

\*\*\*\*\*May 1, 2020 \*\*\*\*\*

The Board of County Commissioners met in a special session on Friday, May 1, 2020. Commissioner Smith, Commissioner Stieben and Commissioner Schimke are present; Commissioner Kaaz and Commissioner Culbertson are present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jamie Miller, Public Health Officer

Public Comment:

Carlos Rivera, Daniel Greer, Brett Grossenburg and Gretchen Meitler made public comment via telephone.

Mark Loughry presented a reopening plan for Leavenworth County.

Commissioner Kaaz requested to have a public service announcement to get the information discussed out to the public.

A motion was made by Commissioner Stieben to have a letter drafted for the next meeting urging the Governor to review and urging her to include personal service industries such as hair dressers, dog groomers and gyms be included in phase 1 reviewing whether these companies and organizations are observing social distancing and PPE requirements and all professional requirements.

It was the consensus of the Board to have the County Counselor or County Administrator draft a letter to the Governor to allow local authority determine their own orders.

Mr. Loughry asked the Board to be aware of additional expenditures that will be coming up for items that are not typically in our budget such as personal protective equipment for staff.

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

The Board adjourned at 2:14 p.m.

\*\*\*\*\*May 6, 2020\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday May 6, 2020. Commissioner Smith, Commissioner Stieben and Commissioner Culbertson are present; Commissioner Kaaz and Commissioner Schimke are present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk

PUBLIC COMMENT:

There were no public comments received.

ADMINISTRATIVE BUSINESS:

Mark Loughry presented a draft letter addressed to the Governor about the statewide orders in relation to the COVID-19 response.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve and sign the letter to the Governor.***

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

Mr. Loughry reminded everyone that while the stay at home orders are getting less restrictive it is still advisable to use best practices.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, May 6, 2020.***

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

Commissioner Stieben inquired if the funding requests presented today could be considered after the County does the budget due to unforeseen budget constraints relating to the coronavirus.

Mr. Loughry commented the budget is typically approved in August indicating the Special Parks and Rec Fund are specifically required to be spent on those types of expenditures and could proceed with those today.

Janet Klasinski advised the American Legion Post #23 reduced their request from \$10,000.00 to \$4,000.00.

Ms. Klasinski clarified that the Leavenworth Youth Football Association was not listed under Special Parks and Rec because of how it was funded last year indicating that fund ran out last year.

Mr. Loughry indicated the Leavenworth Youth Football Association request could be moved to the Special Parks and Rec fund this year.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to fund the three youth programs out of special alcohol fund, the Leavenworth Youth Football Association, the American Legion Post #23 and the Easton Youth Activity Association at the levels they are requesting which would total \$17,000.00 and that the County museums requests be tabled until later in the year.***

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

It was the consensus of the Board to reach out to the agencies in their areas to see how critical some of the funding requests are.

Ms. Klasinski reported the advance ballot applications will be arriving in mailboxes soon.

Commissioner Schimke will attend the Fire District #1 meeting.

Commissioner Smith will meet with a representative from the U.S. Department of Labor.

Commissioners Kaaz and Schimke will attend the Port Authority meeting next week.

Mr. Loughry addressed an email regarding the Planning and Zoning website updates indicating the regulations are updated quarterly.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben that this 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 would be deemed privileged in the attorney-client relationship and that Board resume open meeting at 9:45 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Schimke, Smith and Stieben, Senior County Counselor David Van Parys and County Administrator Mark Loughry.***

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

The Board returned to regular session at 9:45 a.m. Discussion was limited to legal interests of the County and no decisions were made.

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

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

The Board adjourned at 9:46 a.m.

\*\*\*\*\*May 13, 2020\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday May 13, 2020. Commissioner Smith, Commissioner Schimke and Commissioner Culbertson are present; Commissioner Kaaz, Commissioner Stieben and Mark Loughry are present by phone; Also present: David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Tammy Saldivar, Solid Waste Director; Aaron Yoakum, Building and Grounds Director; Bill Noll, Infrastructure and Construction Services; Chuck Magaha, Emergency Management Director

Residents: John Matthews

**PUBLIC COMMENT:**

There were no public comments received.

**ADMINISTRATIVE BUSINESS:**

Chuck Magaha requested an extension of the local emergency declaration that would remain in effect until July 13, 2020.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to extend the emergency order for 60 days referencing Resolution 2020-10.***

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

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the consent agenda for Wednesday, May 13, 2020.***

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

Bill Noll requested to award bid to A.M. Cohron and Son for the bridge E-58 project in the amount of \$1,242,680.98.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to accept the bid from A.M. Cohron and Son for E-58 bridge replacement project in the amount of \$1,242,680.98.***

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

Mr. Noll requested to accept the selection committee recommendation to award bid to McAfee Henderson Solutions for inspection services for the 178<sup>th</sup> Street project.

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the selection committee's recommendation for the 178<sup>th</sup> construction inspection services to be award to McAfee Henderson Solutions contract amount \$103,454.50.***

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

Mr. Noll requested approval of the capital improvement plan for roadway construction and bridge replacements.

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve Resolution 2020-18.***

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

Mr. Noll requested approval of the creation of a special highway improvement fund.

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the multiyear capital improvement plan special highway improvement fund creation by resolution.  
Motion passed, 5-0.***

David Van Parys clarified that the intent of the Board was to approve a resolution creating a capital improvement fund for the road and bridge department of the County followed by motion to approve the capital improvement plan as presented by Mr. Noll.

Mr. Noll presented the quarterly report for Public Works.

Tammy Saldivar presented the quarterly report for Solid Waste.

Aaron Yoakum presented the quarterly report for Building and Grounds.

Commissioner Schimke will be attending the LCDC meeting tomorrow via Zoom.

Commissioner Kaaz shared information she received during the Governor's conference call on Friday.

Commissioner Kaaz reported the Governor has formed a task force to review the distribution of the CARES act funds.

Commissioner Schimke attended the Fire District #1 board meeting last week reporting that Chief Todd Farley resigned.

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

The Board adjourned at 10:43 a.m.

**COVID 19 PUBLIC HEALTH EMERGENCY RESOLUTION**

**WHEREAS**, on the   13th   day of   May  ,   2020  , the Board of County Commissioners of Leavenworth County, Kansas declared there continues a state of local public health emergency in Leavenworth County, Kansas resulting in potential or occurring Pandemic known as COVID 19, in Leavenworth County, Kansas; and

**WHEREAS**, such conditions endanger the public health, safety and welfare of persons within the borders of Leavenworth County, Kansas.



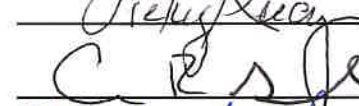


**NOW, THEREFORE BE IT RESOLVED**, by the Board of County Commissioners of Leavenworth County, Kansas:

That the state of local public health emergency in Leavenworth County, Kansas extends the original declared emergency of Leavenworth County Resolution 2020-10 to continue the declared emergency on the   13th   day of   May  ,   2020  , and shall continue and remain in effect until 60 days unless terminated earlier.

That the response and recovery aspects of all local disaster plans which are applicable to Leavenworth County, Kansas and shall initiate the rendering of aid and assistance there under.

That any rights or powers lawfully exercised or any actions taken pursuant to local disaster emergency plans shall continue and have full force and effect as authorized by law for 60 days unless modified or terminated in the manner prescribed by law.

**RESOLVED BY THE BOARD OF COUNTY COMMISSISONERS OF LEAVENWORTH COUNTY, KANSAS THIS   13th   DAY OF   MAY  ,   2020  .**

 \_\_\_\_\_, **Chairman**  
 \_\_\_\_\_, **Member**  
 \_\_\_\_\_, **Member**  
 \_\_\_\_\_, **Member**  
 \_\_\_\_\_, **Member**

*Jarret Klasmeki*



**RESOLUTION 2020-18**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, ADOPTING A MULTI-YEAR CAPITAL IMPROVEMENT PLAN AS PROVIDED FOR BY K.S.A. 68-590.**

**WHEREAS,** K.S.A. 68-590 authorizes the governing body of any municipality by resolution to transfer each year from the fund or division thereof budgeted for roads, bridges, highways or street of such municipality an amount of money not to exceed twenty-five percent (25%) of such fund or division thereof as determined by such body, to a special highway improvement fund.

**WHEREAS,** all monies credited to such special fund shall be used by Leavenworth County for the purpose of the construction or reconstruction of highways, bridges, road and streets and necessary incidental facilities and such fund shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937, both inclusive, or acts amendatory thereof or supplemental thereto;

**BE IT THEREFORE RESOLVED:**


1. That the treasurer of Leavenworth County, Kansas, is directed to establish a separate special highway capital improvement fund, crediting to said fund those monies as may be budgeted annually or transferred by the annual budget to said fund.
2. Such monies as may be credited to the special highway capital improvement fund may be used for the purpose of the construction or reconstruction of highways, bridges, roads and streets of Leavenworth County.
3. If the County determines that money which has been transferred to such special highway improvement fund or any part thereof is not needed for the purposes for which so transferred, said governing body is hereby authorized and empowered by resolution to retransfer such amount not needed to the fund from which transferred.

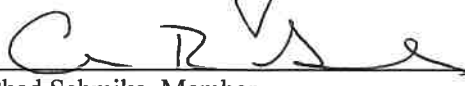
RESOLVED THIS 13<sup>th</sup> DAY OF MAY, 2020.


BOARD OF COUNTY COMMISSIONERS  
LEAVENWORTH COUNTY, KANSAS:

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

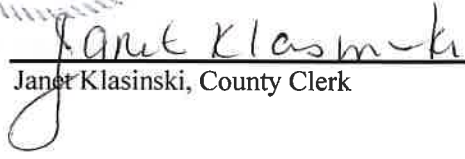
  
\_\_\_\_\_  
Jeff Culbertson, Member

  
Vicky Kaaz, Member

  
Chad Schmike, Member

  
Mike Stieben, Member



  
Janet Klasinski, County Clerk



\*\*\*\*\*May 20, 2020\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday May 20, 2020. Commissioner Smith, Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz and Commissioner Culbertson are present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Larry Malbrough, Information Systems Director; Krystal Voth, Planning and Zoning Interim Director; Bill Noll, Infrastructure and Construction Services; Jamie Miller, Health Department Director;

Residents: AW Himpel, John Matthews, Joe Herring, David and Kylie Dickson

**PUBLIC COMMENT:**

There were no public comments submitted.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry reported Kaw Valley Sand has submitted a request to be put back on the agenda and recommended a date of July 8 for sufficient notice.

Commissioner Stieben asked if the proposal has changed to where it needed to be reviewed by the Planning Commission.

David Van Parys indicated it would be at the Board's discretion.

***A motion was made by Commissioner Stieben to request the Planning Commission to conduct a special meeting to review the application asking that special meeting take place on June 24 provided that action is taken by the Planning Commission on that evening the Board will then schedule the matter for the 29<sup>th</sup> of July.***

***Motion dies for a lack of second.***

Commissioner Culbertson asked to restate the motion.

Mr. Van Parys restated the motion as to request the Planning Commission to conduct a special meeting on or about June 24 for the purpose of reviewing the Kaw Valley Sand operation special use permit with the concept that notice would be provided through efforts of staff and that dependent upon any action take by the Planning Commission that it would be the intention of the Board to possibly have final consideration before the Board of County Commissioners on the 29<sup>th</sup> of July.

Commissioner Stieben resubmitted his motion.

***Motion dies for a lack of second.***

Mr. Loughry requested to hold the meeting during the day due to limited capacity and availability of staff.

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to hold the meeting on July 8 at 6:00 p.m.***

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

Commissioner Smith read a proclamation for Emergency Medical Service Week for the week of May 17 through May 23.

Jamie Miller gave a brief update to the Board on the COVID-19 virus.

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, May 20, 2020 minus the check register.***

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

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the check register as presented.***

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

Mr. Loughry presented a request for waiver of RIF/TIF fee.

Kylie Dickson spoke.

Mr. Loughry reported it would be appropriate to waive the driveway entrance fee indicating they had to pay an entrance fee to the city of Lansing.

Joe Herring spoke.

***A motion was made by Commissioner Stieben to table and let Planning and Zoning and the County Administrator research specific cases and bring back more information to make a more informed decision.***

***Motion dies for a lack of second.***

***A motion was made by Commissioner Kaaz and second by Commissioner Stieben to deny the request of applicant to waive the building fees except for \$150.00 for the driveway entrance fee.***

***Motion passed, 3-2 Commissioners Schimke and Culbertson voted nay.***

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to write a letter of support to the city of Lansing to waive the hard surface driveway requirement.***

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

Commissioner Culbertson proposed a resolution that does not allow cities to annex half of a right of way and they must annex all of the right of way or none of it.

Mr. Loughry will have the County Counselor draft a resolution for that policy.

Bill Noll requested the approval of additional funds for the utilization of the Olsson master agreement for professional services not to exceed \$75,000.00.

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the additional funds for utilization of the Olsson master agreement for professional services.***

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

Mr. Noll gave a brief update on the bridge E-58 project and the 152 Gateway project.

Larry Malbrough presented the quarterly report for Information Systems.

The Board recessed for five minutes.

Mr. Loughry indicated due to conflicts outside work related, no one from the Council on Aging was able to present the quarterly report in person.

Krystal Voth presented the quarterly report for Planning and Zoning.

Mr. Loughry reported the Board has an agreement with the city of Tonganoxie from April 2017 that provided funding for their industrial park indicating a requirement in that agreement is at the end of the project the remaining funds be returned to the County. Mr. Loughry indicated the city of Tonganoxie is requesting the Board to consider allowing them to use those funds for other expenditures.

AW Himpel indicated the city of Tonganoxie would like to meet to discuss the remaining funds.

***A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to have a work session with the Tonganoxie City Council and the logistics will be established by the County Administrator as the how the meeting will be conducted.***

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

Commissioner Kaaz attended the Governor's conference call last week, the Fire Board meeting on Monday night and the web design selection committee yesterday.

Commissioner Smith asked if the renaming of a tributary of Wolf Creek needs to be placed on the agenda.

Mr. Loughry indicated it does not require the County's approval.

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

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

The Board adjourned at 11:44 a.m.

\*\*\*\*\*May 27, 2020\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday May 27, 2020. Commissioner Smith, Commissioner Culbertson and Commissioner Stieben are present; Commissioner Kaaz and Commissioner Schimke are present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Bill Noll, Infrastructure and Construction Services Director; Krystal Voth, Planning and Zoning Interim Director; Jaime Miller, EMS/Health Department Director

Residents: John Matthews, Joe Herring

PUBLIC COMMENT:

There were no public comments submitted.

ADMINISTRATIVE BUSINESS:

Jamie Miller presented an emergency health order effective May 27, 2020 for the reopening phases for Leavenworth County.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to support the County Health Director's document for guidance for reopening.***

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

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, May 27, 2020.***

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

Krystal Voth presented Resolution 2020-19 that establishes a schedule of fees for the Planning and Zoning Department.

Joe Herring spoke.

A brief discussion took place regarding development fees mainly giving a discount if interior roads and the number of houses being built.

***A motion was made by Commissioner Stieben to approve Resolution 2020-19 amending the Planning and Zoning fee schedule for 2020 with the exception that any lot already exempt from RIF or plats in process will be exempt.***

Mark Loughry requested to bring the resolution back next week to address the language that was discussed.

***Commissioner Stieben withdrew his motion.***

It was the consensus of the Board to bring back the resolution next week.

Bill Noll requested to accept bid for the 178<sup>th</sup> Street geometric improvement project.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to select Linaweaver Construction for 178<sup>th</sup> Street geometric improvement project for \$695,575.70.***

***Motion passed, 4-1 Commissioner Kaaz voting nay.***

Mr. Noll requested approval of exchanging federal funds for state funds with the exchange rate of \$0.90 for every \$1.00 of federal funds.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve exchanging federal funds for state funds to be used for the E-58 bridge construction reimbursement.***

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

Commissioner Kaaz participated in the Workforce Development meeting yesterday indicating they will begin to see clients by appointment.

Commissioner Smith attended the VFW ceremony at the Glenwood Cemetery and received thank you notes from American Legion Post #23 and St. Vincent Clinic for donations. He also received a letter from the Leavenworth Historical Society requesting a roof.

Mr. Loughry indicated the request would be need to be placed on the agenda.

Commissioner Kaaz will participate in a zoom meeting for a grant through United Way for CARES funding grant for the emergency sheltering fund.

Commissioner Schimke and Commissioner Kaaz will participate in the Port Authority meeting today.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben 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 would be deemed privileged in the attorney-client relationship and that the Board resume open meeting at 10:45 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Schimke, Smith and Stieben, Senior County Counselor David Van Parys and County Administrator Mark Loughry.***

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

The Board returned to regular session at 10:45 a.m. The discussion was limited to legal interests of the County and no decisions were made.

Commissioner Stieben inquired as to what action can be taken so Leavenworth County receives a fair allotment of the CARES act fund.

Mr. Loughry indicated a motion from the Board to have staff send a demand letter to the State asking for the Leavenworth County's proportionate share of the CARES act funding.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to direct staff to prepare and send a letter of demand to the State of Kansas regarding the CARES act funding allocation for Leavenworth County. Added to the motion absence of any assurance the Board will take appropriate action.***

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

The Board acknowledged the passing of Shirley Pendergraft, a deputy with the Leavenworth County Sheriff's Department for 27 years.

Commissioner Schimke updated the Board regarding Fire District #1.

Mr. Van Parys will draft letters to the city of Lansing and the townships with the Boards intent to operate the District on the basis of advice and professional services by fire protection professionals.

The draft letter will be placed on the agenda next week for formal approval.

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

The Board adjourned at 11:00 a.m.

Final Approved