

*****March 2, 2022 *****

The Board of County Commissioners met in a regular session on Wednesday, March 2, 2022. Commissioner Mike Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Doug Smith and Commissioner Mike Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Krystal Voth, Planning and Zoning Director; Connie Harmon, Council on Aging Director; Georgia Moore, Council on Aging; John Richmeier, Leavenworth Times

Residents: AW Himpel, John Matthews, Dennis Taylor, Willis Bowers, Paul and Chelsea Harper

PUBLIC COMMENT:

Paul Harper and Willis Bowers commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Commissioner Mike Smith read a proclamation celebrating the 50th anniversary of the older Americans Act Nutrition Program.

Commissioner Culbertson mentioned a need for a Human Resources Director which will be placed under the supervision of the County Administrator requesting a 30- month stipend for the County Clerk.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve a stipend for the County Clerk for 30 months.

Motion passed, 5-0.

Commissioner Culbertson announced a Meals on Wheels benefit concert for July 16 at Haymarket Square.

Commissioner Stieben requested a spreadsheet on the allocations of ARPA funds.

Commissioner Doug Smith inquired about any future dust abatement programs.

Mark Loughry indicated prioritization would taken place during the review of the capital improvement plan and not necessarily by traffic count.

Commissioner Doug Smith inquired about the company the provides the chemical for dust control indicating a list needs to be provided to the county so proper signage can be put up for maintenance operators.

Mr. Loughry indicated he does not know how the company intends to notify the county.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, February 23, 2022 as presented.

Motion passed, 5-0.

Krystal Voth presented Resolution 2022-7, a special use permit for Turkey Creek Cycles.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve Resolution 2022-7, a special use permit for Turkey Creek Cycles.

Motion passed, 5-0.

Commissioner Stieben attended the Linwood City Council meeting and Rural Leavenworth, Inc.

Commissioner Culbertson reported Flatlands landfill is still under cease and desist order.

Commissioner Kaaz sat in on the KCATA meeting and attended the Leavenworth City Commission meeting.

Commissioner Mike Smith attended the State of City address with Commissioner Doug Smith.

Commissioner Doug Smith attended the Fairmount Township meeting and the Basehor City Council meeting. He will attend the JCAB meeting with Commissioner Kaaz on Thursday.

Commissioners will attend the LCDC Annual meeting on Friday, March 4.

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

The Board adjourned at 9:47 a.m.

Final Approved

*****March 9, 2022 *****

The Board of County Commissioners met in a regular session on Wednesday, March 9, 2022. Commissioner Mike Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Doug Smith and Commissioner Mike Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County John Richmeier, Leavenworth Times

Residents: AW Himpel, Dennis Taylor, Sean and Christie Britz, Gary Green, Ross Boden

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry inquired who will be attending the Kansas County Commissioners Association conference April 26-28 in Salina.

Commissioners Mike Smith and Stieben will attend.

Commissioner Stieben asked about Courthouse security indicating if all doors are not secure then conceal carry laws apply.

Mr. Loughry reported that according to Kansas statute if there is no screening or security at all doors then conceal carry would have to be allowed.

Commissioner Stieben recommended sending another letter to state representatives regarding property taxes and LAVTR.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, March 9, 2022 as presented.

Motion passed, 5-0.

Mr. Loughry presented a list of topics for discussion for a joint meeting with the Leavenworth City Commission.

It was the consensus of the Board to discuss economic development, regional transportation and taxation.

Commissioner Kaaz will attend the KCATA orientation meeting tomorrow unless cancelled for weather.

Commissioner Mike Smith indicated Fire District #1 needs a training session conducted on a county road.

Commissioner Doug Smith will attend the Basehor City Council meeting.

Commissioner Stieben indicated a check from FEMA from the Linwood tornado should be arriving soon.

A brief discussion took place regarding the review of the Comprehensive Plan.

Ross Boden commented.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to recess until 10:05 a.m.

Motion passed, 5-0.

The Board recessed until 10:05 a.m.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Kaaz to resume regular session.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to recess for a closed executive meeting for the discussion of potential 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 10:20 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.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to amend the return time to 10:30 a.m.

Motion passed, 5-0.

The Board returned to regular session as 10:30 a.m. No action was taken and no decisions were made. The subject was limited to legal interests of the County.

David Van Parys requested to set a hearing for the review of Resolution 2019-10, a special use permit for Flatlands, c&d landfill.

Mr. Van Parys requested the County Board of Health to set a hearing for the landfill operation in Easton.

A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to set the review of Resolution 2019-10 at 10:00 a.m. on March 16th and 10:30 a.m. on March 16th for the meeting of the Board of Health with the same provision.

Motion passed, 5-0.

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

Motion passed, 5-0.

The Board adjourned at 10:31 a.m.

*****March 16, 2022*****

The Board of County Commissioners met in a regular session on Wednesday, March 16, 2022. Commissioner Mike Smith, Commissioner Culbertson, Commissioner Kaaz and Commissioner Doug Smith are present; Commissioner Stieben is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; Aaron Yoakam, Buildings and Grounds Director; John Richmeier, Leavenworth Times

Residents: AW Himpel, John Matthews

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz indicated Tonganoxie has received a \$1.5 million-dollar rescue land grant through the Department of Commerce for the water tower.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, March 16, 2022 as presented.

Motion passed, 5-0.

Bill Noll requested to award bid to Dondlinger's Construction for the E-18 bridge replacement project.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the bid from Dondlinger for bridge E-18 replacement project in an amount not to exceed \$1,061,966.80.

Motion passed, 5-0.

Aaron Yoakam requested to award bid to Sands Construction for the remodel of the K-State Extension area of the Cushing Building.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to award bid to Sands Construction for the K-State Extension remodel at the Cushing Building not to exceed the amount of \$690,000.00.

Motion passed, 5-0.

David Van Parys requested to remove the 10:30 a.m. agenda item for the County Board of Health.

Commissioner Kaaz attended the Port Authority meeting indicating Chris Donnelly will be the new chairman and Doug Schimke as vice chair. She will also attend two NEK-CAP meetings tomorrow.

The Commissioners will be participating in the St. Patrick's Day parade tomorrow.

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

Commissioner Stieben attended the State Republican convention.

Commissioner Culbertson attended the Leavenworth City Commission meeting. He reported House Bill 2606 is still circulating in Topeka but no final vote as been taken. The bill would rescind previous law that passed to not pay the LAVTR funds back to the county.

The Board adjourned until 10:00 a.m. to review Resolution 2019-10, a special use permit for Flatlands C&D landfill.

The Board reconvened at 10:00 a.m.

Residents in attendance: Christy Britz, Shawn Britz, Mason Britz, Gary Green, Brandon Willis, Mason Pauge, Bruce Britz, Anthony Goff, Lloyd Crook, Karen Crook, David Hennessey, John Wagner, Sharon Wagner, Ashley Richter, Howard Crook, Jeremy Crook, Angel Keller, Greg List, Kara Luginbill, Tammy Jones, Kent Edmonds, Derrick Fee

Krystal Voth and David Van Parys presented a brief overview that outlines the general issues with regards to the special use permit for Flatlands.

Residents Greg List, Howard Crook, Brandon Willis, Tammy Jones, Sharon Wagner, John Wagner, Mike Goetz, Derrick Fee, Ashlee Richter and Ross Boden, attorney for Flatlands all commented.

The Board recessed until 11:20 a.m. due to Mr. Van Parys' appearance needed in District Court for a hearing.

The Board reconvened at 11:20 a.m.

The Board recessed until 11:30 a.m. due to Mr. Van Parys still at hearing in District Court.

The Board reconvened at 11:30 a.m.

The Board recessed until 11:45 a.m. due to Mr. Van Parys still at hearing in District Court.

The Board reconvened at 11:45 a.m.

Ross Boden, attorney for Flatlands continued public comment.

Commissioner Jeff Culbertson read a statement pertaining to the history of the landfill and issues that he has discussed with the business owners.

Mr. Van Parys discussed possible options with the Board.

Christy Britz, owner of Flatland commented.

A motion was made by Commissioner Culbertson that following the approval process we ask Planning and Zoning to start the rescinding of the special use permit for Flatlands.

Motion dies for lack of a second.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to recess the hearing until next week to give opportunity for the parties to communicate and report back at the hearing and reconvene next week.

The Board set the time for the hearing at 9:00 a.m.

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

*A motion was made by Commissioner Kaaz and seconded by Commissioner Doug Smith to adjourn.
Motion passed, 4-0. Commissioner Stieben did not vote.*

The Board adjourned at 1:00 p.m.

Final Approved

*****March 23, 2022*****

The Board of County Commissioners met in a regular session on Wednesday, March 23, 2022. Commissioner Mike Smith, Commissioner Culbertson, Commissioner Kaaz and Commissioner Doug Smith are present; Commissioner Stieben is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; Jamie VanHouten, Community Corrections Director; Krystal Voth, Planning and Zoning Director; John Richmeier, Leavenworth Times

Residents: Sharon Wagner, John Wagner, Howard Crook, Christy Britz, Shawn Britz, Mason Britz, Madison Britz, Gary Green, AW Himpel, Joe Herring, Greg List, Louis Klemp, John Matthews, Dennis Taylor, Ross Boden, Mike Seck, Pat Barnhardt, John Groves

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith 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 9:20 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Jeff Culbertson, Vicky Kaaz, Mike Smith, Doug Smith and Mike Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and Mike Seck.

Motion passed, 5-0.

The Board resumed regular session at 9:20 a.m. Discussion was limited to the legal interests of the County. No decisions were made.

Ross Boden, attorney for Flatlands spoke.

A motion was made by Commissioner Kaaz and seconded by Commissioner Doug Smith that the cease and desist order be held in abeyance for a period for 30 days providing that Flatland operate within the strict confines of the special use permit and that the matter be reviewed in 30 days.

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

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith that the abeyance includes that no friable or nonfriable asbestos be allowed in the c & d landfill.

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

PUBLIC COMMENT:

Sharon Wagner, Howard Crook and Louis Klemp commented.

ADMINISTRATIVE BUSINESS:

Mark Loughry presented a request for a dumpster for a cleanup for Trinity Lutheran Church.

Commissioner Stieben noted this is at 166th St. and Stillwell where there is still debris in the trees from the tornado.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to allow the dumpster to be placed per the request at the location of 166th and Stillwell for the church group for the cleanup project.

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

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, March 23, 2022 as presented.

Motion passed, 5-0.

Pat Barnhardt requested funding from the Leavenworth County/Cities Drug and Alcohol Abuse fund.

A motion was made by Commissioner Kaaz and seconded by Commissioner Doug Smith to approve the allocations to the Leavenworth County and City Drug and Alcohol Abuse Council recommendations.

Motion passed, 5-0.

Bill Noll requested approval of the supplemental for additional design and construction inspection work for the 158th Street road project from MHS.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the supplemental additional design costs for construction inspection work for 158th road improvement by MHS not to exceed \$40,667.92.

Motion passed, 5-0.

Mr. Noll requested to accept bid from Dondlinger's for the F-46 bridge replacement project.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to accept the bid from Dondlinger Construction for bridge F-46 replacement project not to exceed \$710,338.00.

Motion passed, 5-0.

Jamie VanHouten requested that Community Corrections pay plan be moved to the OJA pay plan for FY2023.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to approve to move the Community Corrections pay plan from FY2023 pay plan to the OJA pay plan.

Motion passed, 5-0.

Commissioner Mike Smith will be volunteering for the delivery of Meals-on-Wheels this week.

Commissioner Doug Smith delivered Meals-on-Wheels in Basehor yesterday and participated in the MARC meeting. He will attend the Basehor City Council and Fairmount Township meetings.

Commissioner Stieben indicated he is scheduled to deliver Meals-on-Wheels on Friday. He indicated there is a vacancy on the Reno Township Board.

Commissioner Kaaz reported the Commissioners participated in the St. Patrick's Day parade. She participated in the NEK-CAP meeting, Workforce Partnership meeting, delivery of Meals-on-Wheels and the Leavenworth City Commission meeting. She will be participating in the KCATA meeting later today.

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

Motion passed, 5-0.

The Board adjourned at 10:25 a.m.

*****March 30, 2022*****

The Board of County Commissioners met in a regular session on Wednesday, March 30, 2022. Commissioner Mike Smith, Commissioner Culbertson, Commissioner Kaaz, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Krystal Voth, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: AW Himpel, Joe Herring, John Matthews, Dennis Taylor, Shawn Britz

PUBLIC COMMENT:

Joe Herring commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Mark Loughry reminded the Board of the joint work session with the city of Leavenworth scheduled for April 5.

Commissioner Mike Smith reported a vacancy will be open in his district on the planning commission in May and would like to start the application process.

Commissioner Doug Smith recognized the passing of Anna Mary Landauer.

A brief discussion took place about property taxes and LAVTR.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, March 30, 2022 as presented.

Motion passed, 5-0.

Krystal Voth presented Resolution 2022-8, an amendment to Article 22, special use permits and temporary special use permits.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve Resolution 2022-8, amendments to Article 22, special use permits and temporary special use permits.

Motion passed, 5-0.

Ms. Voth presented Resolution 2022-9, a review of the Comprehensive Plan.

A motion was made by Commissioner Stieben to return to Planning and Zoning to look at the area west of Rocking C.

Motion dies for lack of a second.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to maintain the current map and send it back to be reviewed and that review will take place and be submitted at the next yearly review.

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

A motion was made by Commissioner Doug Smith that the Board has completed the annual review of the Comprehensive Plan and there will be no changes.

David Van Parys suggested to reach a consensus and not make a motion.

Commissioner Doug Smith withdrew his motion.

It was the consensus that upon completion of the review of the Comprehensive Plan no action will be taken.

Commissioner Doug Smith attended the Basehor City Council meeting and the Fairmount Township meeting. He also attended a fundraiser at the Basehor VFW.

Commissioner Stieben is working with the city of Linwood for the submission of ARPA funds.

Commissioner Culbertson will be participating in a benefit for Meals-on-Wheels at Haymarket Square on June 14.

Commissioner Kaaz participated in the KCATA meeting.

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

The Board adjourned at 10:38 a.m.