

*****July 1, 2020 *****

The Board of County Commissioners met in a regular session on Wednesday July 1, 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; Krystal Voth, Planning and Zoning Interim Director; Bill Noll, Infrastructure and Construction Services Director;

Residents: John Matthews, AW Himpel, Joe Herring, Ralph Wiggins, Paul Jaskinia, Barbara Coble, Ben Morgan, Sarah Williams, Michelle Meyer by phone, Stacy Schmitt, Mark Tinberg

PUBLIC COMMENT:

There were no public comments received.

ADMINISTRATIVE BUSINESS:

Commissioner Schimke suggested to move the regular morning meeting next week to Tuesday due to the evening meeting that is scheduled.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to move the regular scheduled meeting for next Wednesday, July 8 from 9:00 a.m. to 5:00 p.m.

Motion passed, 5-0.

A brief discussion took place regarding the Governor's executive order for the requirement to wear masks.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to have a special meeting Thursday evening at 8:00 p.m. unless staff disagrees that the Board will know what they need to know before then.

Motion passed, 5-0.

Commissioner Kaaz requested to have the check registry removed.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to accept the consent agenda for Wednesday, July 1, 2020 with the removal of the check registry.

Motion passed, 5-0.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the check registry.

Motion passed, 4-0, Commissioner Kaaz abstained.

Krystal Voth presented Resolution 2020-21, a renewal of special use permit for an RV and boat storage.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve Resolution 2020-21, a special use permit for Coble RV and boat storage for 20 years.

Motion passed, 5-0.

Ms. Voth presented Resolution 2020-22, a renewal for a special use permit for Holyfield Winery.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve Resolution 2020-22, a special use permit for Holyfield Winery for 20 years.

Motion passed, 5-0.

Paula Jaskinia, Ralph Wiggins, Stacy Schmitt, Rich Pettibon, Mark Tinberg and Sarah Williams made public comment.

A motion was made by Commissioner Schimke 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 10:10 a.m. in the meeting room of the Board. Present in executive meeting will be Commissioners Culbertson, Kaaz, Schimke, Smith and Stieben, Senior County Counselor David Van Parys and County Administrator Mark Loughry.

Motion passed, 5-0.

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

David Van Parys updated the Board of the hearing yesterday involving Fire District #1 indicating the Court has denied the motion for the Board of County Commissioners to take control of the Fire District and should remain status quo. He reported a case management hearing is set for July 21.

Commissioner Schimke inquired about the status of the Comprehensive Plan and meeting with Olsson.

Mr. Loughry indicated the Board can move forward meeting with Olsson once Chapter 7 of the plan has been reviewed.

Commissioner Schimke inquired about the management and allocation of remaining funds from city of Tonganoxie.

Mr. Van Parys reported the funds will be returned to the County Treasurer for use as designated by election that created the sales tax that funded that grant. He indicated it would then be up to the Board to decide to provide the Port Authority with discretion on the allocation of those funds.

Commissioner Smith attended the ribbon cutting at the Leavenworth County Humane Society and a township meeting at the Fairmount Fire Department indicating Fairmount will be asking the County to budget rent.

Commissioner Culbertson reported construction has begun on the Millwood Bridge.

Commissioner Schimke attended the Port Authority meeting and a meeting with Transystems on the Eastern Gateway bridge with Commissioner Culbertson.

Commissioner Kaaz will attend a meeting Friday for a Bureau of Prisons update.

Commissioner Smith announced that Cushing Memorial Hospital will be closing their doors permanently effective October 1st.

Mr. Loughry updated the Board about the CARE's Act funding.

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

Motion passed, 5-0.

The Board adjourned at 10:42 a.m.

Final Approved

RESOLUTION 2020-21

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Small Limited Business – Coble RV and Boat Storage on the following described property:

A tract of land in the North East quarter of Section 15, Township 10 South, Range 22 east of the 6th PM, in Leavenworth County, Kansas more commonly known as 22617 155th Street.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 20th day of December, 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 10th day of June, 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 1st day of July, 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:

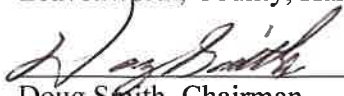
1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1st day of July, 2020, and incorporated herein by reference;

That Case No. DEV-19-140, Special Use Permit for a small limited business – Coble RV & Boat Storage approved subject to the following conditions:

1. The SUP shall be limited to a period of twenty (20) years.
2. No additional exterior lighting other than normal yard lighting.
3. Storage of all RV's, boats and similar vehicles to be within an enclosed building.
4. The applicant shall provide a certificate of liability insurance for \$1,000,000 per occurrence with Leavenworth County listed as the policy holder.
5. No signage is allowed in the right-of-way. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. This SUP shall be limited to the Narrative dated December 20, 2019 submitted with this application.
7. 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 East, also known as 22617 155th St., parcel no. 155-15-0-00-00-034.00-0 in Leavenworth County, Kansas.

Adopted this 1st day of July, 2020
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman

ATTEST



Jeff Culbertson, Member



Vicky Kaaz, Member



Chad Schimke, Member



Mike Stieben, Member



RESOLUTION 2020-22

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

Tract of Land in the southeast quarter of the southeast quarter of Section 3, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more commonly known as 18807 158th Street, Basehor, KS 66007

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 2nd day of April, 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 10th day of June, 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 1st day of July, 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:

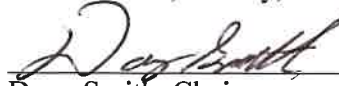
1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 1st day of July, 2020, and incorporated herein by reference;

That Case No. DEV-20-052, Special Use Permit for an Agri-Business – Holy-Field Winery be approved subject to the following conditions:

1. The SUP shall be limited to a period of 20 years.
2. The business shall be limited to the hours of 9:00 Am until 7:00 PM Monday through Sunday.
3. Special Events shall conclude by 10:30 PM Monday-Sunday.
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. This SUP shall be limited to the Narrative dated April 2, 2020 submitted with this application.
7. 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 3, Township 11 South, Range 22, also known as 18807 158th Street,
parcel no. 182-03-0-00-00-032 in Leavenworth County, Kansas.

Adopted this 1st day of July, 2020
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman

ATTEST



Jeff Colbertson, Member



Vicky Kaaz, Member



Chad Schimke, Member



Mike Stieben, Member



*****July 1, 2020*****

The Board of County Commissioners met in a work session on Wednesday July 1, 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; Becky Matzeder, Executive Secretary; Bill Noll, Infrastructure and Construction Services Director; John Richmeier, Leavenworth Times; John Matthews, Resident

A work session was held to discuss discretionary fees.

Staff will notify department heads with discretionary fees to be prepared to discuss them at budget hearings.

A work session was held to discuss a draft easement acquisition policy.

Direction was given to staff to place the policy on the agenda for approval.

The work session ended at 11:23 a.m.

Final Approved

*****July 2, 2020 *****

The Board of County Commissioners met in a special meeting on Thursday July 2, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Schimke are present; Commissioner Stieben and Commissioner Kaaz are present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jamie Miller, Public Health Officer

The Board held a special meeting to discuss Governor Kelly's executive order mandating masks in public.

Jamie Miller gave a brief statement urging mask compliance but does not agree with the mandate order.

Commissioner Smith read a news release from the Attorney General.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve Board Order 2020-3.

Motion passed, 5-0.

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

The Board adjourned at 5:30 p.m.

*****July 8, 2020*****

The Board of County Commissioners met in a regular session on Wednesday July 8, 2020. Commissioner Smith, Commissioner Schimke, Commissioner Stieben and Commissioner Culbertson are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor by phone; Becky Matzeder, Executive Secretary; Chuck Magaha, Emergency Management Director;

Residents: AW Himpel, Joe Herring, Rick Friederich

PUBLIC COMMENT:

There were no public comments received for agenda items.

ADMINISTRATIVE BUSINESS:

Chuck Magaha requested the extension of the COVID-19 emergency declaration until it is rescinded.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to sign the disaster declaration for COVID-19 response until rescinded.

Motion passed, 5-0.

Commissioner Stieben inquired about the FEMA disaster funding from the tornado last year.

Mr. Magaha reported he is still working on it indicating the State has been working on COVID response so it is taking longer to work through it.

Commissioner Kaaz requested to have the check registry removed from the consent agenda.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to accept the consent agenda for Wednesday, July 8, 2020 with the removal of the check registry.

Motion passed, 4-0 Commissioner Kaaz abstained.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the check registry.

Motion passed, 4-0. Commissioner Kaaz abstained.

Mark Loughry requested approval of Resolution 2020-24 that accepts the CARE's Act Funding.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve Resolution 2020-24.

Motion passed, 5-0.

Rick Friederich made public comment.

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

Motion passed, 5-0.

The Board adjourned at 5:20 p.m.

RESOLUTION 2020-24

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, DECLARING THE INTENT OF THE BOARD TO ACCEPT “CARES” FUNDING AS BEING NECESSARY TO PROVIDE FINANCIAL ASSISTANCE TO THE COUNTY AND OTHER UNITS OF LOCAL GOVERNMENT IN ADDRESSING THE COVID-19 PANDEMIC; DECLARING THE USES OF SAID FUNDS AND THE AVAILABILITY OF SAID FUNDS TO THE OTHER UNITS OF LOCAL GOVERNMENT OF THE COUNTY; PROVIDING FOR THE MANAGEMENT AND ACCOUNTING FOR SAID FUNDS

WHEREAS, securing the health, safety, and economic well-being of our residents is board of county commissioners of the county of Leavenworth, Kansas’s (“the board”) top priority;

WHEREAS, Leavenworth County, Kansas (“the county”) is facing both a public health and economic crisis – the pandemic and public health emergency of COVID-19 – which has resulted in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020;

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, as of this date, in the county there have been 1,171 reported positive cases of COVID-19, including 7 deaths with a likely second wave of COVID-19 cases expected in the Fall;

WHEREAS, the county must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously beginning the process of safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization;

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety, security, and welfare of the people of the county, the county has determined that the evolving public health and economic threats posed by COVID-19 require a proactive approach to provide immediate financial relief and long-term economic investment to communities within the county;

WHEREAS, in these challenging times, Leavenworth County will do whatever it can to avoid immediate dangers to the health, safety, and welfare of our constituents and prepare for future waves of COVID-19, including providing guidance and support for local municipal and educational entities who are making difficult and important decisions to protect the health and safety of their populations and facing significant economic challenges;

WHEREAS, on June 16, 2020 the State Finance Council approved the Strengthening People and Revitalizing Kansas (SPARK) Taskforce's proposal to distribute \$19,204,954 to Leavenworth County, Kansas, to help address the health and economic challenges inflicted by COVID-19 based on the county's population and impact from COVID-19 with funds provided for reimbursement of COVID-19 related costs and as direct aid unless otherwise approved by the SPARK Taskforce.

Be it resolved that, pursuant to the authority vested in this board, including the authority granted to this body by K.S.A. 19-101 et seq., in order to begin the process of safely, strategically, and proactively providing communities within the county the resources they need to both mitigate the spread of COVID-19 and invest in long-term economic recovery, the board accepts any funds appropriated to the county by the State of Kansas through the State's Coronavirus Relief Fund pursuant to the following terms designed to ensure the lawful use of funds and transparency, equity, and accountability:

1. Section 5001 of the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, as codified in 42 U.S.C. § 801, provides the eligible purposes for which Coronavirus Relief Fund ("CRF") payments may be used. Under 42 U.S.C. § 801(d) funds may be used for:
 - a. necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);
 - b. not accounted for in the budget most recently approved for the county as of March 27, 2020; and
 - c. incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
2. The following are examples of public health expenditures allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
 - COVID-19 related expenses of public hospitals or clinics
 - COVID-19 testing and quarantine costs
 - Payroll of employees substantially dedicated to COVID-19 mitigation or response
 - Expenses for establishing and operating public telemedicine capabilities
 - Technological improvements to facilitate distance learning
 - Improving telework capabilities
 - Grants to small businesses to reimburse the costs of business interruption caused by required closures

- Government payroll support program
 - Unemployment insurance costs related to COVID-19
3. The following are examples of public health expenditures NOT allowed pursuant to paragraph 1.a. above and 42 U.S.C. § 801(d):
- Damages covered by insurance
 - Payroll or benefits for employees not substantially dedicated to mitigating or responding to COVID-19
 - Expenses that will be reimbursed under any federal program
 - Reimbursement to donors for donating items or services
 - Workforce bonuses other than hazard pay or overtime
 - Severance pay
 - Legal settlements
4. Additionally, as outlined in guidance issued by the Congressional Research Service on April 14, 2020, “Coronavirus Relief Fund payments may not be used to directly account for revenue shortfalls related to the COVID-19 outbreak. Such funds, however, may indirectly assist with revenue shortfalls in cases where expenses paid for by the Coronavirus Relief Fund would otherwise widen the gap between government outlays and receipts.”
5. To ensure the effective and timely oversight of local and state spending, and pursuant to a motion passed by the SPARK Taskforce on June 2, 2020, the county will comply with the following reporting and recoupment structure:
- a. On August 15, 2020, counties will provide a first reconciliation of CRF funds. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and a plan for spending the flexible direct aid and any unused funds provided to the county pursuant to the allowable expenditures outlined in 42 U.S.C. § 801(d). The SPARK Taskforce will approve the submitted direct aid spending plan in a timely manner upon receipt.
 - i. Additionally, any funds held by the county that have not been appropriated through the county’s direct aid plan by August 15, 2020, for expenditures to occur prior to December 30, 2020, must be returned to the State for recoupment by September 15, 2020.
 - b. On September 15, 2020, counties will provide a second reconciliation of CRF funds. This reconciliation will constitute any additional receipts to be reimbursed

through the CRF and an accounting of all additional spending as approved through their respective direct aid plan.

- c. On November 1, 2020, counties will provide a third reconciliation of CRF funds. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and an accounting of all additional spending as approved through their respective direct aid plan.
 - d. On December 1, 2020, counties will provide a fourth reconciliation of CRF funds. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and an accounting of all additional spending as approved through their respective direct aid plan.
 - e. On February 1, 2021, counties will provide a fifth and final reconciliation of CRF funds. This date may be subject to change based on updated federal guidance for final federal reconciliation and recoupment deadlines. This reconciliation will constitute any additional receipts to be reimbursed through the CRF and an accounting of all additional spending as approved through their respective direct aid plan.
 - f. Any unspent funds not accounted for in the county's direct aid plan or otherwise unspent by December 30, 2020 must be returned to the State for recoupment. All reconciliation documents submitted to the SPARK Taskforce will be made publicly available by the Governor's Office of Recovery.
6. To ensure transparency and accountability in the deliberation, expenditure, and oversight processes associated with CRF funds, the county, in conjunction with the SPARK Taskforce and the Office of Recovery, will:
- a. Make publicly accessible all meetings or hearings in which CRF expenditures are considered.
 - b. Make publicly accessible any meeting materials associated with the expenditure of CRF funds, including but not limited to agendas, presentations, and minutes.
 - c. Make publicly accessible a detailed and timely accounting of CRF spending, including any financial reconciliation materials.
 - d. Create, publicize, and manage a process for non-governmental organizations, businesses, and the county's residents to provide comments on spending decisions, submit requests for new programs, and ask questions regarding CRF spending or administration.
 - e. Create, publicize, and manage a process for any local entities receiving CRF funds to report spending and outcomes.
7. To ensure that all educational and municipal entities within counties receive CRF funds to meet their respective health and economic challenges, the SPARK Taskforce Executive

Committee passed a motion on June 2, 2020, to direct counties to allocate and share CRF funding to public educational and municipal entities within their counties. Pursuant to this motion, the county, will develop and implement a process to share, allocate, account for, and recoup funds appropriated to public educational and municipal entities within their counties for reimbursement of COVID-19 related expenses and provide reasonable consideration of flexible direct aid spending requests made to the county by public educational and municipal entities pursuant to the provisions of 42 U.S.C. § 801.

- a. If a public educational or municipal entity has locations in more than one county, the entity should be treated as located in the county in which the entity's principal office or headquarters is located.
8. The COVID-19 pandemic has disproportionately impacted racial minorities within the State of Kansas, illustrating long-standing health disparities for African-American, Latino, and other racial minority populations in the United States. Accordingly, the county will consider and incorporate efforts to address such disproportionate impacts on racial minorities in its direct aid plan.
9. As provided in 42 U.S.C. § 801(f), the Inspector General of the Department of the Treasury determines whether CRF payments have been used for eligible purposes. Fund payments that are deemed to have been used for ineligible purposes are treated as a debt owed by the implementing government to Treasury. This resolution signifies that, upon approval, the county agrees to cooperate with any audits or inquiries by the Department of the Treasury concerning CRF funds and agrees to pay any debt incurred to the Department of the Treasury due to ineligible expenditures of appropriated CRF funds.
10. The county understands that the United States Department of the Treasury or the Governor's Office of Recovery may issue guidance regarding the transfer, expenditure, reimbursement, or other use of CRF funds.

This document shall be filed with the County Clerk. It shall become effective as of July 8, 2020.

RESOLVED THIS 8TH DAY OF JULY, 2020.



Doug Smith, Chairman



Jeff Gilbertson, Member



Vicky Kaaz, Member

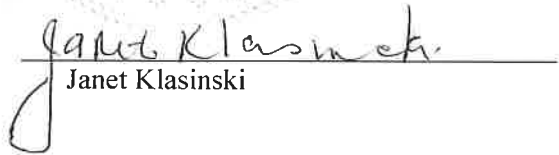


Chad Schimke, Member



Mike Stieben, Member

ATTEST:


Janet Klasinski

*****July 8, 2020*****

The Board of County Commissioners met in a public hearing for Kaw Valley Sand Quarry special use permit on Wednesday July 8, 2020. Commissioner Smith, Commissioner Schimke, Commissioner Stieben and Commissioner Culbertson are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor by phone; Becky Matzeder, Executive Secretary; Krystal Voth, Planning and Zoning Interim Director;

Residents present: Mark Tinberg, Tracy Tinberg, Andrea Harrington-Summers, Todd Donaldson, Robert Oelschlaeger, Carolyn Knutson, Larry Knutson, Andrea Bough, Justin Johl, Jessica McKinney, Dan Hayes, Zach Copeland

Commissioner Smith read the rules for the public hearing.

Krystal Voth presented Resolution 2020-23, an application for a special use permit for Kaw Valley Sand Quarry.

Justin Johl and Jessica McKinney, attorneys with Shook, Hardy and Bacon, gave a presentation for the special use permit for Kaw Valley Sand Quarry.

Jeff Franz with Kaw Valley Engineering Company spoke and answered questions from the Board.

Commissioner Smith opened public comment for anyone speaking in opposition.

Andrea Bough, Robert Oelschlaeger, Todd Donaldson, Andrea Harrington-Summers, Paula Jaskinia, Dan Yates, Ben Morgan, Angela Morgan, Anthony Schmitt, Stacy Schmitt, Mike McDonald, Wendy Pettibon by phone, Linda Koska by phone and Sarah Williams spoke in opposition.

No one spoke in favor.

Mr. Johl and Ms. McKinney gave a brief follow-up after hearing the public comments.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to table until July 15, at 9:00 a.m. regular session.

Motion passed, 5-0.

David Van Parys reiterated that the public hearing has been closed.

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

Motion passed, 5-0.

The Board adjourned at 9:21 p.m.

*****July 14, 2020*****

The Board of County Commissioners met in a budget hearing work session on Tuesday, July 14, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz by phone; Also present: Mark Loughry, County Administrator; Janet Klasinski, County Clerk; Linda Scheer, County Clerk's Office; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

The Board discussed the budget for County Commissioners.

The Board discussed the budget for the County Counselor.

The Board discussed the budget for the Leavenworth County Clerk's office to include the Election and the Human Resources budget.

The Board discussed the budget for Council on Aging.

The Board discussed the budget for the Appraiser's Office.

The Board discussed the budget for the Register of Deeds office.

The Board discussed the budget for the County Treasurer.

The Board discussed the budget for EMS and the Health Department.

The Board ended hearings at 12:06 p.m. and resumed hearings at 1:30 p.m.

The Board discussed the budget for Solid Waste.

The Board discussed the budget for Information Systems.

The Board discussed the budget for Buildings and Grounds.

The Board discussed the budget for Planning and Zoning.

The Board ended hearings at 3:36 p.m.

*****July 15, 2020*****

The Board of County Commissioners met in a regular session on Wednesday July 15, 2020. Commissioner Smith, Commissioner Schimke, Commissioner Stieben and Commissioner Culbertson are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Rhonda Berry, Community Corrections Business Manager; Tammy Saldivar, Solid Waste Director; Bill Noll, Infrastructure and Construction Services Director; Andy Dedeke, Leavenworth County Sheriff; Dan Hayes, Kaw Valley; Zach Copeland, Kaw Valley; Justin Johl with Shook, Hardy and Bacon; Jessica McKinney with Shook, Hardy and Bacon; Mitch Pleak with Olsson & Associates; Ian Dillon with Olsson & Associates; Tom Fulton with Olsson and Associates

Residents: Carolyn and Larry Spring, Alan and Paula Jasinkia

PUBLIC COMMENT:

Sarah Williams, Bem Morgan, Joel Sipp by phone, Paula Jaskinkia, Andrea Harrington-Summers made public comment.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to accept the consent agenda for Wednesday, July 15, 2020.

Motion passed, 5-0.

Rhonda Berry requested approval and signature of the chairman of the revised Behavioral Health grant accepting the amount of \$3,000.00.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the reduced amount that was granted from KDOC of \$3,000.00.

Motion passed, 5-0.

Tammy Saldivar requested approval and signature of the chairman for a grant contract with Leavenworth County and KDHE for a new comingle compactor.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the chairman to sign the grant contract between Leavenworth County and KDHE for a new comingle compactor.

Motion passed, 5-0.

Bill Noll requested approval of a land acquisition policy for County projects.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the land acquisition policy.

Motion passed, 5-0.

Sheriff Dedeke requested approval the chairman's signature of an amendment to the food service contract with Summit Food Service.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the chairman to sign the annual amendment to the food service contract with CBM Managed Services.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke 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 10:00 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 10:00 a.m. Discussion was limited to legal interests of the County and no decisions were made.

Krystal Voth presented Resolution 2020-23, a special use permit for Kaw Valley Sand Mining.

Ian Dillon, Mitch Pleak and Tom Fulton with Olsson spoke.

A motion was made by Commissioner Kaaz to approve that the application for a special use permit submitted by Kaw Valley Companies, LLC, be approved based upon the following findings and subject to the following conditions.

My motion to approve the SUP application in case DEV-19-008, the application of Kaw Valley Companies, LLC, is based upon my review and consideration of the entire record presented to me in this matter, and specifically with respect to my application of the evidence as applied to the following factors.

1. Character of the neighborhood

The neighborhood, while zoned industrial, is currently primarily comprised of large agricultural tracts with several residential properties, mostly located to the north of the subject tract and approximately ½ mile from the proposed mining site. a golf course is located south of the subject tract.

2. Zoning and uses of nearby property

The immediate area surrounding the subject tract is zoned I-3 heavy industrial. North of the subject tract, and separated from it by railroad tracks which carry a significant amount of rail traffic, is zoned RR-2.5 rural residential. The primary use of the area immediately surrounding the tract is agricultural, with residential properties approximately ½ mile from the proposed mining site and a golf course located south of the subject tract. The proposed use is allowable through the issuance of a special use permit.

3. Suitability of the property for the uses to which it has been restricted

The subject property is located within a corridor of property zoned I-3 heavy industrial. The proposed use is allowable with a SUP and is suitable for the zoning category.

4. Extent to which removal of the restrictions will detrimentally affect nearby property

If the application is approved, the surrounding area will experience an increase in heavy truck traffic. There will be an increase in noise in the area, although within acceptable limits for areas surrounding the subject tract. The impact of the increase in traffic to the nearby area will largely be reduced through the proposed road improvements that will be required and paid for by the applicant. the proposed road improvements, as outlined in the Olsson report provided to the board, will also address the detrimental effect on road safety and road surface quality resulting from the increased heavy truck traffic. The overall detrimental impact to the nearby property is minimal and addressed through the conditions proposed by staff.

5. Length of time the property has been vacant as zoned

The subject property has been used for agricultural purposes for at least the past two decades.

6. Relative gain to economic development, public health, safety and welfare

The proposed use will create jobs, will generate tax revenues to the county and will provide a needed resource, sand and gravel, for use within the county and the Kansas City metropolitan area. I find the estimated decrease in property values in the area affected by the proposed use to be speculative. The proposed use does not create any threat to public health and will have minimal environmental impact. The proposed use is, in my opinion and based upon the record, the best use of the subject property. The safety and welfare of the citizens within the areas affected by the proposed use are appropriately addressed through the conditions recommended by staff and the proposed plan for the improvement of the roads impacted. The past safety record of applicant's operations is within industry standards and the payment of local property taxes is assured by applicant and can be enforced by existing Kansas law.

7. Conformance to the comprehensive plan

The future land use map indicates the area as floodplain. The industrial mining of sand is a common land use in the floodplain areas along rivers. The proposed use is in conformity with the comprehensive plan.

My motion also includes an adoption by reference of the findings and recommendations contained in the staff report dated July 8, 2020 and the Olsson report dated June 23, 2020.

Conditions:

- 1. The SUP shall be limited to a period of 25 years with annual staff evaluations including calculation of impact fees.*
- 2. The Applicant shall bring the specified route/roadway up to County standards prior to hauling. Design and construction of the roadway shall be funded entirely by the applicant. Complete funds for the improvement shall be received by the County prior to design. Funds may need to be adjusted as the project progresses through construction. The design and construction shall be in conformity with the guidelines presented to the Board in the Olsson report dated June 23, 2020.*
- 3. A formal executed agreement between the County and the applicant dealing with all requirements and responsibilities of such improvement will be required.*
- 4. The applicants shall build a berm along the southern property line. A mixture of evergreen and deciduous trees shall be planted along the berm. The applicant shall submit a landscape plan signed and sealed by a landscape architect to staff for review and approval. The planting shall be substantial so that they provide screening and noise barrier to the golf course to their south. The trees shall be maintained throughout the duration of the special use permit.*
- 5. All operations shall not take place within 105' from the center of either 166th Street or Lenape Road. All activities shall be a minimum of 40' from the property line. All activity along the southern parcel boundary shall be a minimum of 80' from the property line.*
- 6. Machinery shall be well-maintained and lubricated to reduce noise.*
- 7. The submitted site plan shall be updated to include the addition of a 26' wide private driveway. The driveway shall apply to all sheets of the site plan.*
- 8. There shall be no truck traffic associated with the development traveling south on 166th Street into De Soto.*

9. *Jake braking will be prohibited.*
10. *Trucks shall use only the designated haul route as approved with this special use permit.*
11. *All trucks exiting the site shall be weighed and must meet legal load limits prior to exiting the site.*
12. *Trucks shall not enter the site prior to 7:00 a.m. and shall exit the site no later than 3:00pm, Monday-Friday.*
13. *Noise shall be limited to 65 dBs along property lines adjacent to Residentially Zoned Parcels.*
14. *Dredging operations shall be limited to the hours of 6:30am until 6:30pm Monday-Saturday.*
15. *The applicants shall file a Surface Mining Permit with the Kansas Department of Health and Environment. This shall be submitted to Leavenworth County upon completion.*
16. *The special use permit shall be limited to five (5) full-time employees not including truck operators.*
17. *The applicant shall comply with the recommendations in the following memorandums:*
 - a. *Chuck Magaha – Emergency Management,*
 - b. *Brittney Reed – Electric utility*
 - c. *Janelle Phillips, P.E. – State of Kansas*
 - d. *David R. Hibbs – Department of the Army*
 - e. *Larry Hook – State of Kansas*
18. *No signage is allowed in the right-of-way. No signage is requested with the special use permit. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.*
19. *No on-street parking shall be allowed.*
20. *This special use permit shall be limited to the Narrative, dated June 28, 2019 and Noise Study dated June 2019 submitted with this application.*
21. *The special use permit shall adhere to the dust control plan dated February 18, 2020 with the exception that all sand loads shall be tarped.*
22. *This special use permit shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this special use permit by the Board of County Commission all conditions listed shall be complied with and supporting documentation for such shall be provided to the Planning and Zoning Department within 30 days, with the exception of the required road design and construction. That concludes my motion.*

Commissioner Culbertson requested Commissioner Kaaz to amend her motion to include a clawback provision whereas; if other businesses go into that area, they would be required to repay Kaw Valley back for the initial investment of the road.

David Van Parys suggested language would be that an appropriate clawback provision would be calculated so as to reimburse the applicant in order to provide that they pay only their proportionate share the improvement that premised upon future development along the corridor.

Commissioner Kaaz amended her motion to include that language.

Mr. Van Parys stated it would be appropriate to insert the proposed amended language into #3 of the conditions to read: A formal executed agreement between the County and the applicant detailing all requirements and responsibilities for such improvements will be required to include an appropriate clawback provision to provide the applicant reimbursement in proportion to their share of the future use of the road.

Commissioner Kaaz indicated she would be willing to add that language to condition #3.

The motion was seconded by Commissioner Culbertson.

Mr. Van Parys reminded the Board that any final motion would be in a form of the adoption of Resolution 2020-23 as amended through discussion by the Board.

Commissioner Kaaz amended her motion to include Resolution 2020-23 as amended by discussion of the Board.

Commissioner Stieben read the Golden Rule Factors that are in opposition to the permit to include:

1. “The character of the neighborhood. Zoning notwithstanding this area has developed as primarily agricultural and residential. The character of the area is in the nature of small farms, agricultural, and country estates including a newly approved foster care community within 1000 feet of the proposed development. There is no infrastructure currently in existence to support the proposed use.
2. The zoning and uses of property nearby. Nearby property while technically zone industrial is in no means industrial in nature. It includes farms, small country estates, foster care communities and a golf course. Thus, the actual usage indicates something other than industrial. No industrial usage like sand mining has ever been present or permitted at that location.
3. The suitability of the property for the uses to which it has been restricted under its existing zoning. The area is not suitable for proposed usage as a sand mine because of its close proximity to residential housing, golf courses, farming and a residential foster care facility within 1000 feet.
4. The extent to which removal of the restrictions will detrimentally affect the nearby property. The current usage of the property has been long term over 30 years and as agricultural, residential and it includes a golf course and foster care community within 1,000 feet that this Board has approved. This is no justification or proper infrastructure to make a change to current usage. Current usage has resulted in increasing property valuations and revenues to the County. A change in usage would result in lower valuations and lower revenues to the County some estimates up to 7 million dollars worth of lower revenues to the County for one estimate and even the applicant acknowledges that the valuations and thus the amount they paid to property taxes would be lowered.
5. Length of time of any vacancy of the property. The usage has been residential, agricultural including golf courses and a foster care community over a long period of time notwithstanding the technical designation as zone industrial. The actual usage is as it has been for over 30 years.
6. Relative gain to the public, safety and welfare by destruction of the value of the applicant’s property as compared to the hardship for other individual landowners. Per the objections of the Planning and Zoning staff, County staff and the Planning Commission which voted to deny the application there are serious questions about the public safety and welfare. At this time, I

- would like to cite a couple of comments from the Sheriff. We did receive a letter from the Sheriff on the traffic input and I'll just read the conclusion. "What is the benefit to Leavenworth County? I cannot imagine any perceived benefit will surpass the cost to Leavenworth County residents in the present or future. The proposed truck route is simply not in the best interest of Leavenworth County. This business type is not in line with road construction in the manner of 222nd Street, US 24/40, K-32, Loring or other areas in that vicinity. The decision before you is important. I trust as well as all decisions you collectively make will be made from that standpoint." The enforceability of the laws, local traffic and driver compensation and what the impact would be are the points that the Sheriff reviews. I point that out as evidence in that point #6. Also, we received letters from the school district in Bonner Springs and Basehor concerned about traffic issues, safety for their school buses with so many additional trucks coming onto the roads. And we have received a letter from the Unified Government of Wyandotte County requesting safety issues be looked into before this be approved. So that is point #6. The staff recommendation is part of the Golden Rules.
7. Conformance with the Comprehensive Plan. Does the request agree with the adopted plan recommendations? The adopted Comprehensive Plan includes areas recommended for industrial use and those were cited as County Road 1 corridor and the corridors between Leavenworth, Basehor and Tonganoxie. This area was not contemplated as industrial zoned but rather as residential.

Finally, a couple of areas, in another court decision which was handed down in 1973, the special use permit at a specified location will not adversely affect the welfare or convenience of the public as a factor that we are to take into effect. Certainly, this will affect the welfare and convenience of the public. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located is another factor we are to take into effect under the court precedence. We have already been told by the applicant it's going to lower property values. So, we have evidence to know that it will cause substantial injury to those property owners. The location and size of the special use permit, the nature and intensity of the operations involved in or conducted in connection with it and the location of site with respect to streets giving access to it and the traffic are to be considered. So, the estimates on the value of the property, all of these reasons dealing with the Golden Factors which are the factors that we can consider. There are numerous reasons to validate the public, health, safety, welfare concerns of the people of that area and the courts have upheld that we are allowed as a body to value those things. And let's do, let's look at these factors, let's take them into account and let's value them. Let's value Leavenworth County, let's value that area. We have lots of country estates, people are moving in from Johnson County, they are moving in from Douglas County, they are building acreages. Folks, this does not fit in with the development in that area of what we've had in recent years."

Motion passed, 4-1, Commissioner Stieben voting nay

Commissioner Schimke will attend the Fire District #1 meeting tomorrow evening.

Commissioner Kaaz requested to add the mask requirement as a discussion item to the agenda next week.

Richard Faherty made public comment.

Mr. Van Parys reported counsel for the members of Fire District #1 have filed an extension to file their answer and indicated he intends to have no objection to the extension.

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

Motion passed, 5-0.

The Board adjourned at 11:16 a.m.

Final Approved

*****July 15, 2020*****

The Board of County Commissioners met in a budget hearing work session on Wednesday, July 15, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz by phone; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary;

The Board discussed the budget for District Court.

The Board discussed the budget for the Sheriff's Department to include Juvenile Services, Emergency Management and Security.

The Board discussed the budget for the County Attorney's Office.

The Board discussed the budget for Public Works to include Noxious Weed, Road and Bridge and Local Service Roads.

The Board ended hearings at 4:36 p.m.

Final Approved

*****July 22, 2020*****

The Board of County Commissioners met in a regular session on Wednesday July 22, 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; Rhonda Berry, Community Corrections Business Manager; Andy Dedeke, Leavenworth County Sheriff; Bill Noll, Infrastructure and Construction Services Director; Jamie Miller, EMS/Health Department Director; John Richmeier, Leavenworth Times

Residents: John Matthews

PUBLIC COMMENT:

Jessica LaDuron and Charles Urwin made public comment by phone.

ADMINISTRATIVE BUSINESS:

Mark Loughry presented the CARES Act funding policy that discusses how the funds will be distributed and spent.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to approve the CARES Act funding policy.

Motion passed, 5-0.

Commissioner Stieben amended the minutes from July 15 to insert his statement.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, July 22, 2020 as amended.

Motion passed, 5-0.

Rhonda Berry requested approval of a line item adjustment in the Juvenile Services Grant budget.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the line item adjustments for the end of 2020.

Motion passed, 5-0.

Andy Dedeke requested the chairman to sign the interlocal agreement with city of Leavenworth and Leavenworth County for the Edward Byrne Memorial Justice System Grant.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to authorize the chairman to sign the Edward Byrne Justice System Grant.

Motion passed, 5-0.

Bill Noll requested to accept the selection committee's recommendation and award bid to Finney and Turnipseed for contract engineering on the replacement of bridge SH-22 and authorize the chairman sign the contract.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to accept the selection committee's recommendation for SH-22 engineering design services and award Finney and Turnipseed in an amount not to exceed \$79,200.00.

Motion passed, 5-0.

Mr. Noll requested approval of a contract with KDOT for the high- risk rural roads signage project.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve the contract with KDOT for high risk rural roads signage project.

Motion passed, 5-0.

Commissioner Kaaz indicated she requested discussion on the masks to be placed on the agenda to educate the public as to why the mandate was unnecessary from a public health perspective.

Commissioner Stieben inquired about the Governor's Executive Order for masks in school.

David Van Parys requested time to review the order.

Jamie Miller updated the Board on statistics as to where Leavenworth County is on the coronavirus.

Commissioner Culbertson attended the Fire District #1 meeting.

Commissioner Stieben attended the Leavenworth County Women's Republican meeting.

Commissioner Kaaz listened to the Governor's conference calls last week and listened to the city of Leavenworth's Commission meeting.

Commissioner Smith will virtually attend the Basehor City Council meeting tonight and Fairmount Township meeting tomorrow night.

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

Motion passed, 5-0.

The Board adjourned at 10:36 a.m.

*****July 22, 2020*****

The Board of County Commissioners met in a budget hearing work session on Wednesday, July 22, 2020. Commissioner Smith, Commissioner Culbertson, and Commissioner Stieben are present; Commissioner Kaaz is present by phone; Commissioner Schimke is absent; Also present: Mark Loughry, County Administrator; Janet Klasinski, County Clerk; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

The Board discussed the budget for the Leavenworth County Development Corporation.

The Board discussed the budget for the Guidance Center.

The Board discussed the budget for the Leavenworth County Fair Association.

The Board discussed the budget for Riverside Resources.

The Board discussed the budget for Saint Vincent Clinic.

The Board discussed the budget for the Leavenworth County Conservation District.

The Board discussed the budget for the Leavenworth County Extension Office.

The Board discussed the budget for CASA.

The Board discussed the budget for the Alliance Against Family Violence.

The Board discussed a request for funding from the HOPE spay/Leavenworth Animal Welfare.

The Board discussed a request for funding from the Leavenworth County Humane Society.

The Board discussed a request for funding from the city of Linwood.

The Board ended hearings at 2:03 p.m.

*****July 29, 2020*****

The Board of County Commissioners met in a regular session on Wednesday July 29, 2020. Commissioner Smith, Commissioner Stieben, Commissioner Culbertson and Commissioner Schimke are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, County Counselor; Becky Matzeder, Executive Secretary; Jamie Miller, EMS/Health Department Director; Dr. Kathleen McBratney Medical Director; Dr. Richard Whitlow; Janice Van Parys, County Treasurer; Jennifer Schermbeck, Deputy County Treasurer

Residents: John Matthews, AW Himpel, Curtis Oroke,

PUBLIC COMMENT:

There were no public comments received.

ADMINISTRATIVE BUSINESS:

Jamie Miller introduced Dr. Kathleen McBratney and Dr. Richard Whitlow to answer questions about the coronavirus and mask requirements.

Commissioner Stieben indicated there have been questions about Resolution 2020-23 specifically subsection 2 a, b and c, the requirement that Kaw Valley rebuild the road to County standards asking if that was in the agreement.

Mark Loughry reported that there is no agreement but a condition of the resolution that they bring the road up to AASHTO standards for design traffic.

Commissioner Kaaz requested to have the check registry removed from the consent agenda.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the consent agenda for Wednesday, July 29, 2020 with the removal of the check registry.

Motion passed, 5-0.

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

Motion passed, 4-0, Commissioner Kaaz abstained.

Mark Loughry requested approval of a queued scheduling system from QLESS for County offices to help control access for the public.

Discussion took place regarding the walk- in traffic at the County Treasurer's office.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to approve the QLESS contract.

Motion passed, 5-0.

Commissioner Stieben inquired how the Attorney General's opinion on the Governor's executive order applies to private schools.

David Van Parys reported private schools are not under the Board of Education or a local school board therefore they would be subject to any County wide regulation adopted to any specific health mandate.

Commissioner Kaaz wanted to reiterate the decision by the Board remains as to not do to what the local health professionals have requested. She stated that although that is the consensus of the Commission, she is personally for adhering to the recommendations of the public health officials.

Two attempts were made to contact an individual that requested to make public comment.

Commissioners Schimke and Culbertson will attend the LCDC via phone conference.

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

The Board adjourned at 10:56 a.m.

Final Approved