

*****January 4, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, January 4, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; John Richmeier, Leavenworth Times

Residents: Joe Herring, John Matthews, Wes Baker, Mac McCowan, Kirk Sours

PUBLIC COMMENT:

Joe Herring commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Commissioner Doug Smith inquired if there has been a boat count for boats parked in Leavenworth County January 1 for special use permits that had boat storage.

Mark Loughry indicated he is not aware that has been done.

Commissioner Stieben indicated that next week he will propose to televise work sessions.

A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to accept the consent agenda for Wednesday, January 4, 2023 as presented.

Motion passed, 5-0.

Amy Allison presented Resolution 2023-1, a rezone request from RR-5 to RR-2.5 located at 19266 Leavenworth Rd.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Resolution 2023-1, a rezone request from RR-5 to RR-2.5 located at 19266 Leavenworth Rd.

Motion passed, 5-0.

Ms. Allison presented Resolution 2023-2, a rezone request from RR-5 to RR-2.5 located at 20682 and 00000 195th St.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to approve Resolution 2023-2, a rezone request from RR-5 to RR-2.5 located at 20682 and 00000 195th St.

Motion passed, 5-0.

Kirk Sours presented a letter of intent from Sherman and Reno Townships to form a fire district.

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to direct staff to undertake review of the letter and prepare the steps to set the matter for public hearing.

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, Mike Stieben, County Administrator Mark Loughry and others as invited by the Board.
Motion passed, 5-0.

The Board returned to regular session at 9:35 a.m. No action was taken and no decisions were made. The subject was limited to non-elected personnel.

Mac McCowan commented on a non-agenda item.

Commissioner Stieben spoke to Senator Tyson regarding property taxes indicating she is drafting a bill. He noted there will be a townhall meeting in Linwood regarding the Linwood Elementary School on January 12 at 6:30 p.m. at the Linwood Community Center.

Commissioner Culbertson attended the Leavenworth City Commission meeting and the Chamber Military Affairs meeting.

Commissioner Mike Smith reported that Fire District #1 has started the process to dissolve the fire district.

Commissioner Doug Smith attended the Fairmount Township meeting.

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

The Board adjourned at 9:45 a.m.

*****January 4, 2023 *****

The Board of County Commissioners met in a work session on Wednesday, January 4, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; Amy Allison, Planning and Zoning Deputy Director; John Richmeier, Leavenworth Times

Residents: Joe Herring, John Matthews, Wes Baker

The Board held a work session to discuss subdivision roadway inspections.

The Board ended the work session at 10:25 a.m.

Final Approved

*****January 10, 2023 *****

The Board of County Commissioners met in a special session on Tuesday, January 10, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Andrew Holder, Legal Counsel

The Board held a special meeting that was conducted in executive session to discuss legal matters involving the County.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to that the Board recess for a closed executive meeting for the discussion of 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 2:30 p.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Mike Smith, Doug Smith, Commissioner Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and Legal Counsel for the County, Andrew Holder.

Motion passed, 5-0.

The Board returned to regular session at 2:30 p.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 Kaaz and seconded by Commissioner Doug Smith to adjourn.

Motion passed, 5-0.

The Board adjourned at 2:30 p.m.

*****January 11, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, January 11, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; Janet Klasinski, County Clerk; Monica Swigart, Human Resources Administrator; Jamie Miller, EMS/Health Department Director; Janice Van Parys, County Treasurer; Andrew Holder, Legal Counselor; John Richmeier, Leavenworth Times

Residents: Howard Crook, Lloyd and Karen Crook, John and Sharon Wagner, Greg List, Wes Baker, Shawn and Christy Britz, Lisa Crook, Mike Goetz, Donna Crook-Rogers, Kenny and Julie Eastburn, Kara Luginbill-Smith, Kyle Smith

PUBLIC COMMENT:

Sharon Wagner, Howard Crook, Karen Crook and Greg List commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Mark Loughry reminded the Board that while attending briefings on the Apex project that we should focus on a possible connector between K-10 and I-70 as the most impactful factor to Leavenworth County.

Commissioner Doug Smith inquired about changing the policy on a tract splits that would allow the same variance process as platting for a subdivision.

Mr. Loughry indicated it would be appropriate to have staff review the policy and develop language to amend it and to then have the Board review before any exception is granted.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to air work sessions such as the city of Leavenworth does as we currently air our regular meetings.

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

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, January 11, 2023 as presented.

Motion passed, 5-0.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to adjourn sine die.

Motion passed, 5-0.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to nominate Commissioner Vicky Kaaz as temporary chairperson.

Motion passed, 4-0 Commissioner Kaaz abstained.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to convene to regular session.

Motion passed, 5-0.

The Board considered the nomination of a new chairperson.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to appoint Vicky Kaaz as the new chairperson.

Motion passed, 4-0 Commissioner Kaaz abstained.

The Board considered setting regular meeting days.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to keep Wednesdays as regular meeting days at 9:00 a.m.

Motion passed, 5-0.

The Board considered approval of the official newspaper for Leavenworth County publications.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to make our official newspaper for the County the Leavenworth Times.

Motion passed, 5-0.

The Board considered approval of the official depository for Leavenworth County funds.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to accept the County Clerk's recommendation to have Commerce Bank as the official depository of Leavenworth County.

Motion passed, 5-0.

The Board considered approval of the 2023 Leavenworth County Pay Plan schedule.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the 2023 Leavenworth County Pay Plan Schedule.

Motion passed, 5-0.

The Board considered approval of Resolution 2023-3, setting the elected officials' salaries.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve Resolution 2023-3 setting the elected officials' salaries as approved in the 2023 budget.

Motion passed, 5-0.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith that the Board recess for a closed executive meeting for the discussion of 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 the Board resume open meeting at 10:10 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Mike Smith, Doug Smith and Commissioner Mike Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and Legal Counsel for the County Andrew Holder.

Motion passed, 5-0.

The Board returned to regular session at 10:10 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 Mike Smith that the Board recess for a closed executive meeting for the discussion of 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 the 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 Commissioner Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and Legal Counsel for the County Andrew Holder.

Motion passed, 5-0.

The Board 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.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith that the Board recess for a closed executive meeting for the discussion of 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 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 Kaaz, Culbertson, Mike Smith, Doug Smith, Mike Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and Legal Counsel for the County Andrew Holder.

The Board returned to regular session at 10:40 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

David Van Parys updated the Board regarding legal action on Flatlands indicating he will provide a final action report next week.

Commissioner Mike Smith introduced his father in attendance for the meeting.

Commissioner Doug Smith will attend the Basehor City Council meeting this evening.

Commissioner Kaaz will attend a Martin Luther King Jr. celebration in Kansas City on Friday. She also attended a KCATA meeting and a Workforce Partnership meeting.

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

Motion passed, 5-0.

The Board adjourned at 10:44 a.m.

*****January 18, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, January 18, 2023. Commissioner Kaaz, Commissioner Doug Smith, Commissioner Mike Smith, Commissioner Culbertson 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; Connie Harmon, Council on Aging Director; Andrew Holder, Legal Counselor; John Richmeier, Leavenworth Times

Residents: Julie and Kenny Eastburn, Kara Lugenbill-Smith, Kyle Smith, Sharon Wagner, Karen Crook, Shawn and Christy Britz, Wes Baker, John Matthews, Eric McMillin, Greg List, Donna Crook-Rogers, John Wagner, Lloyd Crook, Howard Crook

PUBLIC COMMENT:

Julie Eastburn, Kara Lugenbill-Smith, Kyle Smith, Sharon Wagner and Karen Crook commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz reported there will be a vacancy on the NEK-CAP Board indicating they would like a Commissioner to serve on that Board.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that Commissioner Kaaz be reappointed.

Motion passed, 5-0.

Commissioner Stieben read a report on year to date housing.

Mark Loughry reported Senator Roger Marshall's office sent County employees who have work anniversaries in January each a letter of recognition.

Commissioner Doug Smith recognized Wilbur Grisham who was involved with starting the fire department in Basehor as celebrating his 100th birthday.

Commissioner Doug Smith inquired if a work session is needed on public comment in light of the change in Johnson County and the YouTube policies.

Staff will review the YouTube policies and report back to the Board.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, January 18, 2023 as presented.

Motion passed, 5-0.

An employment agreement was presented for the County Administrator.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the employment agreement with the County Administrator.

Motion passed, 5-0.

Bill Noll requested approval of a subdivision roadway inspection policy.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to approve the subdivision roadway inspection policy.

Motion passed, 5-0.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that this Board recess for a closed executive meeting for the discussion of 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 Commissioner Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and Legal Counsel Andrew Holder.

Motion passed, 5-0.

The Board 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 Memorandum of Understanding with Flat Lands Excavating was presented.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve a memorandum of understanding presented by legal counsel addressing issues and setting out conditions regarding the operation of a landfill in Easton, Kansas by Flat Land Excavating.

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

A settlement agreement and mutual release with Flat Lands Excavating was presented.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve a settlement agreement and mutual release as presented by legal counsel resolving and leading to the dismissal of an action currently pending in the U.S. District Court involving Flat Land Excavating and Leavenworth County.

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

Connie Harmon presented the quarterly report for Council on Aging.

Mr. Noll presented the quarterly report for Public Works.

Commissioner Mike Smith will meet with the Mayor of Lansing and will attend the LCDC luncheon along with other Commissioners on Friday.

Commissioner Doug Smith attended the Basehor City Council meeting and attended the MLK celebration in Leavenworth.

Commissioner Stieben attend a town hall meeting in Linwood. He will also attend a meeting today regarding the battery plant and an Elephant Club meeting in Basehor.

Commissioner Culbertson met with Representative Johnson, Buehlar and Senator Tyson about Senate Bill 13 and LAVTR funds. He will also speak at the League of Women Voter's at the Leavenworth Public Library on Saturday.

Commissioner Kaaz attended two MLK celebrations and met with Representative Davids at the KCATA meeting. She attended the Port Authority meeting via Zoom and the Leavenworth City Commission meeting.

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

Motion passed, 5-0.

The Board adjourned at 10:52 a.m.

Final Approved

*****January 18, 2023 *****

The Board of County Commissioners met in a work session on Wednesday, January 18, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Amy Allison, Planning and Zoning Deputy Director

Members of the Planning Commission: Jeff Spink, Robert Owens, William Gottschalk, Wolf Schmidt, Alan Stork, Jaden Bailey and Doug Tystad

The Board held a joint work session with the Planning Commission to review the Comprehensive Plan and discuss special use permits and zoning.

The Board ended the work session at 12:06 p.m.

Final Approved

*****January 19, 2023 *****

The Board of County Commissioners met in a work session on Thursday, January 19, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Tom Cole, Economic Development Administrator; John Richmeier, Leavenworth Times

Members of the Leavenworth County Port Authority Board: Dirck Hoagland and Doug Schimke

The Board held a work session with County appointed members of the Leavenworth County Port Authority Board.

The Board ended the work session at 10:12 a.m.

Final Approved

*****January 25, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, January 25, 2023. Commissioner Kaaz, Commissioner Doug Smith, Commissioner Mike Smith, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; Tom Cole, Economic Development Administrator; Larry Malbrough, Information Systems Director; Jamie Miller, EMS/Health Department Director; John Richmeier, Leavenworth Times

Residents: John Matthews, Wes Baker, Louis Klemp, Joe Herring

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry requested clarification if the motion to televise work sessions included the Planning Commission work sessions.

It was the consensus to televise the Planning Commission work sessions.

Commissioner Stieben requested to instruct staff to draft a letter to KDHE about lack of enforcement.

It was the consensus of the Board to wait on the letter.

Commissioner Culbertson addressed letters being sent to citizens soliciting to buy their land.

Commissioner Doug Smith announced the Leavenworth County/City Drug and Alcohol Council are taking applications for the use of funds for the education drug and alcohol abuse for youth.

Commissioner Doug Smith requested the plat for J&A Farms 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, January 25, 2023 as presented minus J & A Farms.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the J&A Farms section of the consent agenda.

Motion passed, 4-0, Commissioner Doug Smith abstained.

Jaime Miller requested approval of a clinical agreement with St. Mary's University.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to authorize the chairwoman to sign the clinical agreement with St. Mary's University as presented.

Motion passed, 5-0.

Larry Malbrough presented the quarterly report for Information Systems.

Mr. Miller presented the quarterly report for EMS and the Health Department.

Amy Allison presented the quarterly report for Planning and Zoning.

Tom Cole presented the quarterly report for Economic Development.

Commissioner Kaaz attended the NEK-CAP Board of Directors meeting, the Workforce Partnership meeting and the Leavenworth City Commission meeting.

Commissioner Doug Smith attended the LCDC luncheon, Wilmer Grisham's 100th birthday celebration, and the MARC meeting. He will attend the Basehor City Council meeting and the Fairmount Township meeting.

Commissioner Stieben attended a meeting about the battery plant and the LCDC luncheon. He will attend the Local Government Day in Topeka this afternoon. He also attended the March for Life in Topeka.

Commissioner Culbertson attended the MARC meeting via Zoom. He will meet with Colonel Misenheimer to continue talk about PILOT checks. He reported a resolution will be ready for approval on the high-pressure gas lines. He also spoke at the League of Women's Voter's meeting on Saturday.

Commissioner Mike Smith attended a farewell party for Matt Schmitz in Lansing. He will have lunch with the Lansing City Administrator today. He will speak at the Leavenworth/Lansing Leadership Class on February 3.

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

Commissioners Mike Smith and Doug Smith withdrew their motion.

Wes Baker and Louis Klemp commented on a non-agenda item.

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

Motion passed, 5-0.

The Board adjourned at 10:22 a.m.

*****January 25, 2023 *****

The Board of County Commissioners met in a work session on Wednesday, January 25, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Any Allison, Planning and Zoning Deputy Director

The Board held a work session to discuss tract splits with regards to lot line requirements.

The Board ended the work session at 10:59 a.m.

Final Approved