

*****August 5, 2020*****

The Board of County Commissioners met in a regular session on Wednesday August 5, 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; Linda Lobb, Council on Aging Director; Krystal Voth, Planning and Zoning Interim Director; Bill Noll, Infrastructure and Construction Services Director;

Residents: Ed Irvine, AW Himpel, Dee Hull, Duskin Hull, Roger and Rebecca Swearingen, John Matthews, Joe Herring

PUBLIC COMMENT:

Ed Irvine, Rebecca Swearingen and Roger Swearingen made public comment on an agenda item.

ADMINISTRATIVE BUSINESS:

Mark Loughry reminded everyone of open enrollment for employee benefits.

Mr. Loughry indicated the public hearing for the budget will be August 19th.

David Van Parys reported the Court of Appeals issued an opinion on a case the County has been in litigation with for a few years indicating it dismissed the claims against the County.

Commissioner Smith inquired if the County could get the attorney fees back in this case.

Mr. Van Parys indicated if it is the consensus of the Board he will explore that option.

Mr. Van Parys stated that a companion complaint that was filed with the Kansas Human Rights Commission was also dismissed.

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

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, August 5, 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.

Linda Lobb requested the chairman's signature on a federal grant to accept funds for C1/C2 meals on wheels programs.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the federal grant FFCRA funds for our C1/C2 meals on wheels program.

Motion passed, 5-0.

Krystal Voth presented Resolution 2020-25, a special use permit for Tri Hull Crane Rental. Ms. Voth indicated a valid protest petition was submitted on July 27 which would require a super majority of 4/5 approval of the resolution

The applicant, Duskin Hull answered questions asked by the Board.

Mr. Hull requested a change in the hours of operation for the business.

Commissioner Kaaz recommended to table the SUP until all questions that have come up during the meeting have been addressed.

The Board requested that Olsson confirm they looked at the intersection of Loring Road and 24/40 as part of the summary and narrative they provided, screening implemented to address the salvage area and create a possible noise barrier, a letter from KDOT as to their recommendation of the intersection relevant to Tri Hull's usage and a proposed schedule from the applicant.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to table the SUP for Tri Hull until September 2.

Motion passed, 4-1 Commissioner Culbertson voted nay.

Ms. Voth presented Resolution 2020-26, a special use permit for Daily Driver.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve Resolution 2020-26.

Motion passed, 5-0.

Bill Noll requested approval to purchase a replacement tractor with a 22' boom mower attachment under a government Sourcewell contract.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the purchase of a replacement tractor with a 22' boom mower attachment under the government Sourcewell contract 110719.

Motion passed, 5-0.

Mr. Noll requested to accept bid from Challenger Fencing for fencing at the County Shop property.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve Public Works to enter a contract with Challenger Fence to replace existing fence and gates at Public Works location and fence the east property line of the recently acquired property in an amount not to exceed \$88,401.87 with a 5% contingency for rock drilling.

Motion passed, 5-0.

Nancy Carpenter made public comment on a non-agenda item.

Commissioner Culbertson would like to revisit what the idea of the Kaw Valley road improvement should be.

Mr. Loughry indicated there has been some discussion in regards to a development agreement and that the construction of the road will not be decided by the Board but by a professional design firm.

Mr. Van Parys gave a brief update as to the development agreement.

A brief discussion took place regarding allocations for the CARES Act funding.

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

The Board adjourned at 11:49 a.m.

Final Approved

RESOLUTION 2020-26

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for Retail Sales – Farm-Vehicles, Daily Driver LLC on the following described property:

A tract of land in the Eastern half of the North East corner of Section 7, Township 9 South, Range 22 East of the 6th P.M, in Leavenworth County, Kansas, more commonly known as 17858 Michals Road.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 22nd day of May, 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 15th day of July, 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 5th day of August, 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 15th day of July, 2020, and incorporated herein by reference;

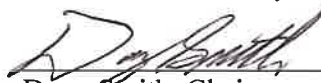
That Case No. DEV-20-075, Special Use Permit for Daily Driver LLC be approved subject to the following conditions:

1. The SUP shall be limited to a period of five (5) years.
2. The business shall be limited to the hours of 7 am to 7 pm, Monday through Sunday.
3. The business shall be limited to the sale of 15 vehicles per year.
4. The SUP shall have no employees other than the applicant.
5. The applicant shall adhere to the following memorandums:
 - a. Mitch Pleak – Olsson, June 16, 2020
6. 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.
7. No on-street parking shall be allowed.

8. The applicant shall provide a certificate of liability insurance for \$1,000,000 per occurrence with Leavenworth County listed as the policy holder.
9. This SUP shall be limited to the Narrative dated June 12, 2020 submitted with this application.
10. 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 7, Township 9 South, Range 22, also known as 17858 Michals Road, parcel no. 103-07-0-00-00-001.00-0 in Leavenworth County, Kansas.

Adopted this 5th day of August, 2020
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman



Jeff Culbertson, Member



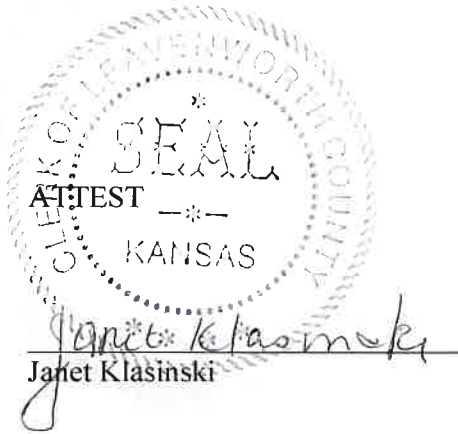
Vicky Kaaz, Member



Chad Schimke, Member



Mike Stieben, Member



*****August 12, 2020*****

The Board of County Commissioners met in a regular session on Wednesday August 12, 2020. Commissioner Smith, Commissioner Stieben, Commissioner Culbertson and Commissioner Schimke are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; Bill Noll, Infrastructure and Construction Services Director; Andy Dedeke, Leavenworth County Sheriff; Commissioner Elect Mike Smith; Paul Kramer, Leavenworth City Manager; Camalla Leonhard, Leavenworth City Commissioner; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported the County budget will be approved on August 19, 2020 but the Special Funds budget will be approved on August 26, 2020.

Commissioner Stieben indicated Kaw Valley has filed a lawsuit against Leavenworth County.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to accept the consent agenda for Wednesday, August 12, 2020.

Motion passed, 5-0.

Andy Dedeke requested approval of a contract with Wyandotte County to temporarily house juvenile offenders on a as need basis.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the Chairman, County Clerk and County Counselor to sign the agreement with Wyandotte County for housing juvenile offenders on a as need basis.

Motion passed, 5-0.

Paul Kramer requested the Eisenhower Road project include a traffic signal in the base bid before going out for bid.

It was the consensus of the Board that if the bid comes in low then the County would add the traffic signal as an alternate.

Mr. Loughry requested approval of the CARES Act funding allocations to the cities and schools.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the CARES Act Relief Fund, CRF spend plans by the public schools and four largest cities in Leavenworth County.

Motion passed, 5-0.

Commissioner Schimke will attend the LCDC meeting tomorrow.

Commissioner Smith reminded everyone to fill out the census.

Commissioner Schimke reported that Fire District #1 will have a final budget meeting on Monday and he will attend.

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

The Board adjourned at 10:03 a.m.

Final Approved

*****August 12, 2020*****

The Board of County Commissioners met in a work session on Wednesday August 12, 2020. Commissioner Smith, Commissioner Stieben, Commissioner Culbertson and Commissioner Schimke are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; Bill Noll, Infrastructure and Construction Services Director; John Richmeier, Leavenworth Times

A work session was held to discuss the 2022 sales tax project selection.

Direction was given to staff to put a call for projects out to the cities with a 50/50 mandatory cost share with a caveat that if the city pays anything over the share then that project takes priority.

Direction was given to staff to continue to apply for grants on 158th Street and if grant is approved that project moves up in priority.

Direction was given to staff to continue to apply for MARC funding on County Road 30 and get a full cost estimate.

The Board ended the work session at 11:41 a.m.

Final Approved

*****August 14, 2020*****

The Board of County Commissioners met in a regular session on Friday, August 14, 2020. Commissioner Smith and Commissioner Culbertson are present; Commissioners Kaaz and Schimke are present by phone; Commissioner Stieben is absent; Also present: Janet Klasinski, County Clerk; John Matthews representing Commissioner Stieben; Becky Matzeder, Executive Secretary;

The Board met as the Board of County Canvassers.

Janet Klasinski reported a 34% turnout for the primary election on August 4, 2020.

Ms. Klasinski reported 195 provisionals total with 102 that qualified and 93 that were not qualified.

The Board recessed until 9:30 a.m. for the Clerk to run the provisionals.

The Board reconvened at 9:30 a.m.

Ms. Klasinski requested certification of the August 4, 2020 primary election.

A motion was made by Commissioner Culbertson and seconded by John Matthews to certify the votes from the August 4 primary election.

Motion passed, 5-0.

Ms. Klasinski indicated the official results will be posted on the County website today.

A motion was made by Commissioner Culbertson and seconded by John Matthews to adjourn as the Board of County Canvassers.

Motion passed, 5-0.

The Board adjourned at 9:42 a.m.

*****August 19, 2020*****

The Board of County Commissioners met in a regular session on Wednesday August 19, 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, Senior County Counselor; Becky Matzeder, Executive Secretary; John Richmeier, Leavenworth Times

Residents: Nancy Carpenter, AW Himpel

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported the CARE's Act Funding allocations were submitted to the State last week and will know by September 15 if it was accepted.

Commissioner Stieben asked about the CARE's Act Fund broadband grant.

Mr. Loughry reported the State has initiated a second round of funds for grants that would offer programs that would extend broadband to underserved areas indicating the only issue is it has to be done by the end of the year. He reported if we can find a provider that would partner with the County, he will apply.

Commissioner Smith reported Senator Moran and the Director of the Bureau of Prisons will be in town tomorrow. Commissioners Smith and Culbertson will attend.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the consent agenda for Wednesday, August 19, 2020.

Motion passed, 5-0.

Commissioner Kaaz requested the public comment at the end of the meeting take place before the executive session.

Commissioner Smith opened the public hearing for the 2021 Leavenworth County budget.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing for the 2021 Leavenworth County budget.

Mr. Loughry indicated the budget reflects a ¼ of a mill reduction in the mill levy.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the 2021 Leavenworth County budget.

Motion passed, 5-0.

Nancy Carpenter made public comment on a non- agenda item.

Commissioner Stieben asked the administrator to clarify the nepotism policy for Leavenworth County and how that is enforced or if it can be enforced for elected officials.

Mr. Loughry indicated Leavenworth County does have a nepotism policy that talks about employing someone that would be directly or indirectly supervised by a family member, however the State has ruled that nepotism policies do not apply to elected officials.

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 the Board resume open meeting at 10:25 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 10:25 a.m. No decisions were made; topic was pending legal matters with legal counsel.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson that the Board recess for a closed executive meeting for the discussion of a subject involving the legal interests of the County as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that Board resume open meeting at 10:55 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.

The Board returned to regular session at 10:55 a.m. Discussion was limited to attorney-client privilege; no decisions were made.

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

The Board adjourned at 10:55 a.m.

*****August 19, 2020*****

The Board of County Commissioners met in a work session on Wednesday August 19, 2020. Commissioner Smith, Commissioner Stieben, Commissioner Culbertson and Commissioner Schimke are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; Becky Matzeder, Executive Secretary; Bill Noll, Infrastructure and Construction Services Director; Krystal Voth, Planning and Zoning Interim Director; John Richmeier, Leavenworth Times

A work session was held to discuss the public utilities in the county right of way.

Direction was given to staff to add penalties, table of contents, inspection and permitting and a possible relocation bond to the current policy and bring back to the Board for approval.

The Board ended the work session at 12:04 p.m.

Final Approved

*****August 26, 2020*****

The Board of County Commissioners met in a regular session on Wednesday August 26, 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, Senior County Counselor; Becky Matzeder, Executive Secretary; Janet Klasinski, County Clerk

Residents: John Matthews

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry requested approval of a letter of support for the city of Basehor on a grant application for 155th St. to Mid America Regional Council.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve a letter for support for the city of Basehor to the Mid America Regional Council.

Motion passed, 5-0.

Commissioner Smith requested a letter of support be sent to Senator Moran and the Bureau of Prison for the new prison.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to send a letter of support for the new facility to the U.S. Department of Justice, Federal Bureau of Prisons and Senator Jerry Moran's office.

Motion passed, 5-0.

Commissioner Smith indicated he received a call from a wireless internet provider requesting a letter of support for CARE's Act Funding to improve the rural broadband speed in the Basehor area.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to authorize the chairman or the Board to sign letters of support for any wireless internet company that operates in our county for expansion.

Motion passed, 5-0.

Commissioner Stieben reported the CDC removed the advisory for a 14- day quarantine for travel.

Commissioner Kaaz requested to remove the check register from the consent agenda.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the consent agenda for Wednesday, August 26, 2020 with the check register removed.

Motion passed, 5-0.

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

Motion passed, 4-0. Commissioner Kaaz abstained.

Janet Klasinski requested to approve the Leavenworth County Special Other Funds budget that includes local service road and bridge and sewer districts.

Commissioner Smith opened the public hearing.

No one spoke in favor or opposition.

Commissioner Smith closed the public hearing.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Resolution 2020-30.

Motion passed, 5-0.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the Leavenworth County Special Other Funds budget for 2021.

Motion passed, 5-0.

Commissioner Kaaz attended the Fire District #1 meeting, participated in the Workforce Development meeting via zoom and listened to the city of Leavenworth meeting.

Commissioner Smith and Kaaz will attend the JCAB meeting tomorrow.

Commissioners Culbertson and Schimke will attend the Port Authority meeting.

Commissioner Stieben complimented the Public Works Department for quickly responding to citizen's concerns.

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 interest 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 9:50 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 9:50 a.m. Discussion was limited to the legal interests of the County; no decisions were made and no action taken.

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

Motion passed, 5-0.

The Board adjourned at 9:52 a.m.

RESOLUTION NO. 2020-30

A resolution expressing the property taxation policy of the Leavenworth County Special - Other Funds governing body with respect to financing the annual budget for 2021

Whereas, K.S.A. 79-2925b, as amended, provides that a levy of property taxes to finance the 2021 budget of the Leavenworth County Special - Other Funds exceeding the amount levied to finance the 2020 budget of the Leavenworth County Special - Other Funds, as adjusted to reflect changes in the Consumer Price Index for All Urban Consumers for calendar year 2019, be authorized by a resolution adopted in advance of the adoption of a budget supported by such levy; and

Whereas, K.S.A. 79-2925b, as amended, also provides that current year revenue that is produced and attributable to the taxation of (1) new improvements, (2) increased personal property valuation other than increased valuation of oil and gas leaseholds and mobile homes, (3) property located within added jurisdictional territory, and (4) property which has changed in use shall not be considered when determining whether revenue produced from property tax has increased from the preceding year; and

Whereas, Leavenworth County Special - Other Funds provides essential services to its citizens; and

Whereas, the cost of providing these services continues to increase.

NOW, THEREFORE, BE IT RESOLVED by the Leavenworth County Special - Other Funds governing body that a levy of property taxes in support of the 2021 budget exceeding the amount levied in 2020, as adjusted pursuant to K.S.A. 79-2925b, as amended, is hereby approved.

Adopted this 26th day of August, 2020 by the Leavenworth County Special - Other Funds governing body, Leavenworth County, Kansas.

Leavenworth County Special - Other Funds Governing Body

