

\*\*\*\*\*September 7, 2022 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, September 7, 2022. 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; Connie Harmon, Council on Aging Director; John Richmeier, Leavenworth Times, David Warm, Executive Director of Mid America Regional Council; Ron Achelpohl, Director of Transportation and Environment for MARC; Lisa Haack, Executive Director of LCDC; Dan Gutshall, LCPA Spec Building Loan Committee; Chris Donnelly, LCPA Chairman

Residents: Eric McMillin, Wes Baker

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

David Warm and Ron Achelpohl updated the Board on transportation priorities, upcoming projects and grant opportunities through the Mid America Regional Council.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, September 7, 2022 as presented.***

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

Connie Harmon requested approval and the chairman's signature on the notification of grants approvals revision for 2022.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve and authorize the chairman to sign the notification of grants approvals revision for 2022 for Council on Aging.***

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

Chris Donnelly, Lisa Haack and Dan Gutshall, spoke about the spec building project through the Port Authority and presented a funding request in the amount of \$57,184.43 for a spec building incentive loan.

No motion was made on the funding request.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson that the Board recess for a closed executive 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 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.***

The Board has returned to regular session at 10:20 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

Commissioner Stieben met with a township board member regarding the fire district.

Commissioner Culbertson attended the Leavenworth City Commission meeting.

Commissioner Kaaz will attend the Port Authority meeting and will attend a luncheon on Friday with Pat Roberts as the guest speaker. She will meet with the interim CEO of the Transit Authority who will be touring Leavenworth next Friday.

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

The Board adjourned at 10:22 a.m.

Final Approved

\*\*\*\*\*September 14, 2022 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, September 14, 2022. 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; Janet Klasinski, County Clerk; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: Eric McMillin, Wes Baker, John Matthews, Greg Kaaz with Lexeco

**PUBLIC COMMENT:**

Eric McMillin commented on an agenda item.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry reported during the wrap up of the 158<sup>th</sup> Street project, two property owners came forth with letters from 2004 that state their driveways would be asphalted in exchange for compensation for right-of-way. He requested direction from the Board as to how to proceed since there is no agreement.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Doug Smith to allow staff to handle this situation by speaking with what is consistent and agreed upon by the owners that are affected and staff.***

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

Commissioner Stieben inquired if the budget documents could be put on the County website next year.

Mr. Loughry indicated through the budget process there are several draft documents which will not be posted on the website.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, September 14, 2022 as presented.***

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

The Leavenworth County Budget for tax year 2023 was presented for approval.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to approve the Leavenworth County Budget for tax year 2023.***

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

The Leavenworth County Special Other Funds Budget for tax year 2023 was presented for approval.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the 2023 Leavenworth County Special Other Funds Budget.***

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

Bill Noll requested approval of a contract with KDOT for the parking lot construction at Cushing.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the contract with KDOT for the parking lot construction at Cushing Hospital.***

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

Mr. Noll requested the approval of a contract extension with Lexeco for rock crushing at the Tonganoxie Quarry.

***A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve the contract extension with Lexeco for rock crushing at the Tonganoxie Quarry.***

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

Commissioner Doug Smith attended Dairy Days in Basehor and will attend the Basehor City Council meeting, Tonganoxie Days and Little Stranger Church fundraiser.

Commissioner Stieben will attend Tonganoxie Days and participate in Elephant Club meeting tomorrow. He will hold a property tax meeting on September 29<sup>th</sup>. He indicated on October 5<sup>th</sup> at noon on the Courthouse south steps, Alberta Leach will hold a rally to meet with Governor Kelly. He will be meeting with the economic development director from DeSoto to discuss the Apex Battery company.

Commissioner Culbertson met with the mayor of Parkville regarding the 152 Bridge. He attended the Leavenworth City Council meeting last night.

Commissioner Kaaz attended the Child Abuse Prevention Council meeting, a special meeting with the Transit Authority and the LCDC meeting. She attended a luncheon with Mr. Loughry on Friday at Ft. Leavenworth with guest speaker Pat Roberts.

Commissioner Mike Smith interviewed on the Lansing Government Channel. He will be touring with staff at the new Bernard Park tomorrow.

Commissioner Mike Smith inquired who will be attended the Kansas Association of Counties Conference in October.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to vote Commissioner Culbertson as the voting delegate for the KAC fall conference.***

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

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

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

The Board adjourned at 9:55 a.m.

\*\*\*\*\*September 21, 2022 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, September 21, 2022. 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; Bob Weber, County Appraiser; Jim Sherley, Undersheriff; Tim Vandall, Lansing City Administrator; Ken Miller, Lansing Public Information Officer; John Richmeier, Leavenworth Times

Residents: Dennis Taylor, John Matthews, Joe Herring, Eric McMillin, Robert Owens

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson that in the absence of Chairman Smith today that Commissioner Kaaz fill in as chairperson.  
Motion passed, 4-0.*

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported the Council on Aging will hold a fundraising event on October 15<sup>th</sup> at the Eagles.

Commissioner Culbertson requested the mediation agreement for Flatlands be added to the agenda next week.

David Van Parys indicated an executive session will be held next week to discuss the matter.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to put the MOU, mediation agreement with Flatland on next week's agenda after the executive session with our legal counsel.*

Commissioner Culbertson withdrew his motion and Commissioner Stieben withdrew his second.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to put the MOU agreement, mediation agreement with Flatlands on the October 5<sup>th</sup> meeting agenda.  
Motion passed, 4-0.*

Commissioner Doug Smith requested the check registry be removed from the consent agenda.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda minus the check registry for Wednesday, September 21, 2022 as presented.  
Motion passed, 4-0.*

*A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the check registry section of the consent agenda.  
Motion passed, 3-0, Commissioner Doug Smith abstained.*

Bob Weber requested approval of Board Order 2022-6, making certain findings regarding the applications for the abatement or credit of property taxes on certain homesteads or building or improvement damaged by earthquake, fire, flood, storm or tornado.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Board Order 2022-6.***

***Motion passed, 4-0.***

Jim Sherley requested approval of Resolution 2022-21, implementing a procedure pursuant to K.S.A. 8-2010 for the designation of necessary emergency vehicles operating in Leavenworth County.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Resolution 2022-21, implementing the procedure pursuant to K.S.A. 8-2010 for the designation of necessary emergency vehicles operating within Leavenworth County, Kansas designating the Sheriff's Office such determination.***

***Motion passed, 4-0.***

Tim Vandall, Lansing City Administrator, presented the sales tax proposal for an aquatics center.

Commissioner Stieben attended Tongie Days and Little Stranger Church Pie Social. He will hold a property tax task force meeting on September 29<sup>th</sup> at the Tonganoxie Public Library and on October 5<sup>th</sup> a rally will be held at the Courthouse for Randy Leach.

Commissioner Doug Smith attended the Basehor City Council meeting and will attend the Fairmount Township meeting.

Commissioner Kaaz attended the NEK-CAP Board of Directors meeting and the Port Authority meeting.

Robert Owens commented on a non-agenda item.

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

***Motion passed, 4-0.***

The Board adjourned at 9:38 a.m.

\*\*\*\*\*September 21, 2022\*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, September 21, 2022. Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Commissioner Mike Smith is absent; Also present: Mark Loughry, County Administrator; Bill Noll, Infrastructure and Construction Services; Krystal Voth, Planning and Zoning Director; John Richmeier, Leavenworth Times

Work sessions were held to discuss construction of subdivision roadways, dust control, roadway signage, mowing and bridge ST-26 replacement.

The work session ended at 11:40 a.m.

Final Approved

\*\*\*\*\*September 28, 2022 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, September 28, 2022. 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; Andrew Holder, Attorney; John Richmeier, Leavenworth Times

Residents: Mike McDonald, Nancy Carpenter, Wes Baker, Eric McMillin

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Doug Smith inquired about an email request for the funding of a porta a potty for the Veteran's Day Parade.

Mark Loughry reported he responded to the email indicating funds were not available.

The Board decided to donate \$100.00 of their own funds for the request.

Commissioner Doug Smith asked what the County will be doing with the opioid settlement funds.

David Van Parys indicated those funds must be used for designated uses such as treatment of opioid addiction or education among others.

Commissioner Stieben inquired if Kaw Valley has filed any appeal in the lawsuit.

Mr. Van Parys reported a mandate has not been issued nor he could not say for certain that an appeal has been filed.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, September 28, 2022 as presented.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that the Board recess for a closed executive 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 Board resume open meeting at 10:05 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, County Administrator Mark Loughry and legal counsel Andrew Holder.*

*Motion passed, 5-0.*

The Board has returned to regular session at 10:05 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that the Board recess for a closed executive 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 Board resume open meeting at 10:30 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, County Administrator Mark Loughry and legal counsel Andrew Holder.*

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

Commissioner Kaaz met with the director of the Transit Authority and attended the Workforce Partnership meeting.

Commissioner Doug Smith attended the Fairmount Township meeting, the Northeast Kansas Official's meeting and the MARC meeting. He will attend the Basehor City Council meeting.

Commissioner Stieben will hold a property tax meeting at the Tonganoxie Library tomorrow evening.

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

The Board adjourned at 10:31 a.m.