

*****September 1, 2021 *****

The Board of County Commissioners met in a regular session on Wednesday, September 1, 2021. Commissioner Mike Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: Joe Herring, Greg Ledford, Curtis Witt, Tony and Julie Sheets, Randy Evans, Tyler Kendrick

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

David Van Parys requested ratification of a motion for the Special Other Funds budget approval.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the County's Special Other Funds 2022 budget as presented.

Motion passed, 5-0.

Mark Loughry reported the meeting for the week of October 18th will need to be moved due to three Commissioners attending the Kansas Association of Counties conference.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to move the meeting date for the week of October 18th to be October 19th.

Motion passed, 5-0.

Commissioner Mike Smith asked staff to schedule a work session to discuss the job description for an economic developer position.

Commissioner Mike Smith recognized the loss of lives and those left behind during the Afghanistan withdrawal.

Commissioner Doug Smith stated that during a work session it was mentioned about fire hydrants indicating he thought it was decided that if water districts provide fire protection that that is what would happen not that we have to provide fire protection for subdivisions.

Mr. Van Parys recalls that the Board made a policy decision that where the infrastructure existed for the installation of fire hydrants in a subdivision that that would be required but in instances that there was no current availability of that infrastructure that fire hydrants would not be required.

Commissioner Doug Smith inquired about the trailer park in Tonganoxie allowing RV's to park there.

Mr. Van Parys indicated staff's interpretation of the regulations did not allow for the parking of RV's at that site.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to direct staff to accommodate the parking of RV's at the Paradise Trailer Court for the change in current regulations or 60 days whichever occurs later.

Motion passed, 5-0.

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

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, September 1, 2021 as provided except the check registry.

Motion passed, 5-0.

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

Motion passed, 4-0, Commissioner Kaaz abstained.

Bill Noll requested approval of an agreement between MHS, Leavenworth County and KDOT for construction engineering and inspection services for high-risk rural road projects.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the agreement for construction engineering for project 505801 services between MHS, Leavenworth County and KDOT.

Motion passed, 5-0.

Mr. Noll requested approval of a contract between LEXECO and Leavenworth County for rock crushing at the Tonganoxie Quarry.

Commissioner Kaaz clarified she has no ownership or interest in LEXECO and will not be voting on this because she does not want any appearance of impropriety.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve the agreement for rock crushing and quarry operations between LEXECO and Leavenworth County for the Tonganoxie Quarry inserting the appropriate insurance provisions.

Motion passed, 4-0, Commissioner Kaaz abstained.

Amy Allison presented Resolution 2021-33, a request for a special use permit for a contractor's yard for Westland Construction located at 20510 163rd St.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve Resolution 2021-33, a special use renewal for a contractor's yard for Westland Construction, Inc. for a period of five years.

Motion passed, 5-0.

Ms. Allison presented Resolution 2021-34, a request for a special use permit for a contractor's yard for Schuetz Construction located at 14833 142nd St.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Doug Smith to approve Resolution 2021-34, a special use permit for Schuetz Construction for 15 years.

Motion passed, 5-0.

Ms. Allison presented Resolution 2021-35, a request for a special use permit for a contractor's yard for Dave's Plus Construction, LLC located at 18429 166th St.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve Resolution 2021-35, a special use permit for Dave's Construction for the amount of 15 years.

Motion passed, 5-0.

Ms. Allison presented Resolution 2021-36, a request for a special use permit for a boat and RV storage for Ledford Boat and RV Storage located at 28910 207th St.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to approve Resolution 2021-36, a special use permit for a boat and RV storage located at 28910 207th St.

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

Ms. Allison presented Resolution 2021-37, a request for a special use permit for a boat storage facility for Dusselier Boat Storage located at 15829 174th St.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve Resolution 2021-37, a special use permit for a boat storage facility for Dusselier Boats located at 15829 174th St.

Motion failed 3-2, Commissioners Mike Smith, Doug Smith and Vicky Kaaz voting nay.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to return this back to the Planning Commission for them to review the Golden Factors that might support this SUP.

Motion passed, 3-2 Commissioner Mike Smith and Vicky Kaaz voting nay.

Ms. Allison presented Resolution 2021-38, a request for a rezone from RR-5 to RR-2.5 located at 25800 Linwood Road.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve Resolution 2021-38, a request to rezone a tract of land from RR-5 to RR-2.5 located in the northeast intersection of K-32 and I-70.

Motion passed, 3-2 Commissioners Stieben and Kaaz voting nay.

Ms. Allison presented Resolution 2021-39, to amend the article 19, the table of uses of the 2006 Zoning and Subdivision Regulations.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to approve Resolution 2021-39, a text amendment to the Leavenworth County Zoning and Subdivision Regulations, Article 19, Table of Uses.

Motion passed, 5-0.

Ms. Allison presented Resolution 2021-40, to amend Articles 3, 19 and 57, definitions, table of uses and renewable energy conversion systems.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve Resolution 2021-40, a text amendment to the Leavenworth County Zoning and Subdivision Regulations, Articles 2, 19 and 57, solar farms.

Motion passed, 5-0.

Commissioner Mike Smith reported the city of Lansing is moving forward on designs for Bernard Park.

Commissioner Doug Smith reported the city of Basehor and Fairmount Township held public hearings for the revenue neutral rates.

Commissioner Kaaz clarified that a letter sent on what appeared to be County letterhead to support decisions or opinions of the school board regarding their decisions on masks was an individual declaration and not the opinions of the Board of County Commissioners as a whole.

Commissioner Stieben clarified the contents of the letter simply states that the schools have the authority to make their decisions for their students and their communities indicating he spoke with the Attorney General on the contents of that letter.

Mr. Loughry reminded the Board about the Price Chopper ribbon-cutting ceremony on September 15 at 8:00 a.m.

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

Motion passed, 5-0.

The Board adjourned at 10:26 a.m.

Final Approved

*****September 8, 2021*****

The Board of County Commissioners met in a regular session on Wednesday, September 8, 2021. Commissioner Mike Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; Bill Noll, Infrastructure and Construction Services; David K. Breuer, Basehor Mayor; Leslee Riverola, City Administrator; Maddie Waldeck, Basehor Project Manager; John Richmeier, Leavenworth Times

Residents: Joe Herring, Shari Standiferd, Rocky Himpel, Ben Sims, Dick Drennon, Mark Peterson, Gene Myracle.

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

The meeting date for the week of October 18 will be changed to October 21 due to three Commissioners attending the Kansas Association of Counties conference October 18-20.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to appoint Commissioner Jeff Culbertson as the voting delegate at the KAC conference with Commissioner Mike Smith and Commissioner Mike Stieben as alternates.

Motion passed, 5-0.

Commissioner Doug Smith requested an update on an earlier fire hydrant discussion. David Van Parys is following up with the department of Planning & Zoning to determine if the current codes reflect the wishes of the Commission.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to accept the consent agenda for Wednesday, September 8, 2021 as provided.

Motion passed, 5-0.

Commissioner Mike Smith opened the public hearing for DEV-21-124.

No one spoke in favor or opposition.

Commissioner Mike Smith closed the public hearing.

Mark Peterson, Deer Ridge Event Center addressed the Board.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve DEV-21-124, a temporary special use permit for Kansans for Health Freedom Group located at the Deer Ridge Event Center.

Motion passed, 5-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to accept the selection committee recommendation to award design engineering and construction engineering for the HRRR Tonganoxie shoulder addition project to MHS.

Motion passed, 5-0.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve agreement number 199-21 with KDOT for the cost share program award for 158th St. Roadway Safety Improvement for FY2022.

Motion passed, 5-0.

Mr. Noll announced that the county was successful with our grant application for funds in the off-system bridge improvement program.

Commissioner Stieben request an update on the regional transportation study. Mr. Noll indicated only one proposal was received. That will be put out again.

Mayor David K. Breuer, City of Basehor presented information on 155th Street. It is the consensus of the commission to schedule a work session next week.

Commissioners Stieben and Doug Smith requested an update on litigation. County Counselor David Van Parys shared the most recent court ruling which is public record.

Commissioners discussed progress on the Comprehensive Plan.

Commissioner Stieben met with the new planning commission appointee.

Commissioner Doug Smith praised the efforts of Vernon Fields promoting Basehor and Leavenworth County at MARC.

Commissioner Culbertson reported that Easton City Council cancelled their meeting until next week.

Commissioner Kaaz attended the Mental Health Task Force meeting yesterday. There's been another suicide by a young person in the community this weekend. She attended the Leavenworth City Commission meeting. They are partnering with the Guidance Center in discussing the local transportation plan. The city approved their budget.

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

Motion passed, 5-0.

The Board adjourned at 10:09 a.m.

*****September 8, 2021 *****

The Board of County Commissioners met in a work session on Wednesday, September 8, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Culbertson, Commissioner Kaaz and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; John Richmeier, Leavenworth Times

Residents: Rocky Himpel

A work session was held to discuss the Economic Developer job description.

The Board ended the work session at 10:46 a.m.

Final Approved

*****September 15, 2021 *****

The Board of County Commissioners met in a regular session on Wednesday, September 15, 2021. Commissioner Mike Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: Nancy Carpenter, Mike McDonald, Stacey Schmitt, John Matthews, AW Himpel, Dennis Taylor

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

David Van Parys reported on the Opioid litigation and requested approval of the bankruptcy plan.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to approve the submitted bankruptcy plan.

Motion passed, 5-0.

Commissioner Mike Smith indicated he will not be able to attend the September 29 meeting and requested appointment of a chairperson for that day.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to appoint Commissioner Kaaz as chairperson for the September 29th meeting.

Motion passed, 5-0.

Commissioner Stieben requested the appointment of the Sherman Township Clerk be continued until he has an opportunity to speak to the applicant and his constituents.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to table this matter and that the previously submitted application be accepted and the deadline for additional applications be September 23rd at noon and that the position be re-advertised as it had been previously done.

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

Commissioner Doug Smith requested to look at special use permits when the Board reviews the Comprehensive Plan.

Commissioner Stieben inquired about the affect the President's executive order regarding vaccines has on Leavenworth County government.

David Van Parys reported it does not affect Leavenworth County government at this time.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, September 15, 2021 as presented.

Motion passed, 5-0.

Bill Noll requested acceptance of the 2023 Off-System Bridge program award for ST-100 bridge replacement over Little Stranger Creek on Fairmount Road.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to accept the 2023 Off-System Bridge program award for ST-100 bridge replacement over Little Stranger Creek on Fairmount Road.

Motion passed, 5-0.

Stacey Schmitt, Mike McDonald and Nancy Carpenter commented on non-agenda items.

The Commissioners attended the grand re-opening ribbon cutting of Price Chopper this morning.

Commissioner Culbertson attended the Easton City Council meeting in which a MOU was signed between the city of Easton and Leavenworth County that changed some streets for maintenance purposes.

Commissioner Kaaz attended the Leavenworth City Commission meeting last night, LCDC meeting last Thursday and attended a volunteer opportunity by Rural Leavenworth County, Inc. with Fire Station #2 with Commissioner Stieben.

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

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

Motion passed, 5-0.

The Board adjourned at 9:34 a.m.

*****September 15, 2021*****

The Board of County Commissioners met in a work session on Wednesday, September 15, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Culbertson, Commissioner Kaaz and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Bill Noll, Infrastructure and Construction Services; David Breuer, Mayor of Basehor; Leslee Rivarola, Basehor City Administrator; Maddie Waldeck, Basehor Project Manager & Assistant City Administrator; John Richmeier, Leavenworth Times

Residents: AW Himpel, John Matthews, Dennis Taylor

A work session was held to discuss the 155th Street project as presented by the city of Basehor.

The Board ended the work session at 11:39 a.m.

Final Approved

*****September 22, 2021*****

The Board of County Commissioners met in a regular session on Wednesday, September 22, 2021. Commissioner Mike Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; John Richmeier, Leavenworth Times

Residents: AW Himpel, John Matthews, Dennis Taylor

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported an item on the agenda next week has a valid protest petition indicating a Commissioner will be not be in attendance for the meeting.

It was the consensus of the Board to continue the item with the valid protest petition to the following week and if any more petitions are received to move those.

Commissioner Doug Smith commented on the continuance of the appointment of the Sherman Township Clerk.

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

A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to accept the consent agenda for Wednesday, September 22, 2021 minus the check registry.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the check registry section of the consent agenda.

Motion passed, 3-0, Commissioner Kaaz and Commissioner Doug Smith abstained.

Bill Noll requested acceptance of the recommendation for the Bridge HP-19 replacement construction inspection services and award to Finney and Turnipseed.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to accept the recommendation for the Bridge HP-19 replacement construction inspection services and award to Finney and Turnipseed not to exceed \$134,900.00.

Motion passed, 5-0.

Mr. Noll requested approval of Resolution 2021-41, placing a stop sign at 214th and Loring Road.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2021-41, placing a stop sign at the intersection of 214th and Loring Road.

Motion passed, 5-0.

Commissioner Culbertson addressed the intersection of CR 10 and CR 23 indicating the intersection has been reviewed and has the necessary signage.

Commissioner Doug Smith mentioned the Council on Aging fundraiser on October 1st.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to recess for a closed executive session meeting for the discussion of pending litigation 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 9:55 a.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 9:55 a.m. No action was taken and no decisions were made. The subject was limited to legal interests of the County.

Commissioner Kaaz attended the Port Authority meeting and the Leavenworth City Commission meeting.

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

A brief discussion took place regarding the review of the Comprehensive Plan and decided to schedule future work sessions.

Commissioner Stieben visited the Community Corrections Department and spoke with the director, Jamie VanHouten.

Commissioner Culbertson mentioned the Board has held evening meetings to ensure people who would like to attend would have an opportunity to do so. He indicated less people showed up to those meetings than the regular day meetings.

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

Motion passed, 5-0.

The Board adjourned at 10:04 a.m.

*****September 22, 2021 *****

The Board of County Commissioners met in a work session on Wednesday, September 22, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Culbertson, Commissioner Kaaz and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Bill Noll, Infrastructure and Construction Services; Representative from NetStandard, Inc.; John Richmeier, Leavenworth Times

A work session was held to discuss the American Recovery Plan funds.

The Board ended the work session at 11:30 a.m.

Final Approved

*****September 29, 2021*****

The Board of County Commissioners met in a regular session on Wednesday, September 29, 2021. Commissioner Kaaz, Commissioner Culbertson, Commissioner Doug Smith and Commissioner Stieben are present; Commissioner Mike Smith is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; Bill Noll, Infrastructure and Construction Services; Janet Klasinski, County Clerk; John Richmeier, Leavenworth Times

Residents: Joe Herring, Stuart Sweeney, John Matthews, Dennis Taylor

PUBLIC COMMENT:

Joe Herring and Stuart Sweeney commented on agenda items.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported that all vehicles that were stolen from Leavenworth County have been recovered.

Mr. Loughry reported a new round of funding has been announced through the American Recovery Act with allocations to capital projects.

Commissioner Stieben inquired about the Atmos Energy case with the Kansas Corporation Commission with regards to the abandonment of utility services.

David Van Parys indicated all parties have retained private counsel and that Leavenworth County has participated to the fullest extent without significant time or money.

Commissioner Stieben requested the Kaw Valley special use permit be placed on the agenda for discussion.

Mr. Van Parys recommended any discussion be conducted in an executive session.

Commissioner Doug Smith expressed concern regarding FEMA funding from the May 2018 tornado.

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

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, September 29, 2021 minus the check registry.

Motion passed, 4-0.

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

Motion passed, 3-0, Commissioner Kaaz abstained.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to nominate Stuart Sweeney as the Sherman Township clerk.

Motion passed, 4-0.

Bill Noll requested the sale of surplus equipment on PurpleWave.

A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to approve Public Works to put the equipment listed in surplus equipment on PurpleWave.

Motion passed, 4-0.

Amy Allison presented Resolution 2021-44, a rezone from RR-5 to RR-2.5 located at 17326 242nd Street.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2021-44, a rezone from RR-5 to RR-2.5 located on the east side of 242nd St.

Motion approved 4-0.

Ms. Allison presented Resolution 2021-45, a rezone from RR-5 to RR-2.5 located at the intersection of 230th and Linwood Road.

A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to approve Resolution 2021-45, a rezone from 5 to 2.5 acre on 230th St. and Linwood Rd.

Motion passed, 4-0.

Ms. Allison presented Resolution 2021-46, a text amendment to the 2006 Zoning and Subdivision Regulations, Article 32, recreational vehicles.

It was the consensus of the Board to have staff bring back language that allows for extensions via an application through the Planning and Zoning staff.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve Resolution 2021-46, a text amendment to Article 32, recreational vehicles.

Motion passed, 4-0.

Commissioner Doug Smith reminded everyone of the fundraiser for Council on Aging on October 1. He attended the Basehor City Council meeting last week, the Fairmount Township Board meeting and the MARC Board of Directors meeting yesterday.

Commissioner Culbertson met with Water Districts 1,2 5 and will be meeting with water district 12 discussing the American Recovery Act funds. He reported he and Commissioner Doug Smith will be meeting with a group regarding the LAVTR funds.

Commissioner Kaaz volunteered at the Camp Leavenworth event over the weekend. She participated in the Workforce Development meeting and the Leavenworth City Commission meeting.

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

Motion passed, 4-0.

The Board adjourned at 9:55 a.m.