

*****November 4, 2020*****

The Board of County Commissioners met in a regular session on Wednesday November 4, 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; Jamie Miller, EMS/Health Department Director; Krystal Voth, Planning and Zoning Director; Bill Noll, Infrastructure and Construction Services; Andy Dedeke, Leavenworth County Sheriff; Janice Van Parys, County Treasurer, Jennifer Schermbeck, Deputy County Treasurer

Residents: Duskin Hull, Dee Hull, Jennifer Hull, Ed Irvine, John Matthews, Joe Herring

PUBLIC COMMENT:

Holly Swearingen and Roger Swearingen commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Andy Dedeke requested funding for an audit for an ongoing investigation with the County Treasurer's Office.

Discussion took place and concerns were raised over the cost and timing of the audit.

Sheriff Dedeke recommended to take no action today and work with the auditor and Treasurer on the timing and costs.

Commissioner Kaaz requested the removal of the check register from the consent agenda.

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

Motion passed, 5-0.

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

Motion passed, 4-0, Commissioner Kaaz abstained.

Mark Loughry presented a donation agreement for St. Luke's Cushing Hospital.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to accept the donation of St. Luke's Cushing Hospital building and grounds as described in the donation agreement and to authorize the chairman to execute the agreement upon the final preparation.

Motion passed, 5-0.

Jamie Miller presented a proposed pay plan for EMS technicians.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve the pay plan for EMS.

Motion passed, 5-0.

Krystal Voth presented a memo for Tri-Hull Crane indicating the KDOT study is not completed.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to table Tri-Hull Crane to January 13, 2021.

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

Ms. Voth presented Resolution 2020-43, a renewal of a special use permit for McLouth Ornamental Iron and Farm Repair.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve Resolution 2020-43 a special use permit for McLouth Ornamental Iron and Farm Repair.

Motion passed, 5-0.

Bill Noll requested approval of Resolution 2020-44, amending the current policy for closure or restriction of travel upon certain county roads.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to adopt Resolution 2020-44.

Motion passed, 5-0.

Mr. Noll requested approval of the 2021 dust control request form.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to table the dust control request form until next week.

Motion passed, 5-0.

Mr. Noll requested approval of a proposal by ARUP to conduct a feasibility study for the Eastern Gateway Bridge project.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to have a work session on November 18th on the Eastern Gateway Bridge project.

Motion passed, 5-0.

Mr. Noll requested consideration to secure outside counsel with Ballard and Spahr for the Eastern Gateway Bridge project.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to move the item of Ballard and Spahr, Eastern Gateway Bridge project to December 2.

Motion passed, 5-0.

Commissioner Kaaz reported there are still additional ballots and provisional ballots to be counted.

Ed Irvine made a public comment.

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

Motion passed, 5-0.

The Board adjourned at 10:56 a.m.

RESOLUTION 2020-43

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a Small Limited Business – McLouth Ornamental Iron & Farm Repair on the following described property:

A tract of land in the SW quarter of Section 11, Township 10 South, Range 20 east of the 6th PM, in Leavenworth County, Kansas more commonly known as 24584 Fairmount 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 12th day of September, 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 14th day of October, 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 4th day of November, 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 4th day of November, 2020, and incorporated herein by reference;

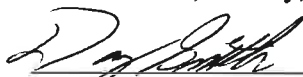
That Case No. DEV-20-105, Special Use Permit for a Small Limited Business – McLouth Ornamental Iron approved subject to the following conditions:

1. The SUP shall be limited to a period of ten (10) years.
2. The business shall be limited to the hours of 8 am to 6 pm, Monday through Saturday, customers by appointment only and 8 am to 10 pm June through August.
3. No employees other than family members shall be allowed.
4. One sign no larger than 3' x 4' shall be allowed. No signs shall be placed in the right-of-way. No signage is allowed in the right-of-way. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
5. No on-street parking shall be allowed.
6. This SUP shall be limited to the Narrative dated August 12, 2020 submitted with this application.

7. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable. After approval of this SUP by the Board of County Commission all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

Located in Section 11, Township 10 South, Range 20, also known as 24584 Fairmount Road, parcel no. 131-11-0-00-00-012.00 in Leavenworth County, Kansas.

Adopted this 4th day of November, 2020
Board of County Commission
Leavenworth, County, Kansas

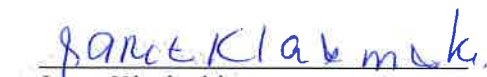


Doug Smith, Chairman

ATTEST



Jeff Culbertson, Member



Janet Klasinski



Vicky Kaaz, Member



Chad Schimke, Member



Mike Stieben, Member



RESOLUTION 2020-44

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, ESTABLISHING A POLICY FOR THE CLOSURE OR RESTRICTION OF TRAVEL UPON CERTAIN COUNTY ROADS AS AUTHORIZED PURSUANT TO K.S.A. 68-126; ESTABLISHING THE FINANCIAL RESPONSIBILITY OF SUCH RESTRICTION OR CLOSURE

WHEREAS, K.S.A 68-126 authorizes the Board of County Commissioners of any county of the state of Kansas to close or restrict public travel upon roadways of the county under certain conditions; and,

WHEREAS, the Board of County Commissioners of Leavenworth county, Kansas, (“the Board”) has, from time to time, received requests from owners of property adjacent to certain county roadways that such closure or restriction of travel by the public be implemented; and,

WHEREAS, the closure or restriction of travel by the public upon county roadways should be undertaken only in certain limited circumstances and with the cost of such closure or restriction to be borne by the owners of property adjacent to those roadways affected; and,

WHEREAS, the establishment of a stated policy for the closure or restriction of travel by the public upon certain county roadways will apprise the owners of property adjacent to those certain roadways of the terms and conditions upon which such closure or restriction shall take place;

NOW BE IT THEREFORE RESOLVED:

1. That the closure or restriction of travel by the public upon any county roadway, as authorized pursuant to K.S.A. 68-126, shall undertake by an order of this Board only in the following instances:

(a) When such roadway services no more than two (2) residential structures; and,

(b) When such closure or restriction of travel by the public will minimally impact the general public; and,

(c) When such closure or restriction is requested, in signed writing, by all owners of property adjacent to and served by such roadway; and,

(d) When the purpose of such closure or restriction is to protect the property of the owners of property adjacent to and served by such roadway through reducing trespass upon such property, the dumping of trash and debris upon such property and the misuse of the public roadway for purposes other than travel by the general public; and,

(e) When the closure or restriction of travel upon such roadway is done in such manner as to not preclude travel upon such roadway by emergency or utility vehicles or persons who have a lawful need for travel upon such roadway; and,

(f) When the owners of property adjacent to and served by such roadway have agreed to bear all costs for the closure or restriction of travel by the public upon such roadway, to include the construction and maintenance of any gates or fences as authorized by the Board, all necessary and appropriate signage notifying the public of such closure or restriction as deemed necessary and appropriate by the Board and the costs of the removal of all gates or fences and signage upon the conclusion of the period of closure or restriction of travel by the public upon such roadway; and,

(g) When the owners of property adjacent to and served by such roadway have agreed to construct and maintain all gates or fences and signage as authorized by the Board and have prepared and submitted to the Board the design of such gates or fences and signage for approval

by the Board; and,

(h) When the owners of property adjacent to and served by such roadway have agreed that the roadway be designated as a low-volume, low-maintenance road by the county and that the county shall perform no maintenance upon such roadway during the period of closure or restriction of travel by the public; and,

(i) When the owners of property adjacent to and served by such roadway have posted with the county clerk, as required by the Board, adequate surety in the form of a bond or letter of credit, as approved by the Board, to cover the future costs of the removal of all gates or fences and signage and the costs of the reopening of such roadway upon the conclusion of the period of closure or restriction of travel by the public upon such roadway; and,

(j) When such other requirements for the closure or restriction of travel by the public upon such roadway as the Board may find necessary and proper have fulfilled.

2. That the period of time during which the closure or restriction of travel by the public upon such roadway is authorized pursuant to this resolution shall end upon;

(a) A determination by the Board that it is in the best interests of the public that such closure or restriction of travel by the public upon such roadway come to an end; or,

(b) The request of any owner of property adjacent to and served by the roadway.

3. That prior to any closure or restriction of travel by the public upon any county roadway made pursuant to this resolution that the matter of the request for such closure or restriction be heard and considered by the Board in open session with the matter having been listed on the agenda of the Board.

4. That any prior resolution, in conflict with topics addressed here, is hereby repealed as it pertains to the Leavenworth County

RESOLVED THIS 4th DAY OF November, 2020.


DOUG SMITH, CHAIR, 3RD DISTR.

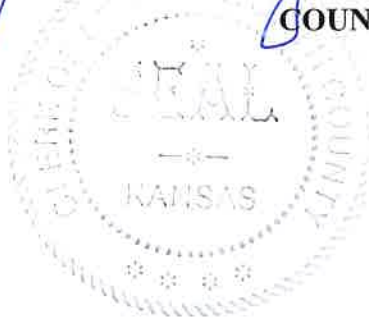

CHAD SCHIMKE, 4TH DISTRICT


JEFF CULBERTSON, 1ST DISTRICT


MIKE STIEBEN, 5TH DISTRICT


VICKY KAAZ, 2ND DISTRICT


ATTEST: JANET KLASINSKI,
COUNTY CLERK



*****November 4, 2020*****

The Board of County Commissioners met in a work session on Wednesday November 4, 2020. Commissioner Smith, Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz is present by phone; Also present: Mark Loughry, County Administrator; Bill Noll, Infrastructure and Construction Services; Krystal Voth, Planning and Zoning Director

A work session was held to discuss professional fee reviews.

Direction was given to staff to draft a policy for the Board's approval.

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

Final Approved

*****November 10, 2020 *****

The Board of County Commissioners met in a regular session on Tuesday, November 10, 2020. Commissioner Culbertson, Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz is present by phone; Commissioner Smith is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Stieben stated that statute K.S.A. 19-507, 19-506 and 19-506(b) that allows the Board of County Commissioners to have authority over the auditing of the Treasurer's Office.

Mark Loughry will speak with the Sheriff to make sure the audit is very detailed with the proposed fees.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to accept the consent agenda for Tuesday, November 10, 2020 as presented.

Motion passed, 4-0.

Bill Noll presented Resolution 2020-45, amending the gravel road dust control program and the dust control request form.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to approve Resolution 2020-45, gravel road dust control policy and dust control request form.

Motion passed, 4-0.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben that the Board recess for a closed executive meeting for the discussion of a subject involving the legal interests of the County as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that the Board resume open meeting at 9:40 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Schimke and Stieben, Senior County Counselor David Van Parys and County Administrator Mark Loughry.

Motion passed, 4-0.

The Board returned to regular session at 9:40 a.m. No decisions were made and the subject was limited to attorney/client privilege.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben that the Board recess for a closed executive meeting for the discussion of a subject involving the legal interests of the County as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that the Board resume open meeting at 10:00 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Schimke and Stieben, Senior County Counselor David Van Parys and County Administrator Mark Loughry.

Motion passed, 4-0.

The Board returned to regular session at 10:00 a.m. No decisions were made and the subject was limited to attorney/client privilege. No action was taken.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben that the Board recess for a closed executive meeting for the discussion of a subject involving the legal interests of the County as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that the Board resume open meeting at 10:40 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Schimke and Stieben, Senior County Counselor David Van Parys and County Administrator Mark Loughry.

Motion passed, 4-0.

The Board returned to regular session at 10:40 a.m. No decisions were made and no action was taken. Subject was limited to attorney/client privilege.

A motion was made by Commissioner Stieben and seconded by Commissioner Schimke to authorize the County Administrator to engage outside counsel as needed.

Motion passed, 4-0.

Commissioner Stieben indicated the CARES Act Committee will be meeting today.

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

Motion passed, 4-0.

The Board adjourned at 10:42 a.m.

RESOLUTION NO. 2020-45

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, AMENDING THE GRAVEL ROAD DUST CONTROL PROGRAM TO GOVERN ALL ROADWAYS UNDER JURISDICTION OF THE BOARD OF COUNTY COMMISSIONERS, LEAVENWORTH COUNTY, KANSAS.

WHEREAS it has been determined by the Board of County Commissioners of Leavenworth County, Kansas, that a program should be available to residents with the repeal of the Resolution 2018-11 for dust abatement on gravel roads;

WHEREAS the Board has determined that residents should have access to a program that provides a fair and equitable cost share between public and private interests;

WHEREAS the Board has determined that resident participation shall be voluntary and this program is not intended to mandate dust control participation by neighbors;

WHEREAS the County Engineer concurs with the Board of County Commissioners that access to proper dust control options shall have established conditions and process to be followed for residents desiring to participate in the Dust Program.

NOW BE IT THEREFORE, RESOLVED:

1. All properties in Leavenworth County are eligible for chemical and hard pave (Hard Surface Dust Control or Dust Abatement) dust control methods.

CHEMICAL DUST CONTROL

2. Chemical dust control is to be purchased directly from an approved third party vendor by the resident requesting chemical application. Costs for chemical dust control are developed by the vendor.

HARD SURFACE DUST CONTROL

3. Hard Surface Dust Control method shall be a section of existing public gravel roadway not less than 300 feet in length and no more than 1700 feet in length, on which chip & seal hard pave is applied by Leavenworth County Road & Bridge crews.
4. Hard Surface Dust Control will be considered "connected" if the roadway ties in, on either end, to an existing hard-paved roadway maintained by a city, county or state. The roadway will be considered "non-connected" if it connects only to existing gravel roadways.
5. Hard surface dust controls requests are to be billed per the annual cost schedule to the resident requesting dust control. Residents requesting connected Hard Pave Dust Control may be eligible for a financing program through the County Clerk.
6. Hard surface dust control is available on a first come, first serve basis and will be limited to no more than six (6) installation locations. The distinction between installation locations are to be determined by the Department of Public Works and is made for the purpose of reducing the mobilization/demobilization and time required by County staff.
7. Maintenance is anticipated approximately every three years to re-seal the chip-and-seal Hard Surface Dust Control depending upon the durability of the material due to weather, traffic counts, and vehicle types utilizing the gravel road.

- a. Connected Hard Surface Dust Control will be accepted into perpetual maintenance at the expense of the County.
 - b. Maintenance for non-connected Hard Surface Dust Control will be the adjacent property owner's responsibility. If the non-connected Hard Surface Dust Control falls into disrepair, the County will return the previously chip-and-sealed section back to gravel.
8. Snow removal service provided by the County on Hard Surface Dust Controls depends upon the roadway connectivity.
 - a. Connected Hard Surface Dust Control will receive full snow removal services (ie. Salt, sand and blade) according to the current snow removal policy.
 - b. Snow removal services for non-connected Hard Surface Dust Control will receive grader blading only.
9. Hard Surface Dust Control costs are based upon material, labor and equipment for county staff to install. The Hard Surface Dust Control notification with annual cost schedule is released during the first quarter of each year and prominently placed into a publicly released form known as the Request for Hard Surface Dust Control notification.
10. Hard Surface Dust Control is not available as a hard pave solution for Temporary Special Use Permits (TSUPs) or Special Use Permits (SUPs).

DUST ABATEMENT

11. Dust Abatement shall be a section of existing public gravel roadway not less than 1000 feet in length, on which an asphalt application of bituminous material over rock base course is applied by a County approved, on-call contractor. All Dust abatements must be connected to the existing hard pave network.
12. After Dust Abatement installation, County will accept the asphalt roadway into their existing hard pave maintenance program.
13. Dust Abatement roadways are selected either by the Department of Public Works or by request of the public or property owner through the Request for Dust Abatement process, to be approved by the Department of Public Works.
14. Installation of Dust Abatement is based upon the available road right-of-way and existing roadway width. Typical sections, roadway striping, and signage are per the Department of Public Works Dust Abatement Installation Guidelines. Hard pave widths are determined by the Department of Public Works and the deficiency review, with consideration to available right-of-way, drainage conditions, utility locations, field conditions, and other engineering variables.
15. Dust Abatement installation will be performed on a yearly basis. All requests will be logged for each calendar year and put out to bid for deficiency review and construction as a single county project, in January of the following year. The installation process is expected to require a minimum timeline of 15 months that is not to begin prior to January of the following year. (e.g. if a Dust Abatement is requested in February of 2020, the project will be added to the county list and deficiency review will begin on January 1, 2021 with installation anticipated in Summer of 2022.)

16. Dust Abatement are to be invoiced in two phases. Cost of construction expense may eligible for a county financing program through the County Clerk.

a. Deficiency Review

- i. Deficiency reviews will be conducted by a licensed engineer from the list of County selected, on-call engineering firms
- ii. Reviews will report insufficiently sized culverts, signage requirements, conduct utility coordination for needed relocation and produce surfacing plans for the Dust Abatement roadway.
- iii. Cost of design will be entirely upon the requesting resident.

b. Construction Invoice

- i. Leavenworth County will utilize an on-call contracting company for all Dust Abatement installations activities.
- ii. Construction cost will include:
 1. The cleaning or shaping of ditches, preliminary shaping of roadway and culvert replacement for any culverts in disrepair or insufficiently sized per deficiency review
 2. Installation of asphalt surface per paving plans
 3. Installation of signage and striping per paving plans
- iii. Upon receipt of invoice, requesting residents will have 90 days to pay in full or to pay for a minimum of 20% and coordinate financing for the remaining total for the Dust Abatement installation costs. Once committed, if the Dust Abatement request is cancelled by the resident, 20% of the project cost is non-refundable and will be applied to the remaining annual Dust Abatement projects.

17. Resident requested Dust Abatement costs are based upon third party pricing for deficiency review, construction costs to include material bids, mobilization, installation and third party pricing for construction inspection.

- a. Deficiency Review annual cost schedule will be released during the last quarter of each year. Release of deficiency review will also include a basic cost estimate of construction, based upon the previous Dust Abatement installations. This number is to be used only as an approximation of the future construction costs and is not a guarantee for the construction invoice.
- b. Upon completion of deficiency review, the yearly Dust Abatement roadways will be let for bid. Construction invoice will reflect actual bid costs provided by contractor.

18. Dust Abatement may be available as a hard pave solution for TSUPs or SUPs as determined by County Staff as a special Condition for recommendation of approval.

GENERAL INFORMATION

- 19. New roads are not eligible for Hard Surface Dust Control or Dust Abatement installation. New public roadways must be constructed in accordance with the Road Construction and Storm Water Drainage Standards for Leavenworth County.
- 20. All forms of dust control accepted into county maintenance, will be maintained as needed as determined by the Department of Public Works.
- 21. Request for Hard Surface Dust Control and Dust Abatement notification will be provided by the Public Works Department in the Official County Newspaper and on the Leavenworth County Website at a minimum.
- 22. Payments are to be calculated per the cost schedule or third party quote. Payment and/or notification provided by the Clerk of financing must be received prior to the sign-up deadlines or scheduling the installation of dust controls. In the event that a resident is not eligible for the Dust Control Program, they will be notified and refunded payment.
- 23. Warranty is not provided on Chemical Dust Control or unmaintained Hard Surface Dust Control materials, installation, or durability of the dust control methods. The lifespan on dust controls are a function of weather, traffic count, vehicle types, road base, and other unknowns that are outside of the control of the County.
- 24. This resolution shall take effect immediately upon acceptance by the Board of County Commissioners.
- 25. Any prior resolution, in conflict with topics addressed here, is hereby repealed as it pertains to the Leavenworth County Gravel Dust Control Program.

Adopted this 10th day of November, 2020

**Board of County Commissioners
Leavenworth County, Kansas**

absent
DOUG SMITH, CHAIRMAN, 3RD DISTR.

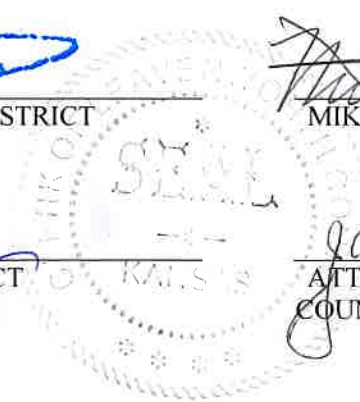
[Signature]
CHAD SCHIMKE, 4TH DISTRICT

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JEFF CULBERTSON, 1ST DISTRICT

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MIKE STIEBEN, 5TH DISTRICT

[Signature]
VICKY KAAZ, 2ND DISTRICT

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ATTEST: JANET KLASINSKI
COUNTY CLERK



*****November 10, 2020*****

The Board of County Commissioners met in a work session on Tuesday, November 10, 2020. Commissioner Culbertson and Commissioner Schimke are present; Commissioner Kaaz and Commissioner Stieben are present by phone; Commissioner Smith is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Janet Klasinski, County Clerk; Stacy Driscoll, Register of Deeds,

A work session was held to discuss elected officials versus appointed department heads.

There was not support from the Board to move forward with a work session.

The Board ended the work session at 11:38 a.m.

Final Approved

*****November 16, 2020 *****

The Board of County Commissioners met in a special session on Monday, November 16, 2020. Commissioner Stieben is present; Commissioner Kaaz, Commissioner Schimke and Commissioner Culbertson are present by phone; Commissioner Smith is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Janet Klasinski, County Clerk; John Richmeier, Leavenworth Times

Attendees: Pat Proctor, David and Linda French, TerriLois Mashburn

The Board of County Commissioners met as the Board of County Canvassers to certify the November 3, 2020 election.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to meet as the Board of County Canvassers.

Motion passed, 4-0.

Discussion took place regarding provisional votes.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to accept the recommendations of the Clerk.

Motion passed, 4-0.

There was a brief recess to count the provisional votes.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to certify the results of the November 3, 2020 election.

Motion passed, 4-0.

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

Motion passed, 4-0.

The Board adjourned at 10:16 a.m.

*****November 18, 2020*****

The Board of County Commissioners met in a regular session on Wednesday, November 18, 2020. Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz and Commissioner Culbertson are present by phone; Commissioner Smith is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; Krystal Voth, Planning and Zoning Director; Jamie Miller, EMS/Health Department Director; Paul Kramer, Leavenworth City Manager; John Richmeier, Leavenworth Times

Residents: Tim and Hazel Brown, Robert Harris, Joe Herring

A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz to elect Mike Stieben as temporary chair.

Motion passed, 4-0.

Jamie Miller updated the Board regarding the COVID-19 virus.

A motion was made by Commissioner Kaaz that the Board of County Commissioners rescind Board Order 2020-3 in order to allow Executive Order 52 become effective in Leavenworth County and those areas subject to the jurisdiction to the Executive Order.

Motion dies for lack of a second.

PUBLIC COMMENT:

Joe Herring commented on an agenda item.

Diana Morrisey commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Krystal Voth requested direction from the Board regarding the County Road 1 rezone.

A motion was made Commissioner Schimke and seconded by Commissioner Culbertson to move forward with the notifications and a date set certain for the County Road 1 rezone for December 16.

Motion passed, 3-1. Commissioner Stieben voting nay.

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

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the consent agenda less the check register.

Motion passed, 4-0.

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

Motion passed, 3-0 Commissioner Kaaz abstained.

Mr. Loughry requested direction from the Board on the distribution of \$50,000.00 of funding for the historical societies and museums.

Several representatives from local historical societies and museums spoke.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to use the same formula as last year with Basehor Historical receiving \$1,560.00 and other requests would receive \$8,073.00 each.

Motion passed, 4-0.

Ms. Voth presented Resolution 2020-39, adopting building codes.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to table Resolution 2020-39.

Motion passed, 3-0. Commissioner Culbertson abstained.

Ms. Voth presented Resolution 2020-46, the adoption of the professional development fee and amendments to the Planning and Zoning fee schedule.

A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke that the Board of County Commissioners approve Resolution 2020-46, adoption of the development fees and amendments to the Planning and Zoning fee schedule with the proposed \$2500.00 professional review fee.

Motion passed, 4-0.

Ms. Voth presented a temporary special use permit for a borrow/crushing and storage area for King's Construction for the Eisenhower Road project.

A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the temporary special use permit for King's Construction for the borrowing and crushing quarry contingent on proctor study.

Motion passed, 4-0.

Bill Noll requested approval of the contract with King's Construction for the construction of the Eisenhower Road project.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the Eisenhower project as presented in an amount not to exceed \$6,178,421.55 and authorize Bill Noll to sign for the chairman.

Motion passed, 3-1, Commissioner Kaaz voting nay.

A motion was made by Commissioner Schimke to bring alternate 2 back to the Board for consideration for fully funded or partial funded.

Commissioner Schimke was asked to restate his motion.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to request that a proposal be brought to the Board for fully funding alternate 2 as part of the Eisenhower project.

Motion passed, 4-0.

The Board recessed at 11:34 a.m. until 12:30 p.m. for the work session.

The Board reconvened at 12:55 p.m.

Mr. Noll requested to withhold the 10% retainage from McAnany on dust abatement group 2.

Eric Vossman with McAnanay Construction and Mark Breuer with Schalagel and Associates were available by phone for questions.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to hold the remainder of the retainage until such time as the study is completed.

Motion passed, 4-0.

A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz that if the problem is identified as a failure as a result of construction issues then the County pursues those charges against the contractor and if they are part of failures on the County side that they have been identified it and we can come in and resolve the rest of it.

Motion passed, 4-0.

Mr. Noll requested approval of an agreement for maintenance of roads in cities for Leavenworth County and the city of Linwood.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the MOU with the city of Linwood and Leavenworth County.

Commissioner Schimke amended his motion and Commissioner Culbertson amended his second to state "agreement", not MOU.

Motion passed, 4-0.

Mr. Noll requested approval of a bid from Halco Construction Equipment for a shoulder machine for the amount of \$31,914.00.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the bid pricing for one front mounted motor grader roadside shoulder conveyer for the Public Works Road and Bridge Department not to exceed \$31,914.00.

Motion passed, 4-0.

Mr. Noll requested to accept the Fall 2020 cost share program award for 158th Street roadway safety improvement project in the amount of \$900,000.00.

A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the Fall 2020 cost share program award for 158th Street roadway safety improvement project for 2022.

Motion passed, 4-0.

Commissioner Culbertson announced Millwood Rd bridge will be open Friday.

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

Motion passed, 4-0.

The Board adjourned at 1:58 p.m.

*****November 18, 2020*****

The Board of County Commissioners met in a work session on Wednesday, November 18, 2020. Commissioner Stieben and Commissioner Schimke are present; Commissioner Kaaz and Commissioner Culbertson are present by phone; Commissioner Smith is absent; Also present: Mark Loughry, County Administrator; Bill Noll, Infrastructure and Construction Services; Paul Kramer, Leavenworth City Manager; Tim Vandall, Lansing City Manager; Dan Gotschall, LCPA; David Shrader, LCDC; Dirick Hoagland, LCPA; Frank Weatherford, Transystems; Doug Park, Transystems; Brian Habjan, Commerce Bank; Greg Kaaz, LCPA; Mike Spickelmier, Lansing Public Works Director; Chris Donnelly, LCPA;

A work session was held to discuss the Eastern Gateway Bridge project.

The Board ended the work session at 12:51 p.m.

Final Approved

*****November 25, 2020*****

The Board of County Commissioners met in a regular session on Wednesday, November 25, 2020. Commissioner Schimke, Commissioner Stieben and Commissioner Kaaz are present; Commissioner Culbertson is present by phone; Commissioner Smith is absent; Also present: Mark Loughry, County Administrator; Janet Klasinski, County Clerk

Residents: Joe Herring, Eric Vetter, Jason Claire, Pat Proctor, Ed and Cindy Irvine, Jewel West, April Cromer, Kris Roberts, Lisa Weakley

A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz to appoint Mike Stieben as temporary chair and authorize him to sign any and all documents required.

Motion passed, 3-0.

PUBLIC COMMENT:

April Cromer, Jason Claire, Pat Proctor commented on an agenda item.

Jeff McCowan and David French commented by phone on an agenda item.

ADMINISTRATIVE BUSINESS:

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

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the consent agenda for Wednesday, November 25, 2020 without the check register as presented.

Motion passed, 4-0.

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

Motion passed, 3-0. Commissioner Kaaz abstained.

Board Order 2020-8 was presented for approval by the Board.

Commissioners Schimke and Kaaz commented about the mask mandate.

A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson as the Board of County Commissioners of the County of Leavenworth, Kansas relating to public health, making certain findings as authorized by the provisions of K.S.A. 48-925, and adopting an order pursuant to statute to opt out of the provisions of Executive Order No. 20-68.

Motion passed, 3-1 Commissioner Kaaz voting nay.

Mark Loughry presented recommendations from the CARES Act Funding committee for the distribution of the CARES Act funding grants.

Lisa Weakley spoke about the CARES Act Funding and the application process.

A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz to approve CARES Act relief fund grant awards as recommended by the CARES Act committee.

Motion passed, 4-0.

Ed Irvine commented on a non- agenda item.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to adjourn.
Motion passed, 4-0.*

The Board adjourned at 10:09 a.m.

Final Approved