

*****January 3, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, January 3, 2024. 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; Misty Brown, Deputy County Counselor; Bill Noll, Infrastructure and Construction Services; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; John Richmeier, Leavenworth Times

Residents: Joe Herring

PUBLIC COMMENT:

Joe Herring commented on an agenda item.

ADMINISTRATIVE BUSINESS:

The Board discussed concerns regarding proposed legislation for property tax exemptions for disabled veterans.

Commissioner Culbertson will speak on behalf of the Board in Topeka along with written testimony.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, January 3, 2024.

Motion passed, 5-0

Bill Noll presented an agreement with KDOT to spray noxious weeds in the state rights-of-way in the county.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve an agreement with KDOT to spray the noxious weeds in the state rights-of-way in the county.

Motion passed, 5-0.

Amy Allison presented Resolution 2024-1, a rezone request from RR-5 to RR-2.5 for Blaser Farms.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to adopt Resolution 2024-1 and approve the rezoning as outlined in Case DEV-23-140 based on the findings on the Golden Factors as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.

Motion passed, 5-0.

Ms. Allison presented Resolution 2024-2, a rezone request from RR-5 to all RR-2.5 located at 25680 Tonganoxie Drive.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to adopt Resolution 2024-2 and approve the rezoning as outlined in Case DEV-23-141 based on the findings on the Golden Factors as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.

Motion passed, 5-0.

Ms. Allison presented Resolution 2024-3, a rezone request from RR-5 to RR-1(43) located on Gilman Road.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to adopt Resolution 2024-3 and approve the rezoning as outlined in Case DEV-23-142 based on the findings on the Golden Factors as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.

Motion passed, 5-0.

Ms. Allison presented Resolution 2024-4, a rezone request from RR-2.5 to RR-1 located on 171st St.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to adopt Resolution 2024-4 and approve the rezoning as outlined in Case DEV-23-146 based on the findings on the Golden Factors as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.

Motion passed, 5-0.

David Van Parys presented an amended agreement with Rural Water District #9 for the relocation of a main water line.

A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to review and consider the Tonganoxie Road water main relocation agreement and approve the agreement as submitted.

Motion failed, 2-2 Commissioners Mike Smith and Stieben voting nay and Commissioner Doug Smith abstained.

A motion was made by Commissioner Stieben to resubmit the agreement with staff making the changes.

It was the consensus of the Board to reconsider this issue next week. Staff will prepare a counter proposal.

The Board discussed the city of Tonganoxie request for annexation.

Misty Brown indicated the city of Tonganoxie will resubmit the annexation request.

Commissioner Stieben will accompany Commissioner Culbertson on January 11th in Topeka to testify on the veteran's bill. He will also speak at the Linwood Public Library on January 11th.

Commissioner Culbertson indicated the city of Basehor is now supporting the LAVTR bill.

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

Motion passed, 5-0.

The Board adjourned at 10:02 a.m.

*****January 10, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, January 10, 2024. 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; Edd Hingula, Leavenworth City Commissioner; Janet Klasinski, County Clerk; John Jacobson, Planning and Zoning Director; Tammy Saldivar, Solid Waste Director; Connie Harmon, Council on Aging Director; John Richmeier, Leavenworth Times

Residents: James Petrick, Louis Klemp, John Matthews

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz announced there will be a meeting in Topeka regarding the LAVTR.

Commissioner Kaaz requested to move items F and G into the formal board action of the agenda.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to move D,F and G into the formal board action.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, January 10, 2024.

Motion passed, 5-0

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

Motion passed, 5-0.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to appoint Jeff Culbertson as temporary chairperson.

Motion passed, 5-0.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to convene as the regular Board of County Commissioners.

Motion passed, 5-0.

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

Motion passed, 5-0

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to leave the regular meeting days as Wednesdays.

Motion passed, 5-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to appoint The Leavenworth Times as the official newspaper.

Motion passed, 5-0.

A motion was made by Commissioner Kaaz and seconded by Commissioner Doug Smith to approve Resolution 2024-5, designating the bank depository for Leavenworth County as Commerce Bank.

Motion passed, 5-0.

A resolution establishing the Municipal Investment Pool was presented.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve Resolution 2024-6, establishing the Municipal Investment Pool and authorizing the individuals listed to take all other actions deemed necessary or appropriate for the investment of funds.

Motion passed, 5-0.

The Board discussed mileage reimbursement for travel.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to have the County Administrator tweak the travel policy to allow for travel to attend meetings in the county but not to use it to go back and forth to work or personal use.

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

A resolution setting the elected official's salaries was presented.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve Resolution 2024-7, setting the elected official's salaries.

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

The 2024 pay plan schedule was presented for approval.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the 2024 pay plan.

Motion passed, 5-0.

Commissioner Stieben requested the administrator to draft a policy based on Harvey County policy regarding an invocation before the meeting.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to change the moment of silence to a moment of silent prayer.

Motion passed, 5-0.

Commissioner Stieben requested to move all the public comment to the beginning of the meeting.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to move all public comment to the beginning of the meeting.

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

Connie Harmon requested the appointment of members to the Council on Aging Advisory Board.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to appoint Donna Kindle, Sharon Marsch, Donna Ramsey, Mateo Rosales and Charles Owen to the Council on Aging Advisory Board.

Motion passed, 5-0.

An agreement with Rural Water District #9 for a water main relocation was presented.

David Van Parys requested to table this matter until the next meeting.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to table the Tonganoxie Road Water Main relocation agreement until next Wednesday.

Motion passed, 4-1, Commissioner Kaaz voting nay.

Tammy Saldivar presented the quarterly report for the Solid Waste department.

John Jacobson presented the quarterly report for Planning and Zoning.

Louis Klemp and James Petrick commented on non-agenda items.

Commissioner Culbertson attended a pipeline safety meeting. He will travel to Topeka tomorrow to testify for the LAVTR hearing.

Commissioner Doug Smith will attend the Legislative Action Day in Topeka on January 24th

Commissioner Stieben will travel to Topeka tomorrow to testify for the LAVTR hearing. He will also be speaking at the Linwood Public Library at 6:30 p.m. tomorrow evening.

Commissioner Kaaz recognized a Martin Luther King Jr. Day celebration at Island Spice at 11:00 a.m. She indicated there is another event that evening being held at the Methodist Church.

Commissioner Mike Smith thanked Commissioner Kaaz for serving as chairperson. He reported the city of Lansing did write a letter of support for the LAVTR in which he has given to Commissioner Culbertson for testimony in Topeka.

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

Motion passed, 5-0.

The Board adjourned at 10:21 a.m.

*****January 17, 2024*****

The Board of County Commissioners met in a regular session on Wednesday, January 17, 2024. Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Stieben are present; Commissioners Kaaz and Culbertson are absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Connie Harmon, Council on Aging Director; Monica Swigart, Human Resources Administrator; Aaron Yoakam, Building and Grounds Director; Bill Noll, Infrastructure and Construction Services; Edd Hingula, Leavenworth City Commissioner; John Richmeier, Leavenworth Times

Residents:

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to appoint Mike Smith as temporary chairperson.

Motion passed, 3-0.

Commissioner Stieben requested a review of the 2023 carryover budget.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, January 17, 2024.

Motion passed, 3-0.

David Van Parys presented an amended Water Main Line Relocation agreement with Rural Water District #9.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve the water line relocation agreement with Rural Water District #9 as modified for the Tonganoxie Road improvement project.

Motion passed, 2-1 Commissioner Doug Smith abstained.

Bill Noll presented an agreement with KDOT for the High-Risk Rural Roads grant.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve the agreement for KDOT High Risk Rural Roads grant for the project awarded north of Stranger Creek on Tonganoxie Road.

Motion passed, 3-0.

Mr. Noll presented a contract with Finney and Turnipseed for design engineering for replacement of bridges SH-54 and SH-61 on Golden Road.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve a contract with Finney and Turnipseed for a preliminary design engineering for replacement of bridges SH-54 and SH-61 on Golden Road as part of the Kansas Local Bridge Improvement program grant in the amount of \$142,870.00.

Motion passed, 3-0.

Monica Swigart presented the quarterly report for Human Resources.

Connie Harmon presented the quarterly report for Council on Aging.

Aaron Yoakam presented the quarterly report for Building and Grounds.

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 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 10:30 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Doug Smith, Mike 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, 3-0.

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.

Commissioner Mike Smith will attend the LCDC Annual Meeting this Friday.

Commissioner Stieben testified last week in Topeka about LAVTR. He met with citizens at the Linwood Library last week to discuss various topics to include taxes and open borders. He suggested to draft a letter to congressional representative to take action on the open borders. He will be hosting a dinner on Monday for the anniversary of Roe vs. Wade and requested that to be placed on the agenda.

Commissioner Doug Smith reported Representative Tim Johnson presented a bill on water districts bidding projects.

Commissioner Stieben indicated January 24, 2024 will be Local Government Day in Topeka.

Mark Loughry spoke about the tax relief bill being proposed in Topeka.

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

Motion passed, 3-0.

The Board adjourned at 10:42 a.m.

*****January 24, 2024*****

The Board of County Commissioners met in a regular session on Wednesday, January 24, 2024. Commissioner Culbertson, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Kaaz are present; Commissioner Stieben is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Tom Cole, Economic Development Administrator; Connie Harmon, Council on Aging Director; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: John Matthews, Louis Klemp

PUBLIC COMMENT:

Louis Klemp commented.

ADMINISTRATIVE BUSINESS:

Commissioner Culbertson read his testimony on LAVTR and the Veteran's Bill in which he testified to in Topeka last week.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, January 24, 2024.

Motion passed, 5-0.

Connie Harmon requested appointment of Jessica Pontbriant to the Wyandotte/Leavenworth Areawide Advisory Council representing Leavenworth County Council on Aging.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to appoint Jessica Pontbriant to the Wyandotte/Leavenworth Areawide Advisory Council representing Leavenworth County Council on Aging.

Motion passed, 5-0.

Amy Allison presented Case DEV-23-149, a proposed final plat for Novo-Gradac Acres.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the final plat as outlined in Case DEV-23-149, Novo-Gradac Acres, be approved with conditions, 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.

Tom Cole presented a letter of support for Miami County to be added into the Regional Economic Development Administration District.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to approve a letter of support to add Miami County, Kansas into the Regional Economic Development Administration District as a region served by the Mid-America Regional Council.

Motion passed, 5-0.

Mr. Cole presented the quarterly report for Economic Development.

Bill Noll presented the quarterly report for Public Works.

Commissioner Doug Smith attended the Fairmount Township meeting and the MARC meeting.

Commissioners Kaaz and Mike Smith attended the Annual LCDC meeting.

Commissioner Kaaz attended the Martin Luther King Jr. celebration at the Methodist Church, the Workforce Partnership meeting, Transit Authority meeting and will be attending the KCATA and NEK-CAP meetings.

Commissioner Mike Smith will participate in the Lansing/Leavenworth Leadership class next Friday.

Commissioner Culbertson testified on the LAVTR bill and the Veteran's bill in Topeka. He attended the Leavenworth City Commission meeting.

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

The Board adjourned at 10:32 a.m.

*****January 31, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, January 31, 2024. Commissioner Culbertson, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Stieben are present; Commissioner Kaaz is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; Larry Malbrough, Information Systems Director; Jamie Miller; EMS/Health Department Director; William Warnes, Executive Director of the Guidance Center; Edd Hingula, Leavenworth City Commissioner; John Richmeier, Leavenworth Times

Residents: Louis Klemp Joe Herring

PUBLIC COMMENT:

Louis Klemp commented.

ADMINISTRATIVE BUSINESS:

Commissioner Stieben reported Congressman LaTurner is concerned about a Chinese communist party is behind a company coming into Desoto.

Commissioner Doug Smith indicated an application was received for the Judicial Nominating Commission and requested to place that on the agenda.

Commissioner Doug Smith inquired if a boat count was done for boats that are stored in Leavenworth County in storage facilities.

Commissioner Doug Smith mentioned the infrastructure bill that President Biden has approved and if the 235th Street project would fall within that bill.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, January 31, 2024.

Motion passed, 4-0.

Mark Loughry presented an agreement with The Guidance Center for community mental health services.

William Warnes, Executive Director, updated the Board on changes within the Guidance Center and the services that are provided.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the agreement with the Guidance Center to provide community mental health services.

Commissioner Mike Smith requested the Riverside Resources budget be placed on the agenda.

Motion passed, 4-0.

Amy Allison presented Resolution 2024-8, a rezoning from RR-5 and I-2 to B-3 and I-2 located at 33698 Amelia Earhart Rd.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to adopt Resolution 2024-8 and approve the rezoning as outlined in Case DEV-23-147 based on the findings on

the Golden Factors, as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.

Motion passed, 4-0.

David Van Parys presented a proposed annexation request from the city of Tonganoxie.

A motion was made by Commissioner Stieben to approve the Tonganoxie annexation resolution through the making of the finding that the proposed annexation does not hinder or prevent the proper growth and development of the area.

Motion dies for lack of second.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith that the proposed annexation as submitted to the Board does hinder the proper growth and development of the area proposed to be annexed.

Motion passed, 4-0.

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

Jamie Miller presented the quarterly reports for EMS and the Health Department.

Commissioner Mike Smith indicated he gave the wrong date last week for the retirement of Scarlet Ross. The correct date is February 9th from 11:00 to 2:00 at the Council on Aging.

Commissioner Doug Smith visited Topeka last week for Local Government Day and the Fairmount Township meeting. He also attended a candlelight vigil and a JCAB meeting.

Commissioner Culbertson attended the Leavenworth City Commission 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 10:09 a.m.