

*****June 3, 2020 *****

The Board of County Commissioners met in a regular session on Wednesday June 3, 2020. Commissioner Smith, Commissioner Culbertson and Commissioner Schimke are present; Commissioner Kaaz and Commissioner Stieben are present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Krystal Voth, Planning and Zoning Interim Director; Congressman Steve Watkins by phone;

Residents: John Matthews, Joe Herring

PUBLIC COMMENT:

There were no public comments submitted.

ADMINISTRATIVE BUSINESS:

Congressman Steve Watkins spoke about the CARES Act funding.

Mark Loughry briefed the Board about a Zoom meeting with Senator Jerry Morgan he participated in about the CARES Act funding, school re-openings, the V.A. re-opening and job openings available.

Mr. Loughry requested two Commissioners work with Transystems and staff on the Gateway Bridge project.

It was decided Commissioners Culbertson and Schimke would work with Transystems.

Commissioner Smith read a proclamation proclaiming Saturday, June 6, 2020 as "Unity Day".

Mr. Loughry reported notices will be sent out Friday for the Kaw Valley Sand application indicating the rules for the public hearing will be sent with the notice. He asked the Board if they have any comments on the rules to let him know prior to Friday.

Commissioner Stieben encouraged citizens who are concerned about the tornado relief bill for abatement of property taxes on outbuildings to contact their legislation.

David Van Parys presented a letter addressed to the entities involved in Fire District #1 that states the Board of County Commissioners will take control of the Fire District after the interlocal agreement expires on June 30, 2020 in the absence of any new interlocal agreement presented beforehand.

Commissioner Kaaz requested a work session regarding Fire District #1 to assess the issues.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to authorize the chairman to sign the letter and circulate to the parties.

Motion passed, 5-0.

Commissioner Kaaz requested to remove the check register from the consent agenda for a separate vote.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to accept the consent agenda for Wednesday, June 3, 2020 with the removal of the check register.

Motion passed, 5-0.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the check register.

Motion passed, 4-0, Commissioner Kaaz abstained.

Krystal Voht presented an updated fee schedule for the Planning and Zoning Department.

It was the consensus of the Board to change the agreements in place regarding payment of fees which have been approved by the Board from three to five years.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Resolution 2020-19, to amend the Planning and Zoning fee schedule for 2020 for building permits with the change of three years to five years for the sunset clause starting with today's date.

Motion passed, 5-0.

A funding request was received by the Leavenworth Historical Society.

Commissioner Culbertson suggested to wait until the County knows how COVID-19 will affect the budget.

Commissioner Smith shared an email from someone in the county about responsible pet owners.

Commissioners Kaaz and Schimke attended the Port Authority meeting.

Commissioner Kaaz participated in the Workforce Development meeting, the FEMA meeting hosted by the United Way and listened to the City of Leavenworth meeting. She informed everyone there will be a peaceful walk on Saturday, June 6 at 9:00 a.m. that starts at the Richard Allen Cultural Center and ends at the Bob Dougherty Park.

Commissioner Schimke will attend presentations from vendors tomorrow for the County's new website.

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

Motion passed, 5-0.

The Board adjourned at 10:00 a.m.

RESOLUTION 2020-19
A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF LEAVENWORTH, KANSAS, ESTABLISHING A SCHEDULE OF
FEES TO BE CHARGED FOR CERTAIN SERVICES PROVIDED BY THE
OFFICE OF PLANNING AND ZONING.

WHEREAS, the office of planning and zoning of Leavenworth County accepts and processes certain applications for matters pertaining to planning and zoning, and provides other services to the public which subsequently provide for private benefit; and

WHEREAS, it is necessary and reasonable that fees be collected by the office of planning and zoning to partially recover the cost of providing those services and the processing those applications and;

WHEREAS, the board of county commissioners has considered a schedule of fees as proposed and recommended by the staff of the office of planning and zoning; and

WHEREAS, the board finds the schedule of fees as proposed and recommended is reasonable;

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

1. The schedule of fees set forth in Exhibit "A", attached hereto and fully incorporated herein, is hereby adopted.
2. Agreements in place regarding the payment of fees which have been approved by the Board of County Commissioners for the following Subdivisions shall be honored as follows:
 - a. Pride Estates – Expires June 3, 2025
 - b. Rock Ridge Phase II – Expires June 3, 2025
 - c. Eagle Crossing – Expires June 3, 2025
 - d. Linwood Farms – June 3, 2025
3. Permits for Commercial Buildings shall be a minimum of \$4,600 which includes payment of a Traffic Impact Fee in the event the building is in conjunction with a Special Use Permit or requires a Traffic Study resulting in improvements to County Roads or a required fee.
4. That the office of planning and zoning shall account for the fees collected and that said fees be maintained in an identifiable account of the county.
5. Resolution No. 2018-6 is hereby repealed.
6. Any provision of any previously adopted resolution in conflict with this resolution is declared null and void.

RESOLVED THIS 3rd DAY OF JUNE, 2020.



Janet Klasinski
Janet Klasinski
County Clerk

By: H. Klinkenberg

Doug Smith
Doug Smith, Chairman

Jeff Culbertson
Jeff Culbertson, Member

Vicky Kaaz
Vicky Kaaz, Member

Chad Schimke
Chad Schimke, Member

Mike Stieben
Mike Stieben, Member

*****June 3, 2020 *****

The Board of County Commissioners met in a work session on Wednesday June 3, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Krystal Voth, Planning and Zoning Interim Director; Bill Noll, Infrastructure and Construction Services Director

Residents: Joe Herring

A work session was held to discuss cross access easements.

Direction was given to staff to proceed with writing a policy and amending the Zoning and Subdivision Regulations to include cross access easements.

The work session ended at 11:21a.m.

Final Approved

*****June 10, 2020*****

The Board of County Commissioners met in a regular session on Wednesday June 10, 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; Krystal Voth, Planning and Zoning Interim Director; Bill Noll, Infrastructure and Construction Services Director; Janet Klasinski, County Clerk; April Swartz with Varney and Associates; Aaron Yoakum, Buildings and Grounds

Residents: John Matthews, Bryan and Gina Zesiger Ashley Wilson

PUBLIC COMMENT:

There were no public comments received.

ADMINISTRATIVE BUSINESS:

April Swartz with Varney and Associates briefed the Board on the recent audit for Leavenworth County.

Commissioner Stieben inquired about the notarization of signatures for donation of time for the July 8 Kaw Valley special use permit hearing.

Mark Loughry indicated he has addressed the issue with two individuals that have contacted him.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, June 10, 2020.

Motion passed, 5-0.

Bill Noll requested approval of a chip and seal brooming policy.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the policy for chip and seal brooming.

Motion passed, 5-0.

Krystal Voth presented a request from Z&M Winery for a special use permit indicated the applicants have considered making changes to the application. Ms. Voth requested the case be remanded back to the Planning Commission to review the changes.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to prepare a resolution encompassing issues discussed with 10 years.

Motion passed, 5-0.

Commissioner Culbertson requested to send out letters to ensure addresses are visible on mailboxes for residents that live in the County.

Commissioner Kaaz attended the Unity Walk on Saturday and listened to the Leavenworth City Commission meeting last night.

Commissioner Culbertson reported that Bridge E-58 is down and they are finishing cleanup.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to adjourn as the Board of County Commissioners and to convene as the Board of Directors of Sewer District #5.

Motion passed, 5-0.

Mr. Loughry indicated an illegal connection to Sewer District #5 was discovered after a homeowner was trying to sell their home.

The realtor for the homeowner, spoke.

The homeowner, Ashley Wilson spoke.

It was decided the fastest way to resolve the issue would be to install a septic system.

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

Motion passed, 5-0.

The Board adjourned at 10:51 a.m.

Final Approved

*****June 10, 2020*****

The Board of County Commissioners met in a work session on Wednesday June 10, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Schimke, Commissioner Stieben and Commissioner Kaaz are present; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Tim Vandall, Lansing City Administrator; Tom Dials, Treasurer of Delaware Township; Joe Gates, Interim Fire Chief for Fire District #1; Stacy Driscoll, Register of Deeds; Rob Gaslin, Fire District Board of Trustees; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

A work session was held to discuss the options for the operation of Fire District #1.

Direction was given to establish a new governing body over the Fire District utilizing the current Board of Trustees with the Board of County Commissioners having budget authority.

The work session ended at 2:53 p.m.

Final Approved

*****June 17, 2020*****

The Board of County Commissioners met in a regular session on Wednesday June 17, 2020. Commissioner Smith, Commissioner Culbertson and Commissioner Schimke are present; Commissioner Kaaz and Commissioner Stieben are present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Krystal Voth, Planning and Zoning Interim Director; Larry Malbrough, Information Systems Director

Residents: John Matthews, Bryan and Gina Zesiger, Joe Herring, AW Himpel

PUBLIC COMMENT:

There were no public comments received.

ADMINISTRATIVE BUSINESS:

Mark Loughry updated the Board about the status of the CARES Act funding.

Commissioner Kaaz requested the check register be removed from the consent agenda.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the consent agenda for Wednesday, June 17, 2020 with the removal of the check register.

Motion passed, 5-0.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the check register.

Motion passed, 4-0, Commissioner Kaaz abstained.

Krystal Voth presented Resolution 2020-20, a special use permit for Z&M Twisted Vines Winery.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve Resolution 2020-20 with the exception of the noise level not to be the level of nuisance.

Motion passed, 5-0.

Larry Malbrough requested to award bid to Revize for the new County website.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to award the CMS services to Revize in the amount not to exceed \$38,700.00.

Motion passed, 5-0.

Commissioner Schimke attended the Fire District #1 Board of Trustees meeting on Monday and the Delaware Board meeting yesterday.

Commissioner Kaaz will attend the High Prairie Township meeting on Thursday.

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

Motion passed, 5-0.

The Board adjourned at 9:36 a.m.

RESOLUTION 2020-20

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for an Agri-Business – Z&M Winery on the following described property:

Tract of Land in the South Half of the Northwest Quarter of Section 13, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, more commonly known as 24305 Loring Road, Lawrence, KS 66044

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 12th day of February, 2020, 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 20th day of May, 2020; 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 17th day of June, 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 17th day of June, 2020, and incorporated herein by reference;

That Case No. DEV-20-026, Special Use Permit for an Agri-Business– Z&M Winery approved subject to the following conditions:

1. The SUP shall be limited to a period of 10 years.
2. The noise level at the property line shall not cause a nuisance to the area.
3. The business shall be limited to the hours 12:00 PM until 9:00 PM Monday through Wednesday, 12:00 PM until 11:00 PM Thursday - Saturday and 12:00 PM until 10:00 PM Sunday.
4. The applicant shall pay a Traffic Impact Fee (TIF) of \$8,117.41 OR acceptance of the Gravel Road Dust Control Program requirements.
5. The SUP shall be limited to 10 full-time employees and unlimited seasonal employees.
6. The applicant shall provide a certificate of liability insurance for \$1,000,000 per occurrence with Leavenworth County listed as the policy holder.
7. An engineered wastewater treatment system shall be required. The designing engineer shall be licensed in the State of Kansas.

8. An appropriate emergency contingency plan shall be provided to the Leavenworth County Emergency Management Department and the responding fire department.
9. The applicant shall adhere to the following memorandums:
 - a. Mitch Pleak, PE – Public Works, March 12, 2020
10. No signage is allowed in the right-of-way. There are two existing billboards on the property which face I-70. These billboards have been approved by the State and may remain. 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. This SUP shall be limited to the Narrative dated June 8, 2020 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 13, Township 12 South, Range 20, also known as 24305 Loring Road, parcel no. 216-13-0-00-00-007.00 in Leavenworth County, Kansas.

Adopted this 17th day of June, 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

*****June 24, 2020*****

The Board of County Commissioners met in a regular session on Wednesday June 24, 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; Krystal Voth, Planning and Zoning Interim Director; Bill Noll, Infrastructure and Construction Services Director; David Frese, Mayor of Tonganoxie, Jake Dale, Councilman for the city of Tonganoxie, George Brajkovic, City Manager for Tonganoxie, Chris Donnelly, Councilman for the city of Tonganoxie;

Residents: John Matthews, Larry Theis, Mark Tinberg

PUBLIC COMMENT:

There were no public comments received.

ADMINISTRATIVE BUSINESS:

Mark Loughry updated the Board on the CARE's Act funding and requested two Commissioners work with himself and staff to develop a plan on how to allocate those funds.

Mr. Loughry indicated he would like to set up meetings with department heads and the Commission for budget hearings the week of July 13.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, June 24, 2020.

Motion passed, 5-0.

Krystal Voth presented Case Number DEV-20-081, a temporary special use permit for King's Construction for a clean rubble landfill from the demolition of the E-58 bridge.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the special use permit for a clean rubble private landfill for King's Construction on property located at 24257 Millwood Road.

Motion passed, 5-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to adjourn from the meeting as the Board of County Commissioners and reconvene as the Board of Health of the County.

Motion passed, 5-0.

David Van Parys requested action on a property that has an illegal wastewater system declaring it a health hazard.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben that an imminent health hazard exists on the property described as 2210 Ottawa Street.

Motion passed, 5-0.

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

Motion passed, 5-0.

Mr. Loughry reported there is approximately \$1.7 million dollars of funds remaining from the construction of the Tonganoxie Business Park indicating the city of Tonganoxie has a proposal for the funds. Mr. Loughry indicated that according to the agreement the funds are to be returned to Leavenworth County.

George Brajkovic presented a proposal from the city of Tonganoxie to retain the remaining funds from Leavenworth County for the Tonganoxie Business Park.

Mr. Loughry indicated the request should go through the Port Authority first then it could be brought back to the Board for consideration.

David Frese, Mayor of Tonganoxie, spoke.

A motion was made by Commissioner Stieben to have the County Counselor draft an interlocal agreement to extend this agreement allowing Tonganoxie to retain the funds for the projects presented.

Motion dies for a lack of second.

A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz that the funds be returned and those funds be dedicated to the Port Authority for furthering economic development.

Motion passed, 3-2 Commissioner Stieben and Commissioner Culbertson voted nay.

Commissioner Smith indicated there is a Rotary virtual relay for life on June 27th and the ribbon cutting ceremony for the Leavenworth County Humane Society will be June 25th from 4:00 p.m. to 6:00 p.m.

Commissioner Kaaz attended a virtual meeting for the Workforce Partnership indicating there are several different grants they have applied for which will benefit citizens of Leavenworth County.

Commissioner Kaaz called in on the Governor's Conference Call last Friday.

Commissioner Smith addressed emails from citizens from the city of Basehor concerned about zoning within the city of Basehor.

Commissioner Stieben addressed the County's role in the location of a school in Linwood.

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 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. Discussion was limited to legal interest of the County. No decisions were made.

Mr. Van Parys referenced a letter from the city of Lansing with their intention to withdraw its existing notice of intent to terminate the interlocal agreement. Mr. Van Parys stated to acknowledge that withdraw would require the consent of the County and both townships reporting that absent the consent the interlocal agreement expires on June 30, 2020.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to notify the city of Lansing of the Board's response to their letter dated June 19 and ask they confirm your understanding of the terms of the interlocal agreement that does not contain a provision for them to withdraw their notice to terminate and that the notice to terminate issued in 2018 is effective and that effective June 30, 2020, the interlocal agreement expires, the current Board of Trustees expires, the Joint Body expires and by operation of law, the operation and authority for operation of Fire District #1 devolves back to the County Commission. That if the city of Lansing does not deem it fit to make that acknowledgment within the set period of time that the County Counselor be authorized to initiate such legal action as its appropriate to include but not be limited to a request for a declaratory judgement action and a request for temporary and permanent injunctions.

Commissioner Schimke modified the motion to include notification to the city of Lansing with a response request by end of business Thursday, June 25. Commissioner Culbertson modified his second with the same.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben that this Board recess from open session to discuss personnel matters of non-elected personnel as justified by K.S.A. 75-4319 (b)(1) and to protect the privacy interests of the persons involved and that this Board resume open session in this meeting room at 11:30 a.m. Present in the executive session will be Commissioners Culbertson, Kaaz, Smith, Schimke and Stieben, County Administrator Mark Loughry, Senior County Counselor David Van Parys and others as may be invited by the Board.

Motion passed, 5-0.

The Board returned to regular session at 11:30 a.m. Discussion was limited to non-elected personnel and no decisions were made.

Mark Tinberg made public comment.

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

Motion passed, 5-0.

The Board adjourned at 11:35 a.m.