

*****December 6, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, December 6, 2023. Commissioner Kaaz, Commissioner Mike Smith and Commissioner Culbertson are present; Commissioner Doug Smith and Commissioner Stieben are absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Connie Harmon, Council on Aging Director; Bill Noll, Infrastructure and Construction Services; Edd Hingula, Leavenworth City Commissioner; John Richmeier, Leavenworth Times

Residents: John Matthews,

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Mike Smith recognized the passing of Hank Spellman.

Mark Loughry updated the Board on the emergency purchase of fuel.

Commissioner Culbertson indicated he is getting caught up on emails and phone calls about LAVTR.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, December 6, 2023 as presented.

Motion passed, 3-0.

Bill Noll requested approval a contract with Kimley-Horn for Safe Streets for All grant study.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to contract with Kimley-Horn for the Safe Streets for All FHWA grant study.

Motion passed, 3-0.

Connie Harmon requested to enter a MOU with The Guidance Center.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve the Council on Aging to enter a MOU with the Guidance Center.

Motion passed, 3-0.

Ms. Harmon requested approval of the Council on Aging revised by-laws.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to approve changes to the Council on Aging by-laws.

Motion passed, 3-0.

Commissioner Culbertson will attend the Easton City Council meeting that has been moved to Tuesday evening.

Commissioner Mike Smith attended the Mayor's Christmas Tree Lighting in Lansing and the VFW dinner.

Commissioner Kaaz attended the swearing in for the new Leavenworth City Commissioners.

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

Motion passed, 3-0.

The Board adjourned at 9:15 a.m.

Final Approved

*****December 13, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, December 13, 2023. Commissioner Kaaz, Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben and Commissioner Culbertson are present; Mark Loughry, County Administrator is absent; Also present: David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; Janet Klasinski, County Clerk; John Jacobson, Planning and Zoning Director; Janice Van Parys, County Treasurer; John Richmeier, Leavenworth Times

Residents: Rebecca Swearingen, John Matthews, Kurt Brack, Dee Hull, Dustan Hull

ADMINISTRATIVE BUSINESS:

Janice Van Parys introduced the new County Treasurer as of January 2, 2024.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to authorize the chair to declare that the replacement fuel system constituted an emergency situation under Kansas law.

Motion passed, 5-0.

Bill Noll updated the Board on the emergency fuel replacement system.

Commissioner Stieben read information provided by the Kansas Association of Counties regarding property taxes.

Commissioner Doug Smith requested to play a LAVTR video next week that was shown at the Kansas Association of Counties conference last week.

Commissioner Culbertson requested the consensus of the Board to pass an official LAVTR resolution.

It was the consensus of the Board to add the LAVTR resolution to next week's agenda.

Commissioner Stieben requested a meeting with the attorney of Flatlands to discuss the memorandum of understanding.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, December 13, 2023 as presented.

Motion passed, 5-0.

Janet Klasinski presented Resolution 2023-35, waiving the GAAP requirements.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve Resolution 2023-35 waiving the GAAP requirement of K.S.A. 75-1120a(a) as they apply to the County of Leavenworth for the year ended 2023.

Motion passed, 5-0.

PUBLIC COMMENT:

Rebecca Swearingen and Kurt Brack commented on an agenda item.

John Jacobson presented Resolution 2023-32, a special use permit for Tri-Hull Crane Rental.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith that based on the findings of the Golden Factors, as set forth in the staff report and as adopted by the Planning Commission and substantiated by the facts, testimony and evidence presented, to adopt Resolution 2023-32 and conditionally approve the proposed special use permit as outlined in Case DEV-2023-136 which is Tri-Hull subject to the performances and observations of the conditions set forth in the staff reports.

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

Bill Noll requested approval of the 2024 dust control request form.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve the 2024 dust control request form.

Motion passed, 5-0.

Mr. Noll requested the approval of an agreement with KDOT for the replacement of bridges SH-54 and SH-61.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve Project Agreement No. 729-23 for the replacement of bridges SH-54 and SH-61 on Golden Road.

Motion passed, 5-0.

Mr. Noll requested approval to lease two trucks with Nextran in the amount of \$182,494.33.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the lease of two trucks with Nextran in the amount of \$182,494.33.

Motion passed, 5-0.

Commissioner Mike Smith will attend the LCDC Annual Meeting on January 19.

Commissioner Doug Smith and Stieben attended the KAC Conference in Wichita last week.

Commissioner Culbertson met with individuals from Fort Leavenworth to discuss LAVTR and pilot checks. He reported the city of Easton will be writing a letter of support for the LAVTR.

Commissioner Kaaz attended cultural training for the Panasonic plant and the Transit Authority meeting. She also attended the Leavenworth City Commission meeting.

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

Motion passed, 5-0.

The Board adjourned at 10:06 a.m.

*****December 20, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, December 20, 2023. Commissioner Kaaz, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Culbertson are present; Commissioner Stieben is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Andy Dedeke, Leavenworth County Sheriff; Tom Cole, Economic Development Administrator; Bill Noll, Infrastructure and Construction Services; Aaron Yoakam, Buildings and Ground Director; Tim Vandall, City of Lansing Administrator; John Richmeier, Leavenworth Times

Residents: Louis Klemp

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

The Board viewed a video from the Kansas Association of Counties regarding LAVTR.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, December 20, 2023 as presented.
Motion passed, 5-0.***

Andy Dedeke requested to allow reimbursement funds from the Kansas Department of Aging and Disability Services for incarcerated individuals awaiting court ordered evaluations.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Doug Smith to table this until we get more information and funds are available.
Motion passed, 5-0.***

Aaron Yoakam requested to approve flooring replacement at the Health Department from Seifert's Flooring in an amount of \$59,000.00 through the Epidemiology and Laboratory Capacity grant.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve Seifert's Flooring for flooring replacement to the Health Department in an amount not to exceed \$59,000.00 through the Epidemiology and Laboratory Capacity grant.
Motion passed, 5-0.***

Bill Noll requested approval of a construction contract with Reece Construction for the replacement of bridge A-60.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to approve the construction contract with Reece Construction for the replacement of bridge A-60 in an amount not to exceed \$325,000.00 after contingency of pile lengths.
Motion passed, 5-0.***

Tom Cole requested approval of a MOU with the city of Lansing for the maintenance of the Kansas Base Grant 2.0.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve a Memorandum of Understanding, clarifying and granting all duties including but no limited to the administrative, fiscal, reporting management and maintenance relative to the award of Kansas Base Grant 2.0 to the city of Lansing.

Motion passed, 5-0.

Resolution 2023-36 was presented for approval.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to approve Resolution 2023-36, committing the application of all funds received by the County through the provisions of K.S.A. 79-2959, as amended, to the reduction of local ad valorem taxes.

Motion passed, 5-0.

Louis Klemp commented on non-agenda items.

Commissioner Doug Smith attended the Road and Bridge Christmas party.

Commissioner Culbertson attended the MARC meeting via Zoom. He will also be presenting LAVTR information to several different entities.

Commissioner Mike Smith wished everyone a Merry Christmas.

Commissioner Kaaz attended the LCDC meeting and will be attending the Transit Authority meeting.

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

Motion passed, 4-0.

The Board adjourned at 10:08 a.m.

*****December 27, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, December 27, 2023. Commissioner Kaaz, Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben and Commissioner Culbertson are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Janet Klasinski, County Clerk; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; Edd Hingula, Leavenworth City Commissioner; John Richmeier, Leavenworth Times

Residents: Joe Herring

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported an emergency purchase was made over the weekend when a water heater went out at the Cushing Building.

Commissioner Stieben spoke about local service roads funds.

Commissioner Doug Smith requested the check register removed from the consent agenda.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, December 27, 2023 minus the check register.

Motion passed, 4-0, Commissioner Culbertson abstained.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve the check registry.

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

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to appoint Commissioner Vicky Kaaz to the NEK-CAP Board of Directors for year 2024.

Motion passed, 4-0 Commissioner Kaaz abstained.

Janet Klasinski presented the budget amendments to the Courthouse General Fund.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve budget amendments to the Courthouse General Funds.

Motion passed, 5-0.

Ms. Klasinski presented the budget amendments to the Special Other Funds Fund.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve budget amendments to the Special Other Funds.

Motion passed, 5-0.

Ms. Klasinski presented Board Order 2023-6, transferring funds from the Courthouse General Fund to the Employee Benefit Funds.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve Board Order 2023-6, transferring funds from the Courthouse General Fund to the Employee Benefit Funds.

Motion passed, 5-0.

Amy Allison presented Case DEV-23-120, a plat for Highland Meadows.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith that the proposed final plat as outlined in Case DEV-23-120, Highland Meadows, be approved with conditions and that the plat is compliant with the County Zoning and Subdivision Regulations as set forth in the staff report as adopted by the Planning Commission and as substantiated by the facts, testimony and evidence presented be accepted by this Board and that the conditions set forth in the staff report be made part of this approval.

Motion passed, 5-0.

Ms. Allison presented Case DEV-23-145, final plat for Garden Villa.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that the proposed final plat as outlined in Case DEV-23-145, Garden Villa, be approved with conditions and that the plat is compliant with the County Zoning and Subdivision Regulations as set forth in the staff report as adopted by the Planning Commission and as substantiated by the facts, testimony and evidence presented be accepted by this Board and that the conditions set forth in the staff report be made part of this approval.

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 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 10:15 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 10:15 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 add the relocation agreement with Rural Water District #9 to next week's agenda subject to the water districts submission of a complete agreement including all exhibits.

Motion passed, 3-1, Commissioner Doug Smith abstained and Commissioner Stieben voted nay.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to add the consideration of the proposed annexation by the city of Tonganoxie to next week's agenda.

Motion passed, 5-0.

Commissioner Kaaz attended the Transit Authority meeting last week.

Commissioner Culbertson will testify on January 11 in Topeka regarding LAVTR and on January 17 on the disabled veteran's issue.

Commissioner Stieben will be speaking at 6:30 p.m. on January 11 at the Linwood Public Library.

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

The Board adjourned at 10:20 a.m.

Final Approved