

\*\*\*\*\*March 3, 2021 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 3, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben, Commissioner Kaaz, and Commissioner Culbertson are present; Mark Loughry, County Administrator is present; Also present: David Van Parys, Senior County Counselor; Krystal Voth, Planning and Zoning Director; John Richmeier, Leavenworth Times

Residents: David and Beth McCall; Marcus Majure, David and Gina Howey, Richard Rogers, Eric Wiley, Michael McCall; John Matthews

PUBLIC COMMENT:

Marcus Majure commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Commissioner Mike Smith inquired about locking in a time for work sessions to begin.

It was the consensus of the Board to start work sessions at 10:45 a.m.

Commissioner Stieben inquired about discretion for the usage of the Johnson and Johnson vaccination due to abortion derived cell lines. He also inquired if the public could receive informed consent before the Johnson and Johnson vaccinations are given to them.

Commissioner Culbertson suggested an information sheet be provided outlining the vaccines history and availability in lieu of a waiver.

Commissioner Doug Smith requested an update on the school at K-32 and Stilwell.

David Van Parys indicated staff has sent correspondence encouraging the school district to replat the subdivision to address issues.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the consent agenda for Wednesday, March 3, 2021 as presented.***

***Motion passed, 5-0.***

Krystal Voth presented Resolution 2021-6, a rezone from RR-5 to RR 2.5 located on McIntyre Road indicating a protest petition was filed but was found to be invalid.

The applicant, Beth McCall spoke.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve Resolution 2021-6, a rezoning from RR-5 to RR-2.5 on a tract of land located at 16421 McIntyre Road.***

***Motion passed, 4-1 Commissioner Mike Smith voting nay.***

Ms. Voth invited the Board to a joint work session with the Planning Commission on March 24<sup>th</sup> at 5:00 p.m. to discuss the Comprehensive Plan.

Ms. Voth presented Resolution 2021-7, a request for a special use permit for a bed and breakfast known as The Barn located on Eisenhower Road.

***A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to approve Resolution 2021-7, a special use permit for The Barn B&B subject to all conditions.***

***Motion passed, 5-0.***

Ms. Voth presented Resolution 2021-8, a request for a special use permit for CoolHeat KC, an HVAC repair service.

The applicant, Richard Rogers spoke.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to approve Resolution 2021-8, a special use permit for CoolHeat KC repair service, subject to one year from date of issue of permit to construct building to house materials with a 10-year sup and 1-year condition on getting the building built.***

***Motion passed, 5-0.***

Ms. Voth presented Resolution 2021-9, a request for a special use permit for a solar farm, next to a substation of FreeState Electric.

The applicant, Eric Wiley spoke.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve Resolution 2021-9, a special use permit for FreeState Electric solar farm as presented.***

***Motion passed, 5-0.***

Commissioner Doug Smith inquired if the cross- access easements are on recorded plats as not a public road.

Ms. Voth clarified the home owner's association documentation during title work specifically states it's a private road and states the maintenance requirements of the homeowner.

Commissioner Kaaz requested an update on Cushing Hospital.

Mark Loughry reported Council on Aging has a plan for the space they will need and he is working with another entity on an agreement that would come before the Board for consideration.

Commissioner Stieben complimented Mr. Van Parys for speaking to Sherman and Reno Township regarding what is required to form a fire district.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Doug Smith to adjourn.***

***Motion passed, 5-0.***

The Board adjourned at 10:17 a.m.

\*\*\*\*\*March 3, 2021 \*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, March 3, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben, Commissioner Kaaz, and Commissioner Culbertson are present; Mark Loughry, County Administrator is present; Also present: Aaron Yoakum, Buildings and Grounds Director; Tammy Saldivar, Solid Waste Director; John Richmeier, Leavenworth Times

A work session was held to discuss the location and purchase of a new scale at the Transfer Station.

The Board ended the work session at 10:45 a.m.

Final Approved

\*\*\*\*\*March 10, 2021\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 10, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben, Commissioner Kaaz, and Commissioner Culbertson are present; Mark Loughry, County Administrator is present; Also present: David Van Parys, Senior County Counselor; Todd Thompson, County Attorney; Nancy Theis, County Attorney's Office Manager; Bill Noll, Infrastructure and Construction Services

Residents: William and Heather Herbst, Joe and Teresa Buehler, Nathan Winklebauer, John Bonee, Britt Jaudin, Don Bruns, Bill VanFleet, John Matthews

Commissioner Mike Smith requested the March 16<sup>th</sup> meeting be moved to March 18<sup>th</sup>.

Commissioner Mike Smith requested a Commissioner and an alternate attend the LCDC meetings.

Commissioner Stieben announced Senate Bill 23 passed through the Kansas Senate.

**PUBLIC COMMENT:**

Joe Buehler commented on an agenda item.

Nathan Winklebauer commented on an agenda item.

John Bonee commented on an agenda item.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry reported an agreement has been reached between the developers and the County on Eagle Crossing subdivision.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that this Board accept the agreement for repair of roadway located in Eagle Crossing subdivision.***

***Motion passed, 5-0.***

Mr. Loughry requested an exception to the policy regarding building of a residence on a minimal maintained road.

Commissioner Kaaz requested to not waive the building code regulations.

William Herbst spoke.

***A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve a waiver for the building of a residential structure on a minimally maintained road.***

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

The Board briefly discussed local ad valorem taxes.

Commissioner Doug Smith indicated he received a call about discharging firearms in the county.

Mr. Van Parys confirmed firearms may be discharged in the county as long as the rounds stay on your property.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, March 10, 2021 as presented.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to authorize the chairman to sign the application for the Aid to Local Grants for the Health Department.*

*Motion passed, 5-0.*

Todd Thompson requested two additional staff members for the County Attorney's Office.

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to authorize the County Attorney to have additional clerical staff.*

*Motion passed, 5-0.*

Bill Noll requested approval of the recommendation to award bid to McAfee Henderson Solutions for the 158<sup>th</sup> Street engineering re-design services and construction engineering.

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to award the 158<sup>th</sup> Street/County Route 2 engineering re-design services and construction engineering to MHS in an amount to exceed \$278,149.43*

*Motion passed, 5-0.*

*A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz 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 11:00 a.m. Present in the executive session will be Commissioners Culbertson, Kaaz, Doug Smith, Mike Smith, Stieben, County Administrator Mark Loughry and others as needed.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to return to regular session.*

*Motion passed, 5-0.*

Mr. Van Parys noted the Board has returned from regular session and that no action was taken in executive session.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to authorize the County Administrator to manage the pay plan and authorize amendments as needed within the budget.*

*Motion passed, 5-0.*

Teresa Buehler spoke in public comment.

Joe Buehler spoke in public comment.

Commissioner Doug Smith will attend the Basehor City Council meeting tonight.

Commissioner Kaaz will attend the LCDC meeting tomorrow.

Commissioners Stieben and Mike Smith met with LCDC board members.

Commissioner Culbertson attended the Easton City Council meeting last night indicating he is still working with them on getting solar panel farms on vacant FEMA lots. He is also working with Bill Noll on street agreements with Easton and demolition of the old grade school.

Commissioner Kaaz participated in the Mental Health Task Force meeting yesterday.

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

The Board adjourned at 11:21a.m.

Final Approved

\*\*\*\*\*March 18, 2021\*\*\*\*\*

The Board of County Commissioners met in a regular session on Thursday, March 18, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben and Commissioner Culbertson are present; Commissioner Kaaz is present by phone; Mark Loughry, County Administrator is present; Also present: David Van Parys, Senior County Counselor; John Richmeier, Leavenworth Times

Residents: Joe Herring

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported he is waiting on guidance for the latest stimulus funding.

Commissioner Stieben inquired if any response has been received from legislatures regarding private prisons.

David Van Parys reported no response has been received.

Commissioner Stieben reported property owners have until March 31 to request an informal hearing on property taxes.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Thursday, March 18, 2021 as presented.***

***Motion passed, 5-0.***

Mr. Loughry presented a request from the Special Drug and Alcohol Abuse Committee for distribution of funds.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson accept the recommendations from the Drug and Alcohol Abuse Council distribution of funds.***

***Motion passed, 5-0.***

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben 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 9:35 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Mike Smith and Mike Stieben and others that may be as needed.***

***Motion passed, 5-0.***

The Board returned to regular session at 9:35 a.m. No action was taken and no decisions were made. Subject was limited to non-elected personnel. The Board noted County Administrator Mark Loughry and County Counselor David Van Parys were invited to the executive session.

Joe Herring commented on a non-agenda item.

Commissioner Doug Smith attended the Basehor City Council meeting last week. He also participated in the Tonganoxie St. Patrick's Day parade along with Commissioner Stieben as well as the Leavenworth St. Patrick's Day parade.

Commissioner Stieben will attend an Elephant Club meeting at 1866 in Tonganoxie this evening at 6:30 p.m. He reported the warning beacon on K-32 and 158<sup>th</sup> Street has been installed.

Commissioners Mike Smith and Stieben will attend an LCDC work session this afternoon indicating a survey will be sent to the cities about thoughts on economic development and LCDC.

Commissioner Kaaz participated in the LCDC and LCPA meetings reporting that a new business will be going into the Gary Carlson Industrial Park.

Commissioner Culbertson reported he has received calls from taxpayers regarding increase in property taxes and roads. He also met with Representative Pat Proctor.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to adjourn.***

***Motion passed, 5-0.***

The Board adjourned at 9:46 a.m.

\*\*\*\*\*March 18, 2021 \*\*\*\*\*

The Board of County Commissioners met in a work session on Thursday, March 18, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben and Commissioner Culbertson are present; Commissioner Kaaz is absent; Mark Loughry, County Administrator is present; Also present: Krystal Voth, Planning and Zoning Director; John Richmeier, Leavenworth Times

The Board met in a work session to discuss the process for choosing applicants for the Building Codes Board of Appeals.

The Board ended the work session at 11:01 a.m.

Final Approved

\*\*\*\*\*March 24, 2021\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 24, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben, Commissioner Kaaz and Commissioner Culbertson are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; Krystal Voth, Planning and Zoning Director

Residents: Katie Bergman, Justin Pettis, David Bentley, John Matthews

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry reminded everyone of the joint work session this evening with the Planning Commission.

Commissioner Stieben asked for a brief background for the new security at the Courthouse.

Mr. Loughry indicated discussion has taken place for about three years with budgeting for staff taking place this year and reutilizing COVID funds for equipment.

Commissioner Mike Smith acknowledged the efficiency of the Health Department in distributing the vaccinations.

Commissioner Mike Smith reported the new County newsletter is available.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, March 24, 2021 as presented.***

***Motion passed, 5-0.***

Mr. Loughry presented a request from the city of Leavenworth for a transfer of county owned property located at 321 Olive for a drainage project.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to transfer the property in question to the city of Leavenworth for a fee of \$1.00.***

***Motion passed, 5-0.***

Bill Noll requested approval of a bid on the K-45 bridge replacement engineering design services and construction services to Norfolk Contracting, Inc.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to award bid for K-45 bridge replacement engineering design and construction services to Norfolk Contracting for \$186,252.00.***

***Motion passed, 5-0.***

Mr. Noll requested disposal of surplus equipment to PurpleWave.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to allow Public Works to offer surplus equipment on PurpleWave auction and to use the remaining equipment for trade-in on government lease packages.***

***Motion passed, 5-0.***

Katie Bergman and Justin Pettis from Leavenworth High School DECCA program commented on a non-agenda item.

Commissioner Mike Smith reported the city of Lansing voted to continue the mask ordinance until the end of April.

Commissioner Kaaz reported the city of Leavenworth does not intend to extend their mask ordinance indicating it will expire at the end of March.

Commissioner Doug Smith attended the basketball court dedication in Basehor for Keegan Gore and will attend the Basehor City Council meeting this evening. He will also attend the Fairmount Township meeting tomorrow night and participated in the MARC meeting.

Commissioner Kaaz participated in the Workforce Partnership Development meeting yesterday.

Commissioner Culbertson indicated he has been working with staff on issues regarding the old Easton rock quarry known as C & D Landfill.

Commissioner Stieben reminded everyone they have until March 31 to schedule an informal hearing on property taxes.

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

***Motion passed, 5-0.***

The Board adjourned at 9:35 a.m.

\*\*\*\*\*March 31, 2021\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 31, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben, Commissioner Kaaz and Commissioner Culbertson are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Krystal Voth, Planning and Zoning Director

Residents: Joe Herring, Chris and Sara Gast; Scott Hughes, John Matthews

PUBLIC COMMENT:

Scott Hughes commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Commissioner Mike Smith read a proclamation recognizing COVID-19 Hero's Week.

Mark Loughry reported the Health Department held a clinic last week administering 1850 first time vaccinations indicating next week they will set up an evening clinic.

Mr. Loughry indicated the Governor will be issuing a new mask order tomorrow and the Board will need to schedule a special meeting if the intention is to opt out.

It was the consensus of the Board to hold a special meeting tomorrow at 4:30 p.m. to address the mask ordinance.

Commissioner Doug Smith inquired about President Biden's multi trillion-dollar infrastructure package.

Mr. Loughry indicated there has not been any guidance given yet.

Commissioner Stieben requested an update on the private prison situation.

Mr. Loughry indicated nothing has changed at the federal level.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, March 31, 2021 as presented.***

***Motion passed, 5-0.***

Krystal Voth presented Resolution 2021-10, a request for a special use permit for Gast Auto Repair.

The applicant, Chris Gast spoke.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to approve Resolution 2021-10, a special use permit for Gast Auto Repair, subject to all conditions including no more than 6 customer cars outside the fence viewable from the road and for a 10- year period.***

Commissioner Kaaz indicated the motion did not limit to the maximum of ten cars.

Commissioner Culbertson withdrew his motion and Commissioner Doug Smith withdrew his second.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to approve Resolution 2021-10, a special use permit for Gast Auto Repair, subject to all conditions including no more than six customer cars outside the fence viewable from the road and for a 10- year period. Commissioner Culbertson amended the motion to add 18 total customer cars on the property.***

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

David Van Parys indicated the motion did not include a resolution number.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to approve Resolution 2021-10, a special use permit for Gast Auto Repair subject to all conditions.***

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

Ms. Voth presented Resolution 2021-11, amending articles 3 and 18 of the 2006 Zoning and Subdivision Regulations.

***A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to approve Resolution 2021-11, text amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations, articles 3 and 18.***

***Motion passed, 5-0.***

Ms. Voth requested appointment of members to the Building Codes Appeals board.

Mr. Loughry reported John Zimbelman received two votes, Justin Burgoon has one vote and Marcus Radulescu received one vote.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to appoint the following members to the Building Code of Appeals committee: John Jacobson, Tim Smith, Dale Thomas, Zachary Stoltenberg and John Zimbelman.***

***Motion passed, 4-0, Commissioner Culbertson abstained.***

Joe Herring commented on a non-agenda item.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith that this Board recess for a closed executive meeting for the discussion of a subject involving the legal interests of the County as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that Board resume open meeting at 10:15a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Mike Smith, Doug Smith and Stieben, Senior County Counselor David Van Parys and County Administrator Mark Loughry.***

***Motion passed, 5-0.***

The Board returned to regular session at 10:15 a.m. No action was taken and no decisions were made. Subject was limited to attorney-client privileges.

Commissioner Kaaz announced the Courthouse building will be lit up blue for the month of April for Child Abuse Prevention month.

Commissioner Stieben reminded everyone this is the last date to schedule an appeal on property taxes.

Commissioner Doug Smith attended the Basehor City Council meeting and Fairmount Township meeting last week.

Commissioner Mike Smith mentioned the work session with the Planning Commission went well.

Commissioner Culbertson updated the Board on the progress of the Easton landfill issue.

Commissioner Kaaz encouraged everyone to thank the people within the community that work with preventing the abuse of children.

Don Navinisky commented.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to adjourn.*

*Motion passed, 5-0.*

The Board adjourned at 10:25 a.m.

Final Approved