

\*\*\*\*\*November 1, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, November 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; Misty Brown, Deputy County Counselor; Larry Malbrough, Information Systems Director

Residents: Paula Cole, Brendan Sheehan,

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Mike Smith inquired about who will be participating in the Veteran's Day Parade.

Commissioner Culbertson will provide a vehicle for Commissioners to ride in the parade.

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

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

A proposed bicycle route 55 was presented for consideration.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to table this until next week to make changes that were discussed.***

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

Mark Loughry presented applications for appointment to the Juvenile Corrections Advisory Board.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to appoint Sherri Reevis as educational person on the JCAB board, Willie Williams, Felicia Yoakam, and Aimee Bateman to serve as board members of JCAB.***

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

Mr. Loughry presented Resolution 2023-29, adopting a Nationwide Retirement Solutions.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Resolution 2023-29, adopting a Nationwide Retirement Solutions.***

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

David Van Parys presented Resolution 2023-30, establishing a daily fee to house inmates by outside agencies at the Leavenworth County Jail.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve Resolution 2023-30, establishing a daily fee for the housing of inmates by outside agencies at the Leavenworth County Jail.***

***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 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 Board resume open meeting at 10:00 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Mike Smith, Doug Smith and Mike Stieben, Senior County Counselor, David Van Parys and County Administrator Mark Loughry and others that may be called by the Board. Motion passed, 5-0.***

The Board returned to regular session at 10:00 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 Mike Smith and seconded by Commissioner Culbertson to approve a water main relocation agreement with Rural Water District #9 regarding the 235<sup>th</sup> Street project. Motion passed, 3-1 Commissioner Doug Smith abstained, Commissioner Stieben voting nay.***

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve a water main relocation agreement with Rural Water District #9 regarding the County Road 5/Tonganoxie Road project. Motion passed, 4-0, Commissioner Doug Smith abstained.***

Larry Malbrough presented the quarterly report for the Information Systems Department.

Commissioner Mike Smith judged the costume contest at the Council on Aging.

Commissioners Kaaz and Stieben attended the ground-breaking ceremony for the new US Penitentiary.

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

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

The Board adjourned at 10:10 a.m.

\*\*\*\*\*November 1, 2023 \*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, November 1, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator

Members of the Leavenworth County Port Authority and Leavenworth County Development Corporation

The Board held a work session with the Leavenworth County Port Authority to discuss future funding.

The Board ended the work session at 11:13 a.m.

Final Approved

\*\*\*\*\*November 8, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, November 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; Janet Klasinski, County Clerk; Bill Noll, Infrastructure and Construction Services; John Jacobson, Planning and Zoning Director; John Richmeier, Leavenworth Times

Residents: John Matthews, Raymond Reynolds, Brendan Sheehan, Chris Kerry

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Commissioner Kaaz read a proclamation recognizing Operation Green Light for veterans.

Janet Klasinski requested the chairperson to randomly select two precincts to audit in which one is USD #469 and the other is city of Leavenworth Commission. Commissioner Kaaz randomly selected Lansing Ward 3 for the school district and second precinct, sixth ward for the Leavenworth City Commission.

Mark Loughry reported the Register of Deeds will hold a ribbon-cutting ceremony on Wednesday, November 15, 2023 at 8:14 a.m.

Mr. Loughry thanked employees who participated in the health assessments.

Commissioner Culbertson indicated he has been called for jury duty next Monday and may not be able to attend the meeting on Wednesday.

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

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

Brenden Sheehan requested approval of US Bicycle Route 55 and a letter of support.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve US Bicycle Route 55 through Leavenworth County and a letter of support.***

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

Resolution 10-23-03 from the city of Tonganoxie was presented for consideration of approval for an annexation.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith that the proposed annexation hinders the proper growth and development of the area.***

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

Bill Noll requested approval of contract with SMH for design services for the high-risk rural roads project on Tonganoxie Road.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve a contract with SMH for design services for the high-risk rural roads project on Tonganoxie Road.***

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

Mr. Noll requested approval of a contract for construction with Kaaz Construction for three replacement culverts through ARPA funds.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve culvert replacement to the local contractor Julius Kaaz Construction for ST-59 and ST-60 and K-37.***  
***Motion passed, 4-0, Commissioner Kaaz abstained.***

Raymond Reynolds commented on a non-agenda item.

Commissioner Mike Smith will attend the LCDC annual VIP meeting on Friday and the Veteran's Day Parade on Saturday.

Commissioners Kaaz and Doug Smith attended the Council on Aging fundraiser for Meals on Wheels. She will attend the St. Mary's Veteran's Day Pinning Ceremony on Monday.

Commissioner Doug Smith will participate in the Veteran's Day Parade and the ribbon-cutting ceremony for the Register of Deeds.

Commissioner Stieben thanked everyone that ran for office.

Commissioner Culbertson attended the Easton City Council meeting.

Mr. Loughry reminded everyone the Courthouse will be closed this Friday in observance of Veteran's Day.

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

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

The Board adjourned at 10:07 a.m.

\*\*\*\*\*November 15, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, November 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; Misty Brown, Deputy County Clerk; Janet Klasinski, County Clerk; Bill Noll, Infrastructure and Construction Services; Aaron Yoakam, Buildings and Ground; TerriLois Mashburn, Register of Deeds; Ken Miller, City of Lansing, John Richmeier, Leavenworth Times

Residents: Janette Labbee-Holdeman, Linda Johnson, Connie Parish

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Doug Smith recognized the passing of Kent Quarles from Tonganoxie.

Commissioner Doug Smith apologized to staff regarding the comment on the Tonganoxie Annexation.

Commissioner Culbertson spoke about the informational letter regarding LAVTR indicating he will take all calls or emails to avoid any serial meetings or contact.

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

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

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to adjourn as the Board of County Commissioners and convene as the Board of County Canvassers.***

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

Janet Klasinski reported on the 2023 General Election.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to accept the provisionals as recommended by the County Clerk.***

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

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to adjourn as the Board of County Canvassers and return to our regular session.***

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

Aaron Yoakam presented a renewal contract with Symmetry Energy Solutions for natural gas service at the Cushing Building.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve a contract with Symmetry Energy Solutions for natural gas services at the Cushing Building.***

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

Bill Noll presented a contract with Benesch to allow them to pay Dondlinger Construction for repairs to bridge F-46.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve the agreement with Benesch to allow them to pay Dondlinger Construction directly for the repairs of bridge F-46***

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

Misty Brown presented Resolution 2023-31, amending section 4 (a)(8) of Resolution 2023-24 to allow for additional members to the Juvenile Advisory Board as authorized.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve the resolution as presented.***

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

***A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to approve Commissioner Stieben and Commissioner Doug Smith to the JCAB Board.***

***Motion passed, 3-0. Commissioners Doug Smith and Stieben abstained.***

Commissioner Kaaz attended the Athena Awards banquet.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to adjourn as the Board of County Commissioners and convene as the Board of County Canvassers.***

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

Ms. Klasinski reported 52 provisionals were counted indicating it made no difference in the races except for Lansing City Council announcing Pete Robinson winning by one vote.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to certify the 2023 General Election.***

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

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to adjourn as the Board of County Canvassers and reconvene as the Board of County Commissioners.***

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

Commissioner Kaaz attended the LCDC Annual Meeting. She will attend the Transit Authority meeting this afternoon.

Commissioners Doug Smith, Mike Smith and Culbertson participated in the Veteran's Day Parade.

Commissioner Stieben met with the City Administrator of Tonganoxie.

Commissioner Culbertson attended the Leavenworth City Commission meeting.

Commissioner Mike Smith attended the LCDC Annual meeting.

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

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

The Board adjourned at 9:42 a.m.

\*\*\*\*\*November 22, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, November 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; Andy Dedeke, Leavenworth County Sheriff; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: John Matthews

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Mike Smith recognized the passing of Mayor Wilson's sister.

Commissioner Kaaz recognized the passing of Charlie Hill, a longtime member of the Port Authority.

Mark Loughry noted the term for Doug Schimke of the Port Authority will expire December 31, 2023.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to offer Doug Schimke to do another term on the Port Authority.***

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

Commissioner Doug Smith noted the Alliance Against Family Violence and CASA received federal grant funding.

Commissioner Stieben inquired about Flatlands.

Mr. Loughry reported KDHE visited Flatlands and they are aware of issues.

Commissioner Mike Smith spoke about the LAVTR letter sent in the property tax statements and inquired if an informational letter could be sent every year.

Commissioner Stieben suggested to not include the Leavenworth Port Authority in the Outside Agency Policy for funding routing the funding for LCDC directly to them.

Mr. Loughry outlined the Outside Agency Funding Policy.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that funding for the Port Authority be required to follow the policy currently in effect if it is given to a third party.

Commissioner Mike Smith withdrew his second.

Commissioner Stieben withdrew his motion.

It was the consensus of the Board to not place this on the agenda for future discussion.



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

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

Bill Noll requested to accept bid for the replacement of bridge A-60 from Reece Construction.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to accept bid from Reece Construction for the replacement of bridge A-60 on 215<sup>th</sup> Street.***

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

Mr. Noll requested approval of a contract for 2024 trap rock with New Frontier Materials.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve a contract for 2024 trap rock delivery with New Frontier Materials.***

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

Sheriff Andy Dedeke presented information to the Board about Kansas Fights Addiction.

All Commissioners attended the Legislative Breakfast on November 16, 2023.

Commissioner Doug Smith attended the Northeast Kansas Officials Meeting.

Commissioner Stieben attended the Economic Development Outlook meeting, the Tonganoxie City Council meeting and the Port Authority meeting via Zoom.

Commissioner Mike Smith participated in the County's Chili Cookoff. He will attend the Lansing Mayor's Christmas tree lighting ceremony on December 3 at 6:00 p.m.

Commissioner Kaaz attended the Port Authority meeting and the Workforce Partnership meeting, Transit Authority and the Mayor's Christmas Tree Lighting.

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

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

The Board adjourned at 9:57 a.m.

\*\*\*\*\*November 29, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, November 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; Misty Brown, Deputy County Counselor; John Jacobson, Planning and Zoning Director; Janet Klasinski, County Clerk; John Richmeier, Leavenworth Times

Residents: John Matthews, Joe Herring, Joshua Zenger, Mike Reilly, Sandy Collins, Audrey Moody, Ken Hancock

PUBLIC COMMENT:

Joshua Zenger commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Janet Klasinski requested approval of a cereal malt beverage license renewal for Lakestop.

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to authorize the chairperson to sign the cereal malt license.*

*Motion passed, 5-0.*

Misty Brown requested approval of a text amendment to the County Administrator's contract.

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to amend section 7 of the County Administrator's employment agreement to include a new subsection E which will replace the second subsection C and shall read as follows: E. The County shall contribute annually an amount equal to the 402G deferral limitation in effect for each calendar year to the County Administrator's 401A plan.*

*Motion passed, 5-0.*

Commissioner Culbertson reported Doug Schimke wishes to remain on the Port Authority Board.

Commissioner Kaaz commented on an article in the Leavenworth Times written by Representative Pat Proctor.

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

*Motion passed, 5-0.*

The applicant requested to table Resolution 2023-32, special use permit for Tri-Hull Crane Rental.

*A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to table Resolution 2023-32, a special use permit for Tri-Hull Crane to December 13<sup>th</sup> at 9:00 a.m.*

*Motion passed, 5-0.*

John Jacobson presented Resolution 2023-33 a rezoning from RR-2.5 to RR-1(43) located at 17679 166<sup>th</sup> St.

A motion was made by Commissioner Doug Smith to approve Resolution 2023-33 a rezoning from RR-2.5 to RR-1 located at 17679 166<sup>th</sup> St.

Commissioner Doug Smith withdrew his motion.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Resolution 2023-33, a rezoning from RR-2.5 to RR-1(43) located at 17679 166<sup>th</sup> St. and adopt the findings of the Golden Rules that the Planning Commission established.***

***Motion passed, 4-1 Commissioner Mike Smith voting nay.***

Mr. Jacobson presented Resolution 2023-34 a rezoning from RR-2.5 to RR-1(43) located at 16271 Evans Road.

Mike Reilly, the applicant, answered questions by the Board.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve Resolution 2023-34, a rezoning from RR-2.5 to RR-1(43) located at 16271 Evans Road and approve this by the findings of the Planning Commission and the Golden Rules.***

***Motion passed, 4-1 Commissioner Mike Smith voting nay.***

Commissioner Culbertson expressed concern about the annexation request from the city of Linwood with regards to the legal description that stop in the center of the street. He indicated before it comes before the Board the city needs to include all of the right of way.

Commissioners Stieben and Doug Smith will be attending the Kansas Association of Counties Conference next week.

Commissioner Mike Smith announced Lansing's Mayor's Christmas Tree Lighting on December 2 at 6:00 p.m. at the Lansing Middle School. He will be attended the Lansing's American Legion Annual dinner on Monday.

Mark Loughry reported KU is offering a seminar to talk about diversity and ethnic training based on the Panasonic development.

Commissioner Kaaz attended the Leavenworth City Commission meeting.

Commissioner Doug Smith attended the MARC meeting.

Audrey Moody, Joshua Zenger, Ken Hancock and Sandy Collins commented.

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

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

The Board adjourned at 10:04 a.m.