

*****September 2, 2020 *****

The Board of County Commissioners met in a regular session on Wednesday September 2, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator is absent; David Van Parys, Senior County Counselor; Becky Matzeder, Executive Secretary; Krystal Voth, Planning and Zoning Director; Bill Noll, Infrastructure and Construction Services Director;

Residents: Ben Brassfield, Ed Irvine, Roger and Becky Swearingen, Dee Hull, Duskin Hull, Luke Faherty, Joe Carey, Becky Carey, Megan Carey, Sarah Carey; James Tingle

PUBLIC COMMENT:

James Tingle, Ed Irvine, Becky Swearingen and Roger Swearingen made public comment on an agenda item.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the consent agenda for Wednesday, September 2, 2020.

Motion passed, 5-0.

Krystal Voth presented Resolution 2020-27, a renewal of a special use permit for Trinity Childcare Facility.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve Resolution 2020-27.

Motion passed, 5-0.

Ms. Voth presented Resolution 2020-28 a request for a special use permit for B&G Automotive indicating staff has recommended denial however, the Planning Commission recommended approval.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve Resolution 2020-28 a permit for B&G Automotive including conditions set forth by the Planning and Zoning Department.

The applicant, Ben Brassfield commented.

Commissioner Culbertson amended his motion to say excluding the driveway culvert condition. Commissioner seconded the amendment to the motion.

Motion passed, 5-0

Ms. Voth presented Resolution 2020-29, amending the articles of the 2006 Zoning and Subdivision regulations, Article 43, cross access easements.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve Resolution 2020-29.

Motion passed, 4-1 Commissioner Kaaz voted nay.

Ms. Voth requested to table Resolution 2020-25 to November 4 until KDOT provides information the Board has requested with regards to the intersection at 24/40 and Loring Road.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to table Resolution 2020-25 until November 4, 2020.

Motion passed, 4-1 Commissioner Culbertson voted nay.

Commissioners Schimke and Culbertson attended the Leavenworth County Port Authority meeting last week.

Commissioner Kaaz listened to the Leavenworth City Commission meeting last night indicating Jamie Miller will be a guest speaker at their Town Hall meeting tomorrow at 11:00 a.m.

Commissioner Stieben reported on a possible traffic light study at K-32 and 158th St through Kansas Cost Share.

Commissioners Kaaz and Schimke will attend the selection process for the engineering firm on the Eisenhower Road project.

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

Motion passed, 5-0.

The Board adjourned at 10:09 a.m.

Final Approved

RESOLUTION 2020-27

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Childcare Facility – Trinity Childcare Facility on the following described property:

A tract of land in the East Half of the West Half of the South 30 acres of the Southwest Quarter of the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the Sixth P.M., less that part used for road, in Leavenworth County, Kansas, more commonly known as 16928 Evans Road, Basehor, KS.

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 13th 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 12th day of August, 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 2nd day of September, 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 2nd day of Septemeber, 2020, and incorporated herein by reference;

That Case No. DEV-20-062, Special Use Permit for a Childcare Facility – Trinity Childcare Facility approved subject to the following conditions:

1. The SUP shall be limited to a period of twenty (20) years.
2. The business shall be limited to the hours of 6 am to 6 pm, Monday through Friday
3. The SUP shall be limited to 28 employees.
4. The applicant shall adhere to the following memoranda:
 - a. Chuck Magaha – Emergency Management, June 2, 2020
 - b. Mitch Pleak – Olsson, June 9, 2020
5. No signage is allowed in the right-of-way. No additional signage is requested with the SUP. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
6. No on-street parking shall be allowed.

7. The applicant shall provide a certificate of liability insurance for \$1,000,000 per occurrence with Leavenworth County listed as the policy holder.
8. This SUP shall be limited to the Narrative dated May 13, 2020 submitted with this application.
9. 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 9, Township 11 South, Range 22, also known as 16928 Evans Road, parcel no. 182-09-0-00-00-014.00 in Leavenworth County, Kansas.

Adopted this 2nd day of September, 2020
Board of County Commission
Leavenworth, County, Kansas



Janet Klasinski
Janet Klasinski

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

RESOLUTION 2020-28

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for an automotive repair shop– B&G Automotive on the following described property:

Lot 24, Westbrook Subdivision, Phase No. 2 in Leavenworth County, Kansas, also known as 20271 167th Street, Leavenworth, Kansas 66048.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 25th day of June, 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 12th day of August, 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 2nd day of September, 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 2nd day of September, 2020, and incorporated herein by reference;

That Case No. DEV-20-090, Special Use Permit for an Automotive Repair Shop – B&G Automotive approved subject to the following conditions:

1. The SUP shall be limited to a period of three (3) years.
2. The business shall be limited to the hours of 8:00 AM until 5:30 PM Monday-Friday and 8:00 AM until 12:00PM Saturday.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$1,384.82.
4. The SUP shall be limited to two full-time employees and one part-time employee.
5. The applicant shall update the site plan to indicate a designated parking area. The parking area shall be sized for not more than five (5) vehicles. All vehicles shall be either contained within the shop or on the designated parking area.
6. There shall be no storage of parts or junk vehicles outside.
7. All floor drains connected to the septic system shall be capped or plugged. Other drains shall collect all automotive fluids for proper disposal.

8. There shall be no on-site retail sales.
9. The applicant shall adhere to the following memorandums:
 - a. Chuck Magaha – Emergency Management, July 15, 2020
10. 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.
11. No on-street parking shall be allowed.
12. This SUP shall be limited to the Narrative dated June 25, 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 331, Township 10 South, Range 22, also known as 20271 167th Street, parcel no. 158-33-0-00-00-010.01 in Leavenworth County, Kansas.

Adopted this 2nd day of September, 2020
 Board of County Commission
 Leavenworth, County, Kansas



 Doug Smith, Chairman



 Jeff Culbertson, Member



 Vicky Kaaz, Member

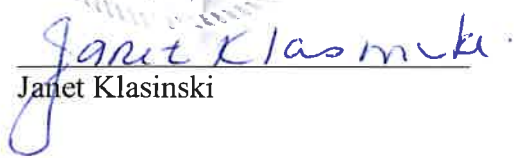


 Chad Schimke, Member



 Mike Stieben, Member





 Janet Klasinski

RESOLUTION 2020-29

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

ARTICLE 43 – CROSS ACCESS EASEMENTS

Section 1. OVERVIEW

The purpose of this policy is to allow an administrative approval procedure for divisions of land to accommodate rural residential development within Leavenworth County where it is not desired by the applicant to build internal roads to County Standards. These developments shall be known as “Cluster Development” and they shall be accompanied by a subdivision plat in accordance with the Leavenworth County Zoning and Subdivision Regulations. These developments should be thoughtfully considered and should give forethought to future development.

Section 2. PROCEDURES

1. Cross Access Easements shall accompany a request for a subdivision development which shall be known as “Cluster Development.” The subdivision plat shall be subject to the requirements of the zoning district set forth in the Leavenworth County Zoning and Subdivision Regulations.
 - a. Parcels located within a Cluster Development shall be subject to the zoning district requirements for lot area and lot frontage in which the tract of land is located.
 - b. Parcels which are located within a Cluster Development shall be serviced by a “Cross Access Easement.” A Cross Access Easement shall provide access to each lot within a cluster development, but will in no way be considered a public, county-maintained road.
 - c. Lots within Cluster Developments shall be situated so that all lots are accessed by the cross-access easement. Cross access easements shall be subject to the Leavenworth County Access Management policy requirements for driveway spacing.
 - d. Cluster Developments with cross access easements shall not be permitted within 660’ of an incorporated city
2. The cross access easement shall be established by separate legal instrument and shall be recorded with the Leavenworth County Register of Deeds. A separate restrictive covenant that encompasses, by legal description, the entire development must be filed in conjunction with the easement. The covenant shall clearly state that maintenance of the cross access easement is the sole responsibility of the developer and/or the future property owners of the properties the CAE provides access to. The covenant shall clearly state the cross access easement is not a public right-of-way and will in no way be maintained by the County.
3. If any portion of the development lies within a FEMA designated regulatory floodplain, or if drainage channel or swales exist on the development that carry runoff from adjacent property, the FEMA designated regulatory floodplain, channel or swale shall be protected by grant of an easement according to the same standards that apply to typical subdivisions. Maintenance of the drainage easement shall be the responsibility of the property owner.

Section 3. ACCESS AND ROAD STANDARDS

1. A cluster development with an access easement shall have direct access to a fully maintained public road.
2. Only one access point shall be allowed for the entire development.

3. When established as part of a cluster development, the road and drainage plans submitted to County Staff shall be prepared and sealed by an engineer licensed in the State of Kansas.
4. There will be no consideration by the County to assume responsibility of the cross access easement until the cross access easement is built to the current County standard in place at the time the request is made to accept the roadway. Any improvements or upgrades will be the sole responsibility of the developer and/or the owners of the properties being accessed by the CAE.

Section 4. AMENDMENTS TO THE DEVELOPMENT

1. Any further division for development purposes is prohibited until an amended Replat is approved by the Governing Body and recorded with the Register of Deeds.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 12th day of August, 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 amendment be approved, as set forth; and


WHEREAS, the Board of County Commission considered, in session on 2nd day of September, 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 2nd day of September, 2020 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 2nd day of September, 2020
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman



Jeff Culbertson, Member

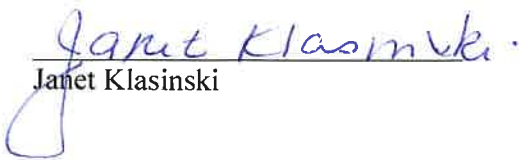


Vicky Kaaz, Member




Chad Schimke, Member





Janet Klasinski


/s/ Mike Stieben, Member

*****September 9, 2020*****

The Board of County Commissioners met in a regular session on Wednesday September 9, 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, Senior County Counselor; Becky Matzeder, Executive Secretary; Bill Noll, Infrastructure and Construction Services Director; Krystal Voth, Planning and Zoning Director, Jamie Miller, EMS Director

Residents: John Matthews, Joe Herring, AW Himpel, Gerald Hartshorn

PUBLIC COMMENT:

There were no public comments on agenda items.

ADMINISTRATIVE BUSINESS:

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

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to accept the consent agenda for Wednesday, September 9, 2020 minus the check registry.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to accept the check registry part of the consent agenda.

Motion passed, 4-0. Commissioner Kaaz abstained.

Jamie Miller requested approval of a lease agreement with Fairmount Township Board for EMS services in their building.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to authorize the chairman to sign the lease agreement with Fairmount Township Fire Board.

Motion passed, 5-0.

A brief discussion took place regarding COVID-19 testing.

Bill Noll requested to purchase four replacement dump trucks and an anti-ice tank from Truck Center Companies.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the low bid by Truck Center Services for the replacement of four dump trucks and an anti-ice tank.

Motion passed, 5-0.

Mr. Noll requested to accept the selection committee recommendation and award bid to MHS for construction engineering services for the Eisenhower Road project.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the selection committee recommendation for Eisenhower Road construction inspection services to McAfee Henderson Service Solutions, MHS.

Motion passed, 5-0.

Krystal Voth presented recommendations for building codes for new construction to include the 2006 International Residential Code and International Building Code as the best place to start with regards to the ease of the implementation. Ms. Voth reported the next steps would be the adoption of a resolution, a public hearing and establish a board of appeals.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to schedule a public hearing for October 21, draft a resolution that is needed, to provide public notice in the newspaper as required and begin the establishment of a board of appeals.

Motion passed, 4-0, Commissioner Culbertson abstained.

Commissioner Stieben will attend a neighborhood watch meeting at High Prairie Point.

Commissioners Schimke and Kaaz will attend the LCDC meeting tomorrow.

Commissioner Smith reported September is suicide awareness month.

Commissioner Kaaz reported the Leavenworth County Suicide Prevention Coalition has a Facebook page that has resources available.

Commissioner Schimke indicated the city of Lansing had a firework display over the weekend indicating they did a great job.

Commissioner Smith reported the city of Basehor will have a car show on Saturday, September 12.

Gerald Hartshorn made public comment about a non- agenda item.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke that this Board recess from open session and go into a closed executive session to discuss personnel matters of non-elected personnel as justified by K.S.A. 75-4319(b)(1) and to protect the privacy interests of the persons involved and that this Board resume open session in this meeting room at 10:15 a.m. Present in the executive session will be Commissioners Culbertson, Kaaz, Smith, Schimke and Stieben, County Administrator Mark Loughry and Senior County Counselor David Van Parys.

Motion passed, 5-0.

The Board returned to regular session at 10:15 a.m. No decisions were made, discussion was limited to non-elected personnel.

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

Motion passed, 5-0.

The Board adjourned at 10:16 a.m.

*****September 16, 2020 *****

The Board of County Commissioners met in a regular session on Wednesday September 16, 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, Senior County Counselor; Becky Matzeder, Executive Secretary; Aaron Yoakum, Buildings and Grounds Director; Bill Noll, Infrastructure and Construction Services Director; David Arteberry, Stifel, Nicolaus & Co.

Residents: AW Himpel, John Matthews

PUBLIC COMMENT:

There were no public comments on agenda items.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to accept the consent agenda for Wednesday, September 16, 2020.

Motion passed, 5-0.

Aaron Yoakum requested approval of a bid from Astrophysics for security items for the Courthouse.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the GSA estimate from Astrophysics for security items for the Courthouse to include 2 X-ray machines, 2 metal detectors and 2 hand held metal detectors and to approve Mr. Yoakum to sign.

Motion passed, 5-0.

Mark Loughry reported temporary notes were issued for the financing of various road projects indicating the County will go ahead with the bond.

David Arteberry updated the Board on the bond schedule for the sales and closing of the bond issue.

Bill Noll presented an update on the Eastern Gateway concept.

Commissioner Culbertson will organize a committee to put the Eastern Gateway concept in the forefront and come back to the Board.

Commissioner Smith reminded everyone to participate in the census.

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 11:05 a.m. in the meeting room of this 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

David Van Parys requested the motion be amended to include Mr. Chris Higle.

Commissioner Culbertson amended his motion to include Mr. Chris Higle.

Motion passed, 5-0.

The Board returned to regular session at 11:05 a.m. No decisions were made and discussion was limited to the legal interests of the County.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke that this Board recess from open session and go into a closed executive session for a preliminary discussion on the acquisition of real property as justified by K.S.A. 75-4319(b)(6) and that this Board resume open session in this meeting room at 11:30 a.m. Present in the executive session will be Commissioners Culbertson, Kaaz, Smith Schimke and Stieben, County Administrator Mark Loughry and Senior County Counselor David Van Parys.

Motion passed, 5-0.

The Board returned to regular session at 11:30 a.m. No decisions were made and discussion was limited to the preliminary discussion on property acquisition.

Commissioner Stieben attended a neighborhood watch meeting.

Commissioner Culbertson attended the city of Easton meeting to go over COVID-19 funds with them.

Commissioner Kaaz attended an executive meeting for Fire District #1.

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

Motion passed, 5-0.

The Board adjourned at 11:32 a.m.

*****September 23, 2020*****

The Board of County Commissioners met in a regular session on Wednesday September 23, 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, Senior County Counselor; Becky Matzeder, Executive Secretary; Bill Noll, Infrastructure and Construction Services; Jamie VanHouten, Community Corrections Director; Rhonda Berry, Business Manager; John Richmeier, Leavenworth Times

Residents: John Matthews

PUBLIC COMMENT:

There were no public comments on agenda items.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported the CARES Act Committee will meet this afternoon to review expenditures and next week a policy will be presented for approval for the grant application funds for the human service sector.

Mr. Loughry indicated the deadline for grant applications was originally October 1, 2020 however, he proposed a November 1, 2020 deadline due to the State just approving the County financials last week.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to move the date to November 1st for the deadline for applications.

Motion passed, 5-0.

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

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to accept the consent agenda for Wednesday, September 23, 2020 minus the check registry.

Motion passed, 5-0.

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

Motion passed, 4-0 Commissioner Kaaz abstained.

The Board considered a voting delegate and two alternates for the Kansas Association of Counties virtual conference.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson that the delegate appointed to the Kansas Association of Counties for Leavenworth County be Commissioner Vicky Kaaz, the alternate delegates will be Commissioner Culbertson and Commissioner Schimke.

Motion passed, 5-0.

Mr. Loughry introduced Jamie VanHouten as the new director of Community Corrections.

Rhonda Berry requested approval of the carryover reimbursement budget for the adult funds.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to authorize the chairman to sign the carryover reimbursement.

Motion passed, 5-0.

Ms. Berry requested approval of the carryover reimbursement budget for the juvenile funds.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to authorize the chairperson to sign the juvenile carryover.

Motion passed, 5-0.

Ms. Berry informed the Board there is a vacancy on the Juvenile Advisory Board and will advertising for that position.

Ms. Berry requested approval of the 2020 Year End Outcome Report.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the quarterly and year end outcome report.

Motion passed, 5-0.

Commissioner Schimke attended the Fire District #1 meeting on Monday indicating they are looking for guidance on the CARES Act fund allocation.

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

Commissioner Smith attended the MARC meeting yesterday via Zoom. He reported the Alliance Against Family Violence is hosting a contactless barbeque at Haymarket Square on Saturday, September 26.

Commissioner Kaaz participated in the Workforce Partnership meeting yesterday.

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

Motion passed, 5-0.

The Board adjourned at 9:57 a.m.

*****September 23, 2020*****

The Board of County Commissioners met in a work session on Wednesday September 23, 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 asphalt maintenance costs.

The Board ended the work session at 11:45 a.m.

Final Approved

*****September 30, 2020*****

The Board of County Commissioners met in a regular session on Wednesday September 30, 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, Senior County Counselor; Becky Matzeder, Executive Secretary; Bill Noll, Infrastructure and Construction Services; Krystal Voth, Planning and Zoning Director; Sonya Murphy, 4-H Youth Development Agent for Extension Office; David Arteberry Stifel, Nicholas & Co.

Residents: John Matthews, Noel Yungeberg, Brianna Yungeberg, Leslie Gasin, Joe Herring, Liz Novo-Gradac, Kelsey Theis, Malia Pebley, Laura Helton, Dennis Scott

PUBLIC COMMENT:

Greg Kuhlman by phone, Brianna Yungeberg, Joe Herring and Liz Novo-Gradac made public comment on agenda items.

It was the consensus of the Board to remove Hi-Point plat from the consent agenda.

ADMINISTRATIVE BUSINESS:

Sonya Murphy presented a proclamation for National 4-H week for the week of October 4-10.

Kelsey Theis and Malia Pebley spoke about their 4-H experiences.

Mark Loughry clarified the sick leave buy back policy for employees that are retiring.

Mr. Loughry also clarified the tuition reimbursement policy.

Commissioner Kaaz congratulated Joan Lowdon who was appointed as the first female judge to the First Judicial District.

Commissioner Stieben asked if the notifications for the County Road 1 rezone were still effective.

David Van Parys indicated they were but would like time to review any proposed changes that occurred in the interim.

Commissioner Stieben inquired about rezoning north of Hemphill Road and keeping the light industrial zone by the turnpike entrance.

Mr. Van Parys indicated additional notice would need to occur for rezoning.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to relocate the Hi-Point Estates plat to the agenda and otherwise approve the consent agenda for Wednesday, September 30, 2020.

Motion passed, 5-0.

Mr. Loughry requested approval of the CARES Act Relief Funds Human Services Grant Application Policy and Procedure.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the CARES Act Relief Funds Human Services Grant Application Policy.

Motion passed, 5-0.

David Artberry presented Resolution 2020-31, authorizing the offering for sale of general obligation sales tax bonds.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Resolution 2020-31, authorizing the offering for sale of general obligation sales tax bonds.

Motion passed, 5-0.

Bill Noll requested approval of the utility accommodation policy and approval of Resolution 2020-36.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the utility accommodation policy Resolution 2020-36.

Motion passed, 5-0.

Krystal Voth presented Resolution 2020-32, a renewal of a special use permit for Gauger's Little Bullies.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Resolution 2020-32, a special use permit for Gauger's Little Bullies dog kennel.

Motion passed, 5-0.

Ms. Voth presented Resolution 2020-33, a special use permit for Scott Racing Engines.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve Resolution 2020-33, a request for a special use permit for Scott Racing Engines.

Motion passed, 5-0.

Ms. Voth presented Resolution 2020-34, a request for a rezone from RR 2.5 to I-2.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Resolution 2020-34, rezoning from RR 2.5 to I-2, light industry.

Motion passed, 5-0.

Ms. Voth presented Resolution 2020-35, a request for a rezone from RR-2.5 to RR-1.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to update the sanitary sewer code and submit to KDHE for approval.

Motion passed, 5-0.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to table Resolution 2020-35.

Motion passed, 5-0.

Discussion took place regarding the final plat for Hi-Point with regards to driveway access.

Direction was given to staff to amend policy to reflect location of driveway versus distance and limit the number of driveways.

A motion was made by Commissioner Schinke and seconded by Commissioner Stieben that staff work with the Hi -Point estate applicant to include new language variant to the current access management policy.

Motion passed, 5-0.

Commissioner Smith attended the Fairmount Township meeting last week.

Commissioner Kaaz attended the Fire District #1 meeting last Friday.

Commissioners Culbertson and Stieben will attend the Port Authority meeting today.

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

Motion passed, 5-0.

The Board adjourned at 12:00 p.m.

Final Approved

LEAVENWORTH COUNTY, KANSAS

GENERAL OBLIGATION SALES TAX BONDS, SERIES 2020-A

1. Excerpt of Minutes – Resolution authorizing offering for sale of Bonds
 2. Resolution authorizing offering for sale of Bonds
 3. Notice of Bond Sale
 4. Summary Notice of Bond Sale
 5. Kansas Register publication form
 6. Official Bid Form
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**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
LEAVENWORTH COUNTY, KANSAS
HELD ON SEPTEMBER 30, 2020**

The governing body met in regular session at the usual meeting place in the County, at 9:00 a.m., the following members being present and participating: Chairman Doug Smith, Commissioners Vicky Koza and Mike Stieber, Chad Schimke and Jeff Culbertson

Absent: none.

The Chairman declared that a quorum was present and called the meeting to order.

(Other Proceedings)

The matter of providing for the offering for sale of General Obligation Sales Tax Bonds, Series 2020-A, came on for consideration and was discussed.

Commissioner Culbertson presented and moved the adoption of a Resolution entitled:

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL
OBLIGATION SALES TAX BONDS OF LEAVENWORTH COUNTY, KANSAS.**

Commissioner Schimke seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: 5

Nay: 0

The Chairman declared the Resolution duly adopted; the Clerk designating the same Resolution No. 2020-31.

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of Leavenworth County, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.



Janet Klasmala
Clerk

RESOLUTION NO. 2020-31

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION SALES TAX BONDS OF LEAVENWORTH COUNTY, KANSAS.

WHEREAS, Leavenworth County, Kansas (the “Issuer”) is authorized under K.S.A. 12-187 *et seq.* (the “Act”), to incur indebtedness and to issue and sell general obligation sales tax bonds of the Issuer to evidence such indebtedness for the purpose of financing certain public facilities upon obtaining the approval of at least a majority of the qualified electors of the Issuer voting on the question; and

WHEREAS, pursuant to Resolution No. 2014-41 and K.S.A. 12-187 *et seq.* (the “Act”), a special election was duly held in the Issuer on February 3, 2015, on the question of whether to issue the general obligation sales tax bonds of the Issuer in the amount of not to exceed \$40,000,000 for the purpose of providing funds to finance capital improvements, infrastructure, facilities, the purchase of equipment, debt reduction and economic development projects in the county and cities within the county (collectively the “Project”), and it was found and determined that more than a majority of the qualified electors of the Issuer voting on the question had voted in favor of the issuance of said bonds for the purpose aforesaid; and

WHEREAS, pursuant to Resolution No. 2016-35, K.S.A. 68-580 *et seq.* and Charter Resolution 2016-1, the Issuer has previously authorized certain road improvements described as follows:

1. The improvement of 147th Street from Fairmount Road to Parallel Road;
2. The improvement of McIntyre Road from K-7/U.S. 73 Highway to K-5 Highway;
3. The improvement of Eisenhower Street (County Road 34) from approximately one-half mile east of 20th Street of the City of Leavenworth to County Road 5; and
4. The improvement of the secondary road system of the County;

(collectively, the “Road Improvements”); and

WHEREAS, the Issuer has previously issued \$8,770,000 principal amount of General Obligation Temporary Notes, Series 2019-1 (the “Existing Notes”) for the purposes of temporarily financing a portion of the Road Improvements; and

WHEREAS, the Issuer desires to issue a portion of such general obligation sales tax bonds authorized at the February 3, 2015 election in order to permanently finance a portion of the costs of the Road Improvements and to retire the Existing Notes; and

WHEREAS, the Issuer hereby selects the firm of Stifel Nicolaus & Company, Incorporated, Kansas City, Missouri (“Municipal Advisor”), as municipal advisor for one or more series of general obligation sales tax bonds of the Issuer to be issued in order to provide funds to permanently finance the Improvements; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of said general obligation sales tax bonds and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation sales tax bonds; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor and Gilmore & Bell, P.C., Kansas City, Missouri, the Issuer’s bond counsel (“Bond Counsel”), in conjunction with the Clerk to

proceed with the preparation and distribution of a preliminary official statement and notice of bond sale and to authorize the distribution thereof and all other preliminary action necessary to sell said general obligation sales tax bonds.

BE IT RESOLVED BY THE GOVERNING BODY OF LEAVENWORTH COUNTY, KANSAS, AS FOLLOWS:

Section 1. The Issuer is hereby authorized to offer for sale the Issuer's General Obligation Sales Tax Bonds, Series 2020-A (the "Bonds") described in the Notice of Bond Sale, which is hereby approved in substantially the form presented to the governing body this date. Proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in said Notice of Bond Sale, and shall be reviewed by the Chairman, Municipal Advisor and Bond Counsel, as soon after the submittal hour as possible. All proposals for the purchase of the Bonds shall be delivered to the Governing Body at its meeting to be held the following day, at which meeting the Governing Body shall review such proposals and ratify the award of the sale of the Bonds or the rejection of all proposals.

Section 2. The Chairman and Clerk, in conjunction with the Municipal Advisor and Bond Counsel, are hereby authorized to cause to be prepared a Preliminary Official Statement, and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Bonds.

Section 3. The Clerk, in conjunction with the Municipal Advisor and Bond Counsel, is hereby authorized and directed to give notice of said bond sale by publishing a summary of the Notice of Bond Sale not less than 6 days before the date of the bond sale in a newspaper of general circulation in Leavenworth County, Kansas, and the *Kansas Register* and by distributing copies of the Notice of Bond Sale and Preliminary Official Statement to prospective purchasers of the Bonds.

Section 4. For the purpose of enabling the purchaser of the Bonds (the "Purchaser") to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), the County Administrator and Clerk or other appropriate officers of the Issuer are hereby authorized: (a) to approve the form of said Preliminary Official Statement and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Chairman, Clerk and the other officers and representatives of the Issuer, the Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Bonds, including execution of a fiduciary engagement agreement between the Issuer and the Municipal Advisor in substantially the form attached hereto as *Exhibit B* and make provision for payment of the Existing Notes.

Section 7. The sale of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means. All documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. This Resolution shall be in full force and effect from and after its adoption.


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ADOPTED by the governing body on September 30, 2020.

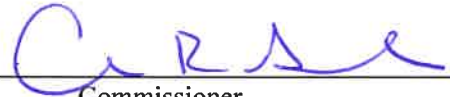
(SEAL)


Chairman


Commissioner

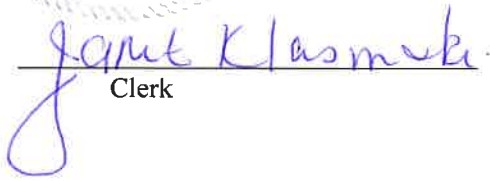

Commissioner


Commissioner


Commissioner



ATTEST:


Clerk

NOTICE OF BOND SALE

LEAVENWORTH COUNTY, KANSAS

\$8,900,000*

**GENERAL OBLIGATION SALES TAX BONDS
SERIES 2020-A**

(GENERAL OBLIGATION SALES TAX BONDS PAYABLE
FROM UNLIMITED AD VALOREM TAXES)

Bids. Bids for the purchase of the above-referenced bonds (the “Bonds”) of Leavenworth County, Kansas (the “Issuer”) herein described will be received, until 12:00 p.m., Central Time (the “Submittal Hour”), on

OCTOBER 20, 2020

(the “Sale Date”). Bids may only be submitted via **PARITY®** or via email to the Municipal Advisor at arteberryd@stifel.com. Facsimile bids and hand-delivered written bids **will not** be accepted.

All bids will be publicly evaluated at said time and place and the award of the Bonds to the successful bidder (the “Successful Bidder”) will be ****[acted upon immediately thereafter by the Chairman of the Board of County Commissioners, and ratified][considered]**** by the governing body at its meeting to be held at 9:00 a.m. on October 21, 2020. No oral or auction bids will be considered. Capitalized terms not otherwise defined herein shall have the meanings set forth in the hereinafter referenced Preliminary Official Statement relating to the Bonds.

Terms of the Bonds. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof (the “Authorized Denomination”). The Bonds will be dated November 18, 2020 (the “Dated Date”), and will become due in principal installments on March 1 in the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2021	\$605,000	2030	\$520,000
2022	395,000	2031	540,000
2023	410,000	2032	560,000
2024	425,000	2033	575,000
2025	440,000	2034	595,000
2026	455,000	2035	620,000
2027	470,000	2036	640,000
2028	485,000	2037	660,000
2029	505,000		

The Bonds will bear interest from the Dated Date at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2021 (the “Interest Payment Dates”).

Adjustment of Issue Size. The Issuer reserves the right to increase or decrease the total principal amount of the Bonds or the schedule of principal payments described above, depending on the purchase price and interest rates bid, by the Successful Bidder. The Successful Bidder may not withdraw its bid or change the purchase price or interest rates bid as a result of any changes made to the principal amount of the Bonds or the schedule of principal payments as described herein. If there is an increase or decrease in the final aggregate

* Preliminary; subject to change. See “Adjustment of Issue Size” herein.

principal amount of the Bonds or the schedule of principal payments as described above, the Issuer will notify the Successful Bidder by means of telephone or facsimile transmission, subsequently confirmed in writing, no later than 2:00 p.m. applicable Central Time, on the Sale Date. The net production as a percentage of the principal amount of the Bonds generated from the bid of the Successful Bidder will not be decreased as a result of any change to the total principal amount of the Bonds or the schedule of principal payments described herein. Notwithstanding the requirements of the section entitled "Establishment of Issue Price," if requested by the Municipal Advisor, the Successful Bidder shall within 20 minutes of such request provide the Municipal Advisor with the initial offering prices of the Bonds to the public so as to allow for proper resizing of the Bonds.

Place of Payment. The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The principal of each Bond will be payable at maturity or earlier redemption to the owner thereof whose name is on the registration books (the "Bond Register") of the Bond Registrar (the "Registered Owner") upon presentation and surrender at the principal office of the Paying Agent. Interest on each Bond will be payable to the Registered Owner of such Bond as of the fifteenth day (whether or not a business day) of the calendar month next preceding each Interest Payment Date (the "Record Date") (a) mailed by the Paying Agent to the address of such Registered Owner as shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Owner of \$500,000 or more in aggregate principal amount of Bonds, by wire transfer to such Registered Owner upon written notice given to the Paying Agent by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the wire transfer address to which such Registered Owner wishes to have such wire directed.

Bond Registration. The Bonds will be registered pursuant to a plan of registration approved by the Issuer and the Attorney General of the State of Kansas (the "State"). The Issuer will pay for the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, will be the responsibility of the Owners.

Book-Entry-Only System. The Depository Trust Company, New York, New York ("DTC"), will act as securities depository for the Bonds. The Bonds will initially be issued exclusively in "book entry" form and shall be initially registered in the name of Cede & Co., as the nominee of DTC and no beneficial owner will receive certificates representing their interests in the Bonds. During the term of the Bonds, so long as the book-entry-only system is continued, the Issuer will make payments of principal of, premium, if any, and interest on the Bonds to DTC or its nominee as the Registered Owner of the Bonds, DTC will make book-entry-only transfers among its participants and receive and transmit payment of principal of, premium, if any, and interest on the Bonds to its participants who shall be responsible for transmitting payments to beneficial owners of the Bonds in accordance with agreements between such participants and the beneficial owners. The Issuer will not be responsible for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants. In the event that: (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book-entry-only form of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book-entry-only form of registration with DTC. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will cause to be authenticated and delivered to the beneficial owners replacement Bonds in the form of fully registered certificates. Reference is made to the Official Statement for further information regarding the book-entry-only system of registration of the Bonds and DTC.

Redemption of Bonds Prior to Maturity.

General. Whenever the Issuer is to select Bonds for the purpose of redemption, it will, in the case of Bonds in denominations greater than the minimum Authorized Denomination, if less than all of the Bonds then

outstanding are to be called for redemption, treat each minimum Authorized Denomination of face value of each such fully registered Bond as though it were a separate Bond in the minimum Authorized Denomination.

Optional Redemption. At the option of the Issuer, Bonds maturing on March 1 in the years 2029, and thereafter, will be subject to redemption and payment prior to maturity on March 1, 2028, and thereafter, as a whole or in part (selection of maturities and the amount of Bonds of each maturity to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

Mandatory Redemption. A bidder may elect to have all or a portion of the Bonds scheduled to mature in consecutive years issued as term bonds (the "Term Bonds") scheduled to mature in the latest of said consecutive years and subject to mandatory redemption requirements consistent with the schedule of serial maturities set forth above, subject to the following conditions: (a) not less than all Bonds of the same serial maturity shall be converted to Term Bonds with mandatory redemption requirements; and (b) a bidder shall make such an election by completing the applicable paragraph on the Official Bid Form or completing the applicable information on PARITY®.

Notice and Effect of Call for Redemption. Unless waived by any owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the Successful Bidder. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the registered owners of said Bonds. Each of said written notices shall be deposited in United States first class mail not less than 30 days prior to the Redemption Date. All notices of redemption shall state the Redemption Date, the redemption price, the Bonds to be redeemed, the place of surrender of Bonds so called for redemption and a statement of the effect of the redemption. The Issuer shall also give such additional notice as may be required by Kansas law or regulation of the Securities and Exchange Commission in effect as of the date of such notice. If any Bond be called for redemption and payment as aforesaid, all interest on such Bond shall cease from and after the Redemption Date, provided funds are available for its payment at the price hereinbefore specified.

Authority, Purpose and Security. The Bonds are being issued pursuant to K.S.A. 10-101 *et seq.*, K.S.A. 10-620 *et seq.*, K.S.A. 12-187 *et seq.*, as amended, K.S.A. 19-101 *et seq.*, K.S.A. 25-716, K.S.A. 68-580 *et seq.* and Charter Resolution No. 2016-1, all as amended and supplemented from time to time, and a resolution adopted by the governing body of the Issuer (the "Bond Resolution") for the purpose of paying a portion of the costs of constructing certain road improvements (the "Improvements"). The Bonds shall be general obligations of the Issuer payable first from, and secured by a pledge, of revenue received by the Issuer from a 1.00% local option retailers' sales tax and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are irrevocably pledged for the prompt payment of the principal and interest on the Bonds as the same become due. The Bonds will be issued on a parity as to payment from the sales tax with other outstanding bonds described in the Bond Resolution.

Submission of Bids. Electronic bids via PARITY® must be submitted in accordance with its Rules of Participation, as well as the provisions of this Notice of Bond Sale. ***Any bid submitted shall include the initial offering prices to the public for each maturity of the Bonds.*** If provisions of this Notice of Bond Sale conflict with those of PARITY®, this Notice of Bond Sale shall control. Email bids may be submitted to arteberryd@stifel.com. Bids must be received prior to the Submittal Hour on the Sale Date accompanied by the Deposit (as hereinafter defined), which may be submitted separately. The Issuer and Municipal Advisor shall not be responsible for failure, misdirection, or error in the means of transmission by any bidder

PARITY®. Information about the electronic bidding services of PARITY® may be obtained from i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York 10018, Phone No. (212) 849-5023.

Conditions of Bids. Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: (a) the same rate shall apply to all Bonds of the same maturity year; (b) no interest rate may exceed a rate equal to the daily yield for the 10-year Treasury Bond published by THE BOND BUYER, in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 3% for the Bonds; and (c) no supplemental interest payments will be considered. The difference between the highest rate specified and the lowest rate specified cannot exceed 2%. No bid for less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall specify the total interest cost (expressed in dollars) during the term of the Bonds on the basis of such bid, ****[the discount, if any,]****the premium, if any, offered by the bidder, the net interest cost (expressed in dollars) on the basis of such bid, and an estimate of the TIC (as hereinafter defined) on the basis of such bid. Each bidder shall certify to the Issuer the correctness of the information contained on the Official Bid Form; the Issuer will be entitled to rely on such certification. Each bidder agrees that, if it is awarded the Bonds, it will provide the certification as to initial offering prices described under the caption "Establishment of Issue Price" in this Notice.

Good Faith Deposit. A good faith deposit (the Deposit") in the amount of \$178,000 payable to the order of the Issuer is required in order to secure the Issuer from any loss resulting from the failure of the bidder to comply with the terms of its bid. *The Deposit must be received by the Issuer or the Municipal Advisor prior to the Submittal Hour, unless such Deposit is submitted by wire transfer as described below, in which case the Deposit must be received by 2:00 p.m. CDT on the Sale Date.* The Deposit may be submitted in any of the following forms:

- (a) Certified or cashier's check drawn on a bank located in the United States of America; or
- (b) wire transfer in Federal Reserve funds, immediately available for use by the Issuer (wire transfer information may be obtained from the Municipal Advisor at the addresses set forth below).

Contemporaneously with the submission of a wire transfer Deposit, such bidder shall send an email to the Municipal Advisor at the email address set forth below, including the following information: (a) notification that a wire transfer has been made; (b) the amount of the wire transfer; and (c) return wire transfer instructions in the event such bid is unsuccessful. Good Faith checks submitted by unsuccessful bidders will be returned; wire transfer Deposits submitted by unsuccessful bidders will not be accepted or shall be returned in the same manner received on the Sale Date. The Issuer reserves the right to withhold reasonable charges for any fees or expenses incurred in returning a wire transfer Deposit.

No interest on the Deposit will be paid by the Issuer. If a bid is accepted, the Deposit, or the proceeds thereof, will be held by the Issuer until the Successful Bidder has complied with all of the terms and conditions of this Notice at which time the amount of said Deposit shall be returned to the Successful Bidder or deducted from the purchase price at the option of the Issuer. If a bid is accepted but the Issuer fails to deliver the Bonds to the Successful Bidder in accordance with the terms and conditions of this Notice, said Deposit, or the proceeds thereof, will be returned to the Successful Bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this Notice, the proceeds of such Deposit will be retained by the Issuer as and for liquidated damages.

Basis of Award. Subject to the timely receipt of the Deposit set forth above, the award of the Bonds will be made on the basis of the lowest true interest cost ("TIC"), which will be determined as follows: the TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the Bonds, from the payment dates to the Dated Date, produces an amount equal to the price bid, including any adjustments for premium or discount, if any. Present value will be computed on the basis of semiannual compounding and a 360-day year of twelve 30-day months. Bidders are requested to provide a calculation of the TIC for the Bonds on the Official Bid Form, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the Issuer or the bidder. The Issuer or its Municipal Advisor will verify the TIC based on such

bids. If there is any discrepancy between the TIC specified and the bid price and interest rates specified, the specified bid price and interest rates shall govern and the TIC specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest TIC are received, the governing body of the Issuer will determine which bid, if any, will be accepted, and its determination is final.

The Issuer reserves the right to reject any and/or all bids and to waive any irregularities in a submitted bid. Any bid received after the Submittal Hour on the Sale Date will be returned to the bidder. Any disputes arising hereunder shall be governed by the laws of the State, and any party submitting a bid agrees to be subject to jurisdiction and venue of the federal and state courts within Kansas with regard to such dispute.

The Issuer's acceptance, including electronic acceptance through PARITY®, of the Successful Bidder's proposal for the purchase of the Bonds in accordance with this Notice of Bond Sale shall constitute a bond purchase agreement between the Issuer and the Successful Bidder for purposes of the laws of the State and a contract between the Issuer and the Successful Bidder for the purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and Rule G-32 of the Municipal Securities Rulemaking Board ("Rule G-32"). The method of acceptance shall be determined solely by the governing body of the Issuer.

Bond Ratings. The Issuer has applied to S&P Global Ratings for a rating on the Bonds.

Optional Bond Insurance. The Issuer has **not** applied for any policy of municipal bond insurance with respect to the Bonds. The Issuer intends to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest TIC to the Issuer.

CUSIP Numbers. CUSIP identification numbers will be assigned and printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of this Notice. The Municipal Advisor will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid by the Issuer.

Delivery and Payment. The Issuer will pay for preparation of the Bonds and will deliver the Bonds properly prepared, executed and registered without cost on or about **NOVEMBER 18, 2020** (the "Closing Date"), to DTC for the account of the Successful Bidder. The Successful Bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity and a certificate regarding the completeness and accuracy of the Official Statement. Payment for the Bonds shall be made in federal reserve funds, immediately available for use by the Issuer. The Issuer will deliver one Bond of each maturity registered in the nominee name of DTC.

Establishment of Issue Price.

In order to provide the Issuer with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively, the "Code"), the Successful Bidder will be required to assist the Issuer in establishing the "issue price" of the Bonds and complete, execute and deliver to the Issuer prior to the Closing Date, a written certification in a form acceptable to the Successful Bidder, the Issuer and Bond Counsel (the "Issue Price Certificate") containing the following for each maturity of the Bonds (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity): (1) the interest rate; (2) the reasonably expected initial offering price to the "public" (as said term is used in Treasury Regulation Section 1.148-1(f) (the "Regulation")) or the sale price; and (3) pricing wires or equivalent communications supporting such offering or sale price. However, such Issue Price Certificate may indicate that the Successful Bidder has purchased the Bonds for its own account in a capacity other than as an underwriter or wholesaler, and currently has no intent to reoffer the Bonds for sale to

the public. Any action to be taken or documentation to be received by the Issuer pursuant hereto may be taken or received by the Municipal Advisor or Bond Counsel on behalf of the Issuer.

(b) The Issuer intends that the sale of the Bonds pursuant to this Notice shall constitute a “competitive sale” as defined in the Regulation. In support thereof: (1) the Issuer shall cause this Notice to be disseminated to potential bidders in a manner reasonably designed to reach potential bidders; (2) all bidders shall have an equal opportunity to submit a bid; (3) the Issuer reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Bonds; and (4) the Issuer anticipates awarding the sale of the Bonds to the bidder that provides a bid with the lowest TIC in accordance with the section hereof entitled “Basis of Award.”

(c) Any bid submitted pursuant to this Notice shall be considered a firm offer for the purchase of the Bonds as specified therein. The Successful Bidder shall constitute an “underwriter” as said term is defined in the Regulation. By submitting its bid, the Successful Bidder confirms that it shall require any agreement among underwriters, a selling group agreement or other agreement to which it is a party relating to the initial sale of the Bonds, to include provisions requiring compliance with provisions of the Code and the Regulation regarding the initial sale of the Bonds.

(d) If all of the requirements of a “competitive sale” are not satisfied, the Issuer shall advise the Successful Bidder of such fact at the time of award of the sale of the Bonds to the Successful Bidder and the following provisions shall apply to the Bonds. *In such event, any bid submitted will not be subject to cancellation or withdrawal.* Within twenty-four (24) hours of the notice of award of the sale of the Bonds, the Successful Bidder shall advise the Issuer if a “substantial amount” (as defined in the Regulation (10%)) of any maturity of the Bonds (and if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) has been sold to the public and the price at which such substantial amount was sold. The Issuer will treat such sale price as the “issue price” for such maturity, applied on a maturity-by-maturity basis. The Issuer will *not* require the Successful Bidder to comply with that portion of the Regulation commonly described as the “hold-the-offering-price” requirement for the remaining maturities, but the Successful Bidder may elect such option. If the Successful Bidder exercises such option, the Issuer will apply the initial offering price to the public provided in the bid as the issue price for such maturities. If the Successful Bidder does not exercise that option, it shall thereafter promptly provide the Issuer the prices at which a substantial amount of such maturities are sold to the public. *Any change in the issue price of any of the Bonds after the Submittal Hour will not affect the purchase price for the Bonds submitted in the bid of the Successful Bidder.*

(e) This agreement by the Successful Bidder to provide such information will continue to apply after the Closing Time if: (a) the Issuer requests the information in connection with an audit or inquiry by the Internal Revenue Service (the “IRS”) or the Securities and Exchange Commission (the “SEC”) or (b) the information is required to be retained by the Issuer pursuant to future regulation or similar guidance from the IRS, the SEC or other federal or state regulatory authority.

Preliminary Official Statement and Official Statement. The Issuer has prepared a Preliminary Official Statement dated on or about October 12, 2020, “deemed final” by the Issuer except for the omission of certain information as provided in the Rule, copies of which may be obtained from the Clerk or from the Municipal Advisor. Upon the sale of the Bonds, the Issuer will adopt the final Official Statement and will furnish the Successful Bidder, without cost, within seven business days of the acceptance of the Successful Bidder’s proposal, with a sufficient number of copies thereof, which may be in electronic format, in order for the Successful Bidder to comply with the requirements of the Rule and Rule G-32. Additional copies may be ordered by the Successful Bidder at its expense.

Continuing Disclosure. In the Bond Resolution, the Issuer has covenanted to provide annually certain financial information and operating data and other information necessary to comply with the Rule, and to transmit the same to the Municipal Securities Rulemaking Board. This covenant is for the benefit of and is

enforceable by any Registered Owner of the Bonds. For further information, reference is made to the caption "CONTINUING DISCLOSURE" in the Preliminary Official Statement.

Assessed Valuation and Indebtedness. The total assessed valuation of the taxable tangible property within the Issuer for the year 2019 was \$816,668,554. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$28,100,000.

Legal Opinion. The Bonds will be sold subject to the approving legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, Bond Counsel to the Issuer, which opinion will be furnished and paid for by the Issuer, will be printed on the Bonds, if the Bonds are printed, and will be delivered to the Successful Bidder when the Bonds are delivered. Said opinion will also include the opinion of Bond Counsel relating to the interest on the Bonds being excludable from gross income for federal income tax purposes and exempt from income taxation by the State of Kansas. Reference is made to the Preliminary Official Statement for further discussion of federal and Kansas income tax matters relating to the interest on the Bonds.

Electronic Transactions. The transactions described herein may be conducted and related documents may be sent, received and stored by electronic means. All bid documents, closing documents, certificates, ordinances, resolutions and related instruments may be executed by electronic transmission.

Additional Information. Additional information regarding the Bonds may be obtained from the undersigned or from the Municipal Advisor at the addresses set forth below:

DATED: October 1, 2020.

LEAVENWORTH COUNTY, KANSAS

By: Janet Klasinski, Clerk

Good Faith Deposit Delivery Address:

Ms. Janet Klasinski, County Clerk
300 Walnut St., Suite 106
Leavenworth, Kansas 66048
Phone No.: (913) 684-0421
Email: jklasinski@leavenworthcounty.org

Municipal Advisor:

Stifel Nicolaus & Company, Incorporated
4801 Main Street, Suite 530
Kansas City, Missouri 64112
Attn: David Arteberry
Phone No.: (816) 283-5137
Fax No.: (816) 283-5326
Email: arteberryd@stifel.com

SUMMARY NOTICE OF BOND SALE

LEAVENWORTH COUNTY, KANSAS

\$8,900,000*

GENERAL OBLIGATION SALES TAX BONDS, SERIES 2020-A

(GENERAL OBLIGATION SALES TAX BONDS PAYABLE FROM UNLIMITED AD VALOREM TAXES)

Bids. SUBJECT to the Notice of Bond Sale dated October 1, 2020, electronic bids will be received on behalf of the Clerk of Leavenworth County, Kansas (the "Issuer") in the case of E-mail bids, at the address set forth below, and in the case of electronic bids, through *PARITY*® until 12:00 p.m., Central Time, on **OCTOBER 20, 2020** for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated November 18, 2020, and will become due on March 1 in the years as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2021	\$605,000	2030	\$520,000
2022	395,000	2031	540,000
2023	410,000	2032	560,000
2024	425,000	2033	575,000
2025	440,000	2034	595,000
2026	455,000	2035	620,000
2027	470,000	2036	640,000
2028	485,000	2037	660,000
2029	505,000		

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 2021.

Adjustment of Issue Size. The Issuer reserves the right to increase or decrease the total principal amount of the Bonds or the schedule of principal payments described above, depending on the purchase price and interest rates bid, by the Successful Bidder. The Successful Bidder may not withdraw its bid or change the purchase price or interest rates bid as a result of any changes made to the principal amount of the Bonds or the schedule of principal payments as described herein. If there is an increase or decrease in the final aggregate principal amount of the Bonds or the schedule of principal payments as described above, the Issuer will notify the Successful Bidder by means of telephone or facsimile transmission, subsequently confirmed in writing, no later than 2:00 p.m. applicable Central Time, on the Sale Date. The net production as a percentage of the principal amount of the Bonds generated from the bid of the Successful Bidder will not be decreased as a result of any change to the total principal amount of the Bonds or the schedule of principal payments described herein. Notwithstanding the requirements of the section entitled "Establishment of Issue Price," if requested by the Municipal Advisor, the Successful Bidder shall within 20 minutes of such request provide the Municipal Advisor with the initial offering prices of the Bonds to the public so as to allow for proper resizing of the Bonds.

* Preliminary; subject to change. See "Adjustment of Issue Size" herein.

Book-Entry-Only System. The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar. Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit. Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of 2% of the total par value of the Bonds.

Delivery. The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about **November 18, 2020**, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness. The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2019 was \$816,668,554. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$28,100,000.

Approval of Bonds. The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information. Additional information regarding the Bonds may be obtained from the undersigned, or from the Municipal Advisor at the addresses set forth below:

DATED: October 1, 2020.

Good Faith Deposit Delivery Address:

Ms. Janet Klasinski, County Clerk
300 Walnut St., Suite 106
Leavenworth, Kansas 66048
Phone No.: (913) 684-0421
Email: jklasinski@leavenworthcounty.org

Municipal Advisor:

Stifel Nicolaus & Company, Incorporated
4801 Main Street, Suite 530
Kansas City, Missouri 64112
Attn: David Arteberry
Phone No.: (816) 283-5137
Fax No.: (816) 283-5326
Email: arteberryd@stifel.com

Kansas Register Submission Form

Document No. _____

(For office use only)

Agency Name Leavenworth County, Kansas

Agency Billing Address 300 Walnut St., Suite 106, Leavenworth, Kansas 66048

Please forward 3 Affidavits of Publication of same to Gina Riekhof, Gilmore & Bell, P.C., 2405 Grand Blvd., Suite 1100, Kansas City, Missouri 64108 at your earliest opportunity.

Title of Document SUMMARY NOTICE OF BOND SALE

Desired Date of Publication October 8, 2020

Submitting Authority (name and title) Gina M. Riekhof, Bond Counsel for publication with notice

Note: The deadline for submission is **4 p.m. Thursday** the week before the desired publication date, and noon Thursday for any item more than 5 typed pages in length. For more information, contact the Kansas Register Office, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594, 785-296-0082.

Please email this form and the document for publication (Microsoft Word attachment) to:

kansasregister@ks.gov

I hereby certify that I have reviewed the attached document and that it conforms to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431. I further certify that submission of this item for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees, and that such fees will be paid by this agency on receipt of billing.

Gina M. Riekhof

Liaison officer's typed name

Liaison officer's signature

Bond Counsel

816-221-7536

Title

Phone

This space for Register office use only

OFFICIAL BID FORM
PROPOSAL FOR THE PURCHASE OF LEAVENWORTH COUNTY, KANSAS
GENERAL OBLIGATION SALES TAX BONDS, SERIES 2020-A

TO: Janet Klasinski, Clerk
 Leavenworth County, Kansas

October 20, 2020

For \$8,900,000* principal amount of General Obligation Sales Tax Bonds, Series 2020-A, of Leavenworth County, Kansas, to be dated November 18, 2020, as described in the Notice of Bond Sale dated October 1, 2020 (the "Notice"), said Bonds to bear interest as follows:

<u>Stated Maturity March 1</u>	<u>Principal Amount*</u>	<u>Annual Rate of Interest</u>	<u>Stated Maturity March 1</u>	<u>Principal Amount*</u>	<u>Annual Rate of Interest</u>
2021	\$605,000	_____ %	2030	\$520,000	_____ %
2022	395,000	_____ %	2031	540,000	_____ %
2023	410,000	_____ %	2032	560,000	_____ %
2024	425,000	_____ %	2033	575,000	_____ %
2025	440,000	_____ %	2034	595,000	_____ %
2026	455,000	_____ %	2035	620,000	_____ %
2027	470,000	_____ %	2036	640,000	_____ %
2028	485,000	_____ %	2037	660,000	_____ %
2029	505,000	_____ %			

*Subject to change, see the Notice of Bond Sale.

the undersigned will pay the purchase price for the Bonds set forth below, plus accrued interest to the date of delivery.

Principal Amount\$8,900,000*
 Plus Premium (if any)
 Total Purchase Price\$
 Total interest cost to maturity at the rates specified\$
 Net interest cost (adjusted for Premium, if any)\$
 True Interest Cost %

The Bidder elects to have the following Term Bonds:

<u>Maturity Date</u>	<u>Years</u>	<u>Amount*</u>
March 1, _____	_____ to _____	\$ _____
March 1, _____	_____ to _____	\$ _____

*subject to mandatory redemption requirements in the amounts and at the times shown above.

This proposal is subject to all terms and conditions contained in the Notice, and if the undersigned is the Successful Bidder, the undersigned will comply with all of the provisions contained in the Notice. A cashier's or certified check or a wire transfer in the amount of 2% of the total par value of the Bonds (\$178,000) payable to the order of the Issuer, submitted in the manner set forth in the Notice accompanies this proposal as an evidence of good faith. The acceptance of this proposal by the Issuer by execution below shall constitute a contract between the Issuer and the Successful Bidder for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission and a bond purchase agreement for purposes of the laws of the State of Kansas.

Submitted by: _____

(LIST ACCOUNT MEMBERS ON REVERSE)

By: _____
 Telephone No. (____) _____

ACCEPTANCE

The above proposal is hereby accepted on behalf of Leavenworth County, Kansas, on October ____, 2020.

Attest:

 Clerk

 Chairman

NOTE: No additions or alterations in the above proposal form shall be made, and any erasures may cause rejection of any bid. Email bids may be submitted with the Municipal Advisor at arteberryd@stifel.com or electronic bids may be submitted via **PARITY**®, at or prior to 12:00 p.m., Central Time, on October 20, 2020. Any bid received after such time will not be accepted.

RESOLUTION 2020-32

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a dog kennel – Gauger’s Little Bullies Kennel on the following described property:

A tract of land in the Northeast quarter of Section 35, Township 7 South, Range 20 east of the 6th PM, in Leavenworth County, Kansas more commonly known as 24795 Logan 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 23rd day of June, 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 9th day of September, 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 30th day of September, 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 30th day of September, 2020, and incorporated herein by reference;

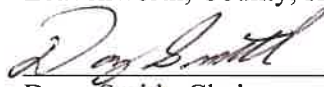
That Case No. DEV-20-086, Special Use Permit for a Dog Kennel – Gauger’s Little Bullies Kennel approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 10 AM to 7 PM, Monday through Sunday. Dogs shall be allowed outside 6 AM to 9 PM.
3. The number of adult dogs shall be limited to twenty (20). The number of litters of puppies under six months of age shall be limited to ten (10) litters of puppies at a time.
4. The SUP shall be limited to no employees other than family members.
5. The applicant shall adhere to the following memorandums:
 - a. Chuck Magaha – Emergency Management, September 8, 2015
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. Animal waste shall be disposed of daily, either via a septic system or double-bagged and disposed of in a covered dumpster.
8. No on-street parking shall be allowed.
9. The indoor kennel shall be insulated.
10. The 8' privacy fence shall be maintained.
11. This SUP shall be limited to the Narrative dated July 15, 2020 submitted with this application.
12. 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 35, Township 7 South, Range 20 East of the 6th PM, in more commonly known as 24795 Logan Road.
 Parcel No. 047-35-0-00-00-003.06-0 in Leavenworth County, Kansas.

Adopted this 30th day of September, 2020
 Board of County Commission
 Leavenworth, County, Kansas



 Doug Smith, Chairman



 Jeff Culbertson, Member



 Vicky Kaaz, Member

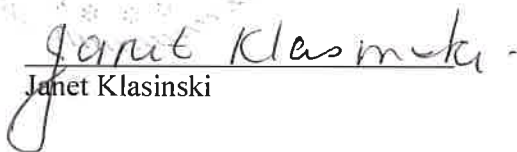


 Chad Schimke, Member



 Mike Stieben, Member





 Janet Klasinski

RESOLUTION 2020-33

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for small engine repair – Scott Racing on the following described property:

Lot 22 of Westbrook Subdivision Phase 1, Leavenworth County, also known as 20326 168th Street, Basehor, Kansas.

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 July, 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 9th day of September, 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 30th day of September, 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 30th day of September, 2020, and incorporated herein by reference;

That Case No. DEV-20-095, Special Use Permit for small engine repair – Scott Racing 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 10:00 AM until 5:00 PM Monday-Saturday.
3. The applicant shall pay a Traffic Impact Fee (TIF) of \$353.57.
4. The SUP shall be limited to one (1) employee other than the applicant.
5. Lubricants and oils shall be properly disposed of.
6. There shall be no outside storage of materials.
7. The applicant shall adhere to the following memorandums:
 - a. Lauren Anderson – Public Works, August 11, 2020
 - b. Chuck Magaha – Emergency Management, August, 6, 2020
8. 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.

- 9. No on-street parking shall be allowed.
- 10. This SUP shall be limited to the Narrative dated July 22, 2020 submitted with this application.
- 11. 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 33, Township 10 South, Range 22, also known as 20326 168th Street parcel no. 158-33-0-00-00-012.00 in Leavenworth County, Kansas.

Adopted this 30th day of September, 2020
Board of County Commission
Leavenworth, County, Kansas



Janet Klasinski
Janet Klasinski

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

RESOLUTION 2020-34

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from Rural Residential 2.5 to I-2, Limited Industrial on the following described property:

A tract of land in the in the Southeast Quarter of Section 21, Township 8 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Northeast corner of the Southeast Quarter of said Section 21; thence South 01 degrees 24'56" East for a distance of 749.02 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING, said point being a 1/2" Bar Cap LS-1296; thence North 46 degrees 10'27" West for a distance of 441.30 feet; thence North 74 degrees 29'20" West for a distance of 745.17 feet to the Easterly right of way line of U.S. Highway 73 (Amelia Earhart Drive); thence South 23 degrees 02'42" East for a distance of 586.16 feet along said Easterly right of way; thence North 87 degrees 30'00" East for a distance of 808.43 feet parallel to the North line of said Southeast Quarter to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 6.88 acres, more or less.

AND

*A tract of land in the in the Southwest Quarter of Section 22, Township 8 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of the Southwest Quarter of said Section 22; thence South 01 degrees 24'56" ** East for a distance of 749.02 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING, said point being a 1/2** Bar Cap LS-1296; thence continuing South 01 degrees 24'56" East for a distance of 701.82 feet along said West line to the Northerly line of the United States Military Reservation Line (USMRL); thence North 28 degrees 58'44" East for a distance of 512.12 feet along said USMRL; thence North 46 degrees 18'27" West for a distance of 367.13 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 2.09 acres, more or less.*

WHEREAS, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 7th day of July, 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 Rezoning on the 9th day of September, 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 Rezoning be approved; and

WHEREAS, the Board of County Commissioners considered, in session on the 30th day of September, 2020, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners 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 Commissioners in regular session on the 30th day of September, 2020, and incorporated herein by reference;

That request for rezoning as described above, also known as 0000 Emelia Earhart Road, Parcel Identification Number 075-21-0-00-00-015.03 & 075-22-0-00-00-007.00 is hereby granted.

Adopted this 30th day of September, 2020
Board of County Commission
Leavenworth, County, Kansas



Janet Klasinski
Janet Klasinski

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

RESOLUTION NO. 2020-36

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, ADOPTING A NEW "UTILITY ACCOMMODATION POLICY" TO GOVERN ALL UTILITIES OCCUPYING PUBLIC RIGHT-OF-WAYS ON ALL ROADS UNDER JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS, LEAVENWORTH COUNTY, KANSAS; REPEALING RESOLUTION 1998-50.

Now on this 30th day of September, 2020, the Board of County Commissioners (hereinafter the Board), meets in regular session, and there comes on for consideration and action the following resolution of the Board.

WHEREAS, the County's Public Works Department has reviewed and studied the current standards, specifications and requirements utilized by the County to govern all utilities occupying public rights-of-way on all roads under jurisdiction of the Board in the unincorporated Leavenworth County, Kansas; and

WHEREAS, as part of the continuing process of evaluating, improving and updating the current standards, the County's Public Works Department has written and presented to the Board a New "Utility Accommodation Policy" (2020 ed.) and;

WHEREAS, pursuant to state law, the power of the Board with respect to the property belonging to the County is as set forth generally and principally, but not exclusively, in **K.S.A. 19-212.**; and

WHEREAS, in keeping with the Board's past practice of providing A Utility Accommodation Policy, the Board desires to implement the proposed new standards so as to better provide for protection of the health, safety and welfare of the residents of Leavenworth County, Kansas.

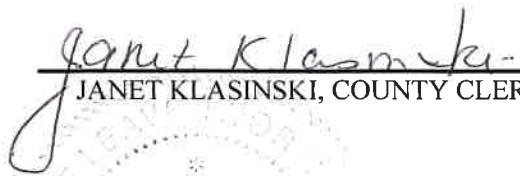
NOW, THEREFORE, BE IT RESOLVED:

1. The Utility accommodation Policy (2020 ed.), as prepared by the Public Works Department of Leavenworth County, Kansas be hereby adopted as the governing standards, specifications and requirements to govern all utilities occupying public right-of-ways on all roads under the jurisdiction of the Board, in unincorporated Leavenworth County, Kansas. The Utility Accommodation Policy, 2020 edition is hereby incorporated into this Resolution by reference as if they were fully set forth in detail herein.
2. Effective upon publication of this Resolution, County Resolution No. 1998-50 is hereby declared to be repealed by this Resolution for the purpose of Utility Accommodation Policy for Leavenworth County.

ADOPTED THIS 30th DAY OF SEPTEMBER, 2020

ATTEST:

BOARD OF COUNTY COMMISSIONERS
LEAVENWORTH COUNTY, KANSAS:



JANET KLASINSKI, COUNTY CLERK





DOUG SMITH, CHAIRMAN, 3RD DISTRICT



JEFF CULBERTSON, 1ST DISTRICT



VICKY KAAZ, 2ND DISTRICT



CHAD SCHIMKE, 4TH DISTRICT



MIKE STIEBEN, 5TH DISTRICT