS.

NOW ON THIS 22nd DAY OF JANUARY, 2020, the board of county commissioners of the county of Leavenworth, Kansas, did reconvene the public hearing on the proposed vacation of a certain portion of 166th Street located in the Southeast Quarter of Section 33, Township 11 South, Range 22 East, in Leavenworth County, Kansas, more particularly described as follows:

ALL THAT PORTION OF McCONNELL ROAD DEDICATED IN ROAD RECORD BOOK G AT PAGE 343 THRU 350 LYING IN SECTION 33, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS.

Whereupon the board did find that the above referenced section of public road does not currently serve as a public utility, and there is no anticipated further use of the section of public road as a public utility. The board further finds that all proper notice in this matter has been provided. The board hereby orders said section of public road to be vacated and that a copy of this order be provided to the Register of Deeds and the County Clerk for inclusion in the road records of the county.

ORDERED THE 22th DAY OF JANUARY, 2020



JEFF CULBERTSON, 1st DISTRICT



VICKY KAAZ, 2nd DISTRICT



DOUG SMITH, 3RD DISTRICT (Chairman)



CHAD SCHIMKE, 4th DISTRICT



MIKE STIEBEN, 5th DISTRICT

ATTEST: 

JANET KLASINSKI, CLERK



*****January 22, 2020*****

The Board of County Commissioners met in a work session on Wednesday, January 22, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke are present; Commissioner Stieben is absent; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary;

Residents: John Matthews

A work session was held to discuss what was addressed at the last employee benefits committee meeting to include a sick leave swap for retiree health.

Direction was given to staff to draft a policy to be reviewed by the Board.

Other items discussed were longevity pay, implementing a 401 and potential for an insurance opt out.

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

Final Approved

*****January 29, 2020*****

The Board of County Commissioners met in regular session on Wednesday, January 29, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz and Commissioner Stieben are present; Commissioner Schimke will be late; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Linda Lobb, Council on Aging Director; Lauren Anderson, Public Works Interim Director; Krystal Voth, Planning and Zoning Interim Director; Tammy Saldivar, Solid Waste Director; Aaron Yoakum, Buildings and Grounds Director; Vincent Grier, Road and Bridge Superintendent; Chris Collins, Fleet Maintenance; Alan Phillips, Noxious Weeds Director; Larry Malbrough, Information Systems Director; Ken Miller, City of Lansing; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, Ben Morgan, Mark Tinberg, Timothy Ney, Dan Hays, AW Himpel, Tim Kates, Zach Copeland, Tony Schmitt

PUBLIC COMMENT:

Ben Morgan asked the Board to consider an evening meeting regarding the Lenape Sand Quarry.

Mark Tinberg commented about the quality and safety of drinking water concerning the Lenape Sand Quarry.

Justin Joel, counsel for Kaw Valley Companies, requested the Commission un-table a proposal for a special use permit and place back on the agenda for public hearing.

Timothy Ney spoke about accidents occurring on 158th Street.

ADMINISTRATIVE BUSINESS:

Mark Loughry presented a request from the Supreme Court to appoint a person to the judicial nominating committee.

It was the consensus of the Board to post the vacancy and accept applications.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the consent agenda for Wednesday, January 29, 2020 as presented.

Motion passed, 4-0.

Krystal Voth presented Case Number DEV-19-137, a final plat for Rock Ridge Estates Phase II.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve Case Number DEV-19-137 for Rock Ridge Estates Phase II, less conditions 6 and 13.

Motion passed, 4-0.

Ms. Voth reported that the applicant has requested that Case Number DEV-19-130 be tabled until February 5.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to table Case Number DEV-19-130 to February 5th at 9:00 a.m.

Motion passed, 4-0.

Chris Collins requested to dispose of surplus equipment.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve disposal of surplus equipment as listed by the Fleet Maintenance.

Motion passed, 4-0.

Lauren Anderson requested approval of a cost share agreement with Johnson County for the Desoto Bridge.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve the bridge maintenance agreement.

Motion passed, 4-0.

Ms. Anderson requested approval of a contract with MHS for the inspection and construction of Bridge E-58 with a 5% contingency.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the selection committee's recommendation from Bridge E-58 inspection and construction services for MHS not to exceed \$110,167.28 including a 5% contingency.

Motion passed, 4-0.

Ms. Anderson requested approval of acquisition of easements for the Silvers property in an amount of \$1,060.00 for Bridge E-58.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve compensation for the Silver's property acquisition in the amount of \$1,060.00 for Bridge E-58 right of way.

Motion passed, 4-0.

Ms. Anderson requested approval of acquisition of easements for the Lee property in the amount of \$2,760.00 for Bridge E-58.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve compensation for the Lee property acquisition in the amount of \$2,760.00 for E-58 Bridge.

Motion passed, 4-0.

Ms. Anderson requested approval of acquisition of easements Johnson property indicating they have requested a realignment of the driveway which will be brought before the Board at a later time.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve compensation for the Johnson property acquisition for \$3,000.00 for Bridge E-58.

Motion passed, 4-0.

Linda Lobb requested the appointment of Donna Kindle to the Advisory Board.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to appoint Donna Kindle to the Council on Aging Advisory Board.

Motion passed, 4-0.

Ms. Lobb presented the quarterly report for Council on Aging.

Larry Malbrough presented the quarterly report for Information Systems.

Tammy Saldivar presented the quarterly report for Solid Waste.

Aaron Yoakum presented the quarterly report for Buildings and Grounds.

Vince Grier presented the quarterly report for Road and Bridge.

Chris Collins presented the quarterly report for Fleet Maintenance.

Alan Phillips presented the quarterly report for Noxious Weeds.

Commissioner Schimke now present.

Lauren Anderson presented the quarterly report for Public Works.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to recess until 11:45 a.m.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson 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 as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 12:30 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 and others as may be invited by the Board.

Motion passed, 5-0.

The Board returned to open session at 12:30 p.m. Discussion was limited to personnel matters of non-elected personnel and no decisions were made.

A motion was made by Commissioner Culbertson 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 as justified by K.S.A. 75-4319(b)(1) and that this Board resume open session in this meeting room at 12:40 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 and others as may be invited by the Board.

Motion passed, 5-0.

The Board returned to open session at 12:40 p.m. no decisions were made; discussion was limited to non-elected personnel.

Commissioner Smith went to government days in Topeka, the Basehor City Council meeting, the candlelight vigil, the Linwood fundraiser and the MARC meeting.

Commissioner Culbertson attended the candlelight vigil and the MARC meeting. He will also be attending the High Prairie Township board meeting tonight.

Commissioner Schimke attended an economic forecasting event and the LCDC annual meeting.

Commissioner Kaaz attended the Leavenworth City Commission meeting and the Suicide Coalition Live Well meeting. She will be attending the High Prairie Township board meeting tonight and the Mental Health Task Force meeting.

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

The Board adjourned at 12:43 p.m.

Final Approved

*****January 29, 2020*****

The Board of County Commissioners met in a work session on Wednesday, January 29, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Schimke and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Krystal Voth, Planning and Zoning Interim Director; Stephanie Sloop, Planning Coordinator; Stacy Driscoll, Register of Deeds; Becky Matzeder, Executive Secretary; Ken Boone, Jeff McKerrow, Taylor Plummer, Tresa Carter-Hahs from Olsson; Kristin Brighton from New Boston

Residents: AW Himpel, John Matthews, Nancy Carpenter, Bill Mason, Joe Herring, Dave Thiel, Sarah Williams

A work session was held with Olsson to discuss the Comprehensive Plan.

Discussion will continue on the February 5th agenda as a work session.

The Board ended the work session at 3:44 p.m.

Final Approved