

\*\*\*\*\*March 1, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 1, 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; Connie Harmon, Council on Aging Director; Amy Allison, Planning and Zoning Deputy Director; Mark Buchanan, Deputy County Appraiser; Edd Hingula, Leavenworth City Commissioner; John Richmeier, Leavenworth Times

Residents: John Matthews, Wes Baker, Dan and Cindy Lynch, Eric McMillin, Joe Herring

**PUBLIC COMMENT:**

Joe Herring commented on an agenda item.

**ADMINISTRATIVE BUSINESS:**

Commissioner Kaaz read a proclamation for the 2023 March for Meals for the Council on Aging.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, March 1, 2023 as presented.***

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

David Van Parys requested attachment of two properties located in Leavenworth County to Rural Water District #12 in Jefferson County.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the attachment of two properties located in Leavenworth County to Rural Water District #12.***

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

Amy Allison presented Resolution 2023-4, a request for a special use permit for Whiskey Ridge Event Center.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to table this until March 15<sup>th</sup> and give it an opportunity to go through the appeals board.***

***Motion passed, 3-1 Commissioner Doug Smith voting nay and Commissioner Culbertson abstained.***

Ms. Allison presented Resolution 2023-5, a rezone request from RR-5 to RR-2.5 located at 20809 and 20811 225<sup>th</sup> and Mitchell Road.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Resolution 2023-5, a rezone request from RR-5 to RR-2.5 located at 20809 and 20811 225<sup>th</sup> St and Mitchell Road.***

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

Ms. Allison presented Case Number DEV-22-129, the 2023 annual Comprehensive Plan review.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve Case Number DEV-22-129, the 2023 annual Comprehensive Plan review.***

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

Mark Buchanan requested approval of Board Order 2023-1, an abatement of property taxes on a home destroyed by fire.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve Board Order 2023-1, approving the abatement of property taxes on certain homesteads or building or improvements damaged by earthquake, fire, flood, storm or tornado located at 23575 Sandusky Road.***

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

Mr. Buchanan presented the quarterly report for the County Appraiser's Office.

Commissioner Mike Smith and Commissioner Doug Smith attended the K-7 and Parallel Road Improvement Project meeting. Commissioner Mike Smith was invited to join the City of Lansing Employee Chili Cookoff Contest and also attended the ribbon cutting ceremony for NEK-CAP.

Commissioner Doug Smith and Commissioner Kaaz will attend the JCAB meeting tomorrow. Commissioner Doug Smith also attend the MARC meeting, the Basehor City Council meeting and the Fairmount Township meeting.

Commissioner Culbertson held a Zoom meeting with Senator Tyson.

Commissioner Mike Smith, Commissioner Kaaz, Mark Loughry and Tom Cole will be attended the United States Army Breakfast on March 6<sup>th</sup>.

Commissioner Stieben held a Property Tax Task Force meeting.

Commissioner Kaaz participated in the KCATA meeting, the Workforce Partnership meeting and Port Authority 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 10:20 a.m.

\*\*\*\*\*March 8, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 8, 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; Jamie Miller, EMS/Health Department Director; Roger Marrs, Information Systems Deputy Director; John Richmeier, Leavenworth Times

Residents: John Matthews, Wes Baker, Joe Herring, Eric McMillin

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz read a letter reminding the public to schedule public comment prior to the meeting and members of the public to not disrupt the meeting to include interacting with staff or the commission during the meeting.

Mark Loughry briefly spoke about appraisals of homes indicating comparable sales of homes are what impact the value of the house in which the appraiser is required to appraise within 10% of current market value which is a statutory requirement.

Commissioner Doug Smith reported March is Agriculture Month in the state of Kansas.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, March 8, 2023 as presented.***

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

Jamie Miller requested the chairperson to sign the application for aid to local grants for the Health Department.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to authorize the chairperson to sign the application for aid to local grants for the Health Department.***

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

Roger Marrs requested approval of Board Order 2023-2, initiating the tax foreclosure action upon properties with delinquent taxes.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Kaaz to approve Board Order 2023-2, initiating the tax foreclosure action upon properties with delinquent property taxes.***

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

Commissioner Doug Smith will attend the Basehor City Council meeting.

Commissioner Stieben expressed appreciation to Commissioner Culbertson for filling in for him at the Linwood Library.

Commissioner Culbertson attended the Easton City Council meeting and the Leavenworth City Commission meeting. He also attended a meeting in Topeka to discuss property taxes.

Commissioner Mike Smith attended the United States Army Breakfast and will attend the LCDC Board meeting.

Commissioner Kaaz attended the JCAB meeting with Commissioner Doug Smith. She also met with the auditor on behalf of the Commission.

Commissioner Doug Smith indicated he would like to have the Commission work with department heads on the budget this year.

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

Eric McMillin commented on a non-agenda item.

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

The Board adjourned at 9:40 a.m.

Final Approved

\*\*\*\*\*March 15, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 15, 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, Deputy Planning and Zoning Director; Edd Hingula, Leavenworth City Commissioner; Sonya Murphy, Extension Office; John Richmeier, Leavenworth Times

Residents: Eric McMillin, John Matthews, Cindy Lynch, Joe Herring

Commissioner Kaaz read a proclamation recognizing March as Kansas Agriculture Month.

**PUBLIC COMMENT:**

There were no public comments on agenda items.

**ADMINISTRATIVE BUSINESS:**

Mark Loughry reported the County received local assistance and tribal consistency funds which have to spent according to guidelines. He requested authorization to transfer these funds for use of the previously approved sewer line replacement project for the city of Linwood in lieu of the ARPA funds.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to allow the expenditures of the LATC funds for the Linwood expenditures for their sewer lines.***

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

David Van Parys reported he requested information from KDHE regarding fires at the landfill indicating the reports would cost approximately \$770.00 to obtain these reports. He indicated he will continue to work with KDHE to obtain these reports.

Commissioner Doug Smith asked if agricultural preserve is a zoning issue.

Mr. Van Parys reported Kansas Law allows property owners to place their land in agricultural preserve which is not a zoning category.

The Board briefly spoke about local ad valorem taxes.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, March 15, 2023 as presented.***

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

Amy Allison updated the Board on Resolution 2023-4, a special use permit for Whiskey Ridge Event Center reported that a letter from the State Fire Marshall was received last night indicating they are granting the variance for the fire suppression system. She said the Board of Building Codes tabled this item until March 22<sup>nd</sup> for the response from the Fire Marshall's office.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to table until March 29.***

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

Commissioner Stieben attended the Fire District #2 meeting in Reno Township.

Commissioner Culbertson met with Senator Tyson about property taxes, attended the Leavenworth City Commission meeting and he will speak at the Chamber of Commerce meeting this evening.

Commissioner Mike Smith attended the LCDC meeting and will deliver Meals on Wheels on Tuesday.

Commissioner Kaaz attended a KCATA meeting and will attend the NEK-CAP meeting.

Commissioner Doug Smith attended the Basehor City Council meeting and will deliver Meals on Wheels on Monday.

The Board will participate in the St. Patrick's Day parade on Friday.

Eric McMillin commented on non-agenda items.

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

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

The Board adjourned at 9:31 a.m.

\*\*\*\*\*March 15, 2023 \*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, March 15, 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; Edd Hingula, Leavenworth City Commission

Residents: Eric McMillin, John Matthews, Joe Herring

The Board held a work session to discuss the public comment policy.

Direction was given to staff to amend the policy as discussed.

The Board ended the work session at 10:22 a.m.

Final Approved

\*\*\*\*\*March 22, 2023\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 22, 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; Bill Noll, Infrastructure and Construction Services; Connie Harmon, Council on Aging Director; Amy Allison, Planning and Zoning Deputy Director; Edd Hingula, Leavenworth City Commissioner; John Richmeier, Leavenworth Times

Residents: Eric McMillin, Joe Herring, Shawn and Christy Britz, Wes Baker

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Commissioner Doug Smith reported Jackson County Kansas is seeking lost revenue on federal land indicating they are hiring a law firm using ARPA funds.

Commissioner Doug Smith inquired about letters received from the State Fire Marshall's office.

Commissioner Stieben indicated the State Fire Marshall's office didn't realize the County had building codes.

Commissioner Stieben read a letter from a constituent that indicated the County has spent \$12 million refurbishing the Cushing Building.

Mark Loughry reported there has been less than \$5 million spent in ARPA funds on the Cushing Building.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, March 22, 2023 as presented.***

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

Amy Allison presented Case Number DEV-23-001 and 002, a preliminary and final plat for Double M.

***A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve Case Number DEV-001 and 002 a preliminary and final plat for Double M.***

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

Connie Harmon presented a memorandum of understanding between Council on Aging and Perky's Café for the leisure and learning program activities.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve the memorandum of understanding between Council on Aging and Perky's Café for the leisure and learning program activities.***

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

Bill Noll presented a lease agreement with Sherman Township Fire Department for the salt dome and grader storage.



***A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve the lease agreement with Sherman Township Fire Department for the salt dome and grader storage.  
Motion passed, 5-0.***

Commissioner Mike Smith reported the Board attended St. Patrick's Day parade. He mentioned that during the budget process he want to have a conversation about cutting the mil levy in half.

Commissioner Kaaz participated in the NEK-CAP Board of Directors meeting, spoke at the League of Women Voters meeting, participated in the NAACP meeting , attended the Workforce Partnership meeting, Port Authority meeting and the Leavenworth City Commission meeting.

Commissioner Doug Smith attended the Basehor City Council meeting and the Fairmount Township meeting. He will attend the Mayor's State of the City Address in Basehor.

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

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

The Board adjourned at 9:27 a.m.

Final Approved

\*\*\*\*\*March 22, 2023\*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, March 22, 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

Residents: Wes Baker, Eric McMillin

The Board held a work session to discuss the Public Works capital improvement plan.

The Board ended the work session at 10:55 a.m.

Final Approved

\*\*\*\*\*March 23, 2023 \*\*\*\*\*

The Board of County Commissioners met in a special meeting on Thursday, March 23, 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; Todd Thompson, County Attorney; Chris Lyon, Assistant County Attorney

The Board held a special meeting to discuss a Veteran's Court grant application.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to authorize the County Attorney to receive federal funds for the Veteran's Court.  
Motion passed, 5-0.*

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

The Board adjourned at 10:47 a.m.

Final Approved

\*\*\*\*\*March 29, 2023\*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, March 29, 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; John Richmeier, Leavenworth Times

Residents: Eric McMillin, John Matthews, Pat Barnhardt, Chip DeMoss, John Groves, Joe Herring, Cindy Lynch

PUBLIC COMMENT:

Eric McMillin and Chip DeMoss commented on agenda items.

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz read a proclamation recognizing April as Child Abuse Prevention Month.

Commissioner Mike Smith indicated he would like to start having work sessions with the cities again.

Commissioner Stieben reported there has been another violation at Flatlands.

Commissioner Stieben inquired about the new process for large developers.

Mark Loughry indicated that any new large development would require a development agreement be approved before the application of a special use permit.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, March 29, 2023 as presented.***

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

Pat Barnhardt with the Leavenworth County-Cities Drug and Alcohol Abuse Council presented recommendations for allocations from the special alcohol funds.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the recommendation for allocations from the Leavenworth County-Cities Drug and Alcohol Abuse Council as presented.***

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

Mr. Loughry presented an agreement between Leavenworth County and The Guidance Center for mental health services.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the agreement between Leavenworth County and The Guidance Center.***

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

Amy Allison updated the Board on Resolution 2023-4, a request for a special use permit for Whiskey Ridge Event Center indicating the Board of Building Codes denied the request.

*A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve to conditionally approve a special use permit for Whiskey Ridge subject to the resolution being presented next week subject to the contract that was referenced being submitted for staff review.*

The Whiskey Ridge special use permit discussion was suspended for the Senior County Counselor to draft a motion.

*Commissioner Mike Smith withdrew his motion and Commissioner Doug Smith withdrew his second.*

Bill Noll requested authorization to sign and accept the Federal Fund Exchange allocated to Leavenworth County at the state rate of \$0.90 to the \$1.00 federal funds.

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to authorize Public Works to sign and accept the Federal Fund Exchange allocated to Leavenworth County at the state rate of \$0.90 to the \$1.00 federal funds.*

*Motion passed, 5-0.*

Mr. Loughry presented an updated public comment policy.

*A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to table this matter for two weeks.*

*Motion passed, 5-0.*

David Van Parys requested approval of an agreement for release of a lease at 1830 S. Broadway building.

*A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve an agreement for the release of a lease at 1830 S. Broadway building.*

*Motion passed, 5-0.*

*A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben that this Board conditionally approve the application by Orison LLC for a special use permit to operate a facility commonly known as Whiskey Ridge. The conditions to which this conditional approval is subject to are as follows: 1.) Compliance with conditions set out by staff in previously submitted resolution regarding this application. 2.) That with respect to compliance with the building codes adopted by the County, Orison LLC be allowed to on a temporary basis only operate without an installed engineered sprinkler system approved by the State Fire Marshall subject to the following conditions: A) that prior to the approval by the State Fire Marshall for a sprinkler system at the facility, not less than two fire fighters along with a township fire truck with firefighting equipment be present on site during all hours of operation. That this presence be confirmed by an agreement to present to staff not later than 5:00 p.m. Friday, March 31, 2023. B) That Orison LCC comply with any directive or order of the State Fire Marshall. C) That Orison undertake affirmative action to have an engineered sprinkler system installed at the premises not later than six months from the date of this motion, subject to extension upon showing good cause. D) That this approval be considered to be a temporary special use permit that expires April 5, 2023 to be replaced by a special resolution granting conditional approval of a special use permit.*

*Motion passed, 3-1, Commissioner Kaaz voting nay, Commissioner Culbertson abstained*

*A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to table the consideration of a resolution for a special use permit for Whiskey Ridge to 9:00 a.m. April 5, 2023.*

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

Commissioner Mike Smith attended the State of the City address in Basehor.

Commissioner Doug Smith attended the State of the City address in Basehor. He also attended a Fairmount township board meeting and the Basehor City Council meeting. He will also attend Keith Rickard's retirement ceremony at the Guidance Center. He also attended the Leavenworth County Livestock Buyer's Association Event.

Commissioner Stieben attended the Fire District #2 meeting and attended the proclamation signing at Jet Produce for Agriculture Month in Kansas along with Commissioner Kaaz.

Commissioner Kaaz attended the Leavenworth City Commission, participated in the KCATA meeting and will attend the retirement ceremony for Keith Rickard.

Commissioner Stieben mentioned an open house at Jet Produce on April 15<sup>th</sup>.

Commissioner Culbertson commented he is continuing ways to figure out how to lower taxes on Senator Tyson taskforce.

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

The Board adjourned at 10:46 a.m.