

*****September 4, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, September 4, 2024. Commissioner Culbertson, Commissioner Kaaz, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Stieben are present; Mark Loughry, County Administrator is absent; Also present: David Van Parys, Senior County Counselor; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; Edd Hingula, Leavenworth City Commission; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz inquired about the status of the Fire District #1.

David Van Parys reported he has been in contact with the attorney for the Fire District and it is the County's position as to not get involved in their fire protection plan.

Commissioner Doug Smith requested an executive session in the next few weeks to discuss legal matters.

Commissioner Doug Smith inquired if chemical dust control can be applied by the County on Hemphill Road since it was a detour for the County Road 25 project for people along that route paid for it.

Commissioner Stieben requested a work session to discuss which outside agencies will be funded.

Commissioner Culbertson read a letter congratulating an Eagle Scout.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, September 4, 2024.

Motion passed, 5-0.

Amy Allison presented Case DEV-24-051 & 052, preliminary and final plat for Metro Estates.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith by finding that the proposed final plat as outlined in Case DEV-24-051 & 052 is compliant with the Leavenworth County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

Motion passed, 5-0.

Ms. Allison presented Case DEV-24-071 & 072, preliminary and final plat for Serenity Acres.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith by finding that the proposed final plat as outlined in Case DEV-24-071 & 072 is compliant with the Leavenworth County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

Motion passed, 5-0.

Ms. Allison presented Resolution 2024-22, a rezone from RR-5 to RR-2.5 located on Honey Creek Road.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to adopt Resolution 2024-22 and approve the rezoning as outlined in Case DEV-24-094 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 2024-23, a rezone from RR-5 to RR-2.5 located at 13963 206th Street.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to adopt Resolution 2024-23 and approve the rezoning as outlined in Case DEV-24-095 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.

Commissioner Kaaz attended the Transit Authority meeting.

Commissioners Culbertson and Stieben participated in a Kansas Association of Counties zoom meeting.

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

Motion passed, 5-0.

The Board adjourned at 9:45 a.m.

*****September 11, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, September 11, 2024. Commissioner Culbertson, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Stieben are present; Commissioner Kaaz present by phone; 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; Tammy Saldivar, Solid Waste Director; Edd Hingula, Leavenworth City Commissioner; Leslee Rivarola, Basehor City Administrator; Pete Heaven, Attorney for the city of Basehor

PUBLIC COMMENT:

Ray Darrow, Scott Evrard and Sherri Grogan commented.

ADMINISTRATIVE BUSINESS:

Mark Loughry requested clarification for a work session on outside agency funding.

It was the consensus of the Board to wait until the new Commissioners come aboard.

Commissioner Culbertson inquired if the Board wants to put an informational flier in the personal property tax statements.

It was the consensus of the Board to include the informational flier.

Commissioner Culbertson read a proclamation for Patriot Day.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to accept the consent agenda for Wednesday, September 11, 2024.

Motion passed, 5-0.

Tammy Saldivar presented a gate rate increase \$2.00 per ton at the Transfer Station.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve a gate rate increase of \$2.00 per ton effective November 1, 2024 for the Solid Waste Department.

Motion passed, 5-0.

Bill Noll requested the approval of the purchase of two skid mounted sprayers.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve the two-skid mounted roadside sprayers from Fairbank Equipment in the amount of \$49,222.70.

Motion passed 5-0.

Mr. Noll requested approval for winter salt for snow and ice removal.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to accept the bid from Central Salt for 2024-2025 for winter salt for snow and ice removal for \$58.32 per ton.

Motion passed, 5-0.

David Van Parys requested the initiation of eminent domain proceedings on the Tonganoxie Road safety project.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that the Board authorize the initiate proceedings in eminent domain to acquire certain easements necessary for KDOT project number 52C-5254, Tonganoxie Drive, 187th Street to 189th Street High Risk Road Project.

Motion passed, 5-0.

Mr. Van Parys presented a quit claim deed transferring ownership.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve an amended quit claim deed to transfer ownership of a tract of land previously owned and utilized by the county as a facility for a sewer district.

Motion passed, 5-0.

Amy Allison presented Resolution 2024-15, amending Articles of the Leavenworth County Zoning and Subdivision Regulations.

A motion was made by Commissioner Mike Smith to approve Resolution 2024-15, proposed amendments to the Leavenworth County Zoning and Subdivision Regulations, Articles 3, 22, 33,35,40, 43 & 60 with the recommendation to the change Commissioner Stieben suggested.

Commissioner Stieben recommended to bring this back next week with the correct verbiage.

Commissioner Mike Smith withdrew his motion.

The matter was tabled to next week.

Ms. Allison presented Resolution 2024-13, amending the Comprehensive Plan.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve Resolution 2024-13, amending the Leavenworth County Comprehensive Plan in whole or in part with finding of fact.

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

Mr. Van Parys presented the annexation request from the city of Basehor along with a road maintenance agreement.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben that the Board find that the annexation as proposed Resolution 2024-13, in light of the negotiated Road Maintenance Agreement, which addresses substantive concerns over road maintenance, access and jurisdiction, would not hinder the proper growth and development of the area or that of any other incorporated city within the county. This finding is conditioned upon the adoption by the city of Basehor of the negotiated Road Maintenance Agreement at its meeting conducted on September 11, 2024.

Motion passed, 5-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that the RMA attached to the amended RBA for the Basehor Annexation be adopted.

Motion passed, 5-0.

Commissioner Mike Smith announced the Lansing Historical Museum will be offering tours of the old Lansing Penitentiary. He also announced the city of Lansing hired Joe Gates and their new fire chief.

Commissioner Culbertson attended the Easton City Council meeting and an agritourism presentation.

Commissioner Stieben inquired about the Fire District issue.

Mr. Van Parys indicated the Board could amend the boundaries of the fire districts or dissolve the district. He indicated the division of assets are to be between the cities and the townships.

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

Motion passed, 5-0.

The Board adjourned at 10:38 a.m.

Final Approved

*****September 18, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, September 18, 2024. Commissioner Culbertson, Commissioner Kaaz, Commissioner Mike Smith and Commissioner Doug Smith are present; Commissioner Stieben present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Misty Brown, Deputy County Counselor; Bob Weber, County Appraiser; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Tama Brzustowicz, Kathleen Williams, Roberta Ready, Eric Weslander and Joe Wilson commented.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported the current chair for the Safety Committee has asked to step down and requested the Board to appoint Monica Swigart as the new chair.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith that the Board of County Commissioners appoint Monica Swigart to the Safety Committee as the chair.

Motion passed, 5-0.

Commissioner Stieben inquired if Public Works has been in communication with Union Pacific Railroad regarding the crossings that are being blocked in the south end of the county.

Bill Noll indicated he has not had any communication with Union Pacific Railroad.

Commissioner Stieben requested a letter be sent to the railroad.

It was the consensus of the Board to send a letter to Union Pacific Railroad.

Mr. Noll presented traffic counts on roads adjacent to the road projects.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, September 18, 2024 as presented.

Motion passed, 4-0.

Bob Weber presented Board Order 2024-7, approving a disaster relief tax abatement on a property destroyed by fire.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to approve Board Order 2024-7 a disaster relief tax abatement for a property located at 21542 Dempsey Road substantially destroyed by fire.

Motion passed, 4-0.

Amy Allison presented Resolution 2024-15, amending articles of the 2006 Leavenworth County Zoning and Subdivision Regulations.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve Resolution 2024-15, approving amendments to Articles 3,22,33,35,40,43 & 60 of the Leavenworth County Zoning and Subdivision Regulations.

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

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith that the 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 person involved and that this Board resume open session in this meeting room at 10:00 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 10:00 a.m. No action was taken and no decisions were made. The subject was limited to non-elected personnel.

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 subjects involving the legal interests of the County and confidential matters related to pending litigation as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel 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 Jeff Culbertson, Vicky Kaaz, Mike Smith, Doug Smith and Mike Stieben, Senior County Counselor, David Van Parys, County Counselor Misty Brown and County Administrator Mark Loughry. Minus Mike Stieben.

Motion passed, 4-0.

The Board has 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 Doug Smith attended Basehor Dairy Days.

Commissioner Kaaz attended the Port Authority meeting and the finance committee meeting with KCATA.

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

Motion passed, 4-0.

The Board adjourned at 10:33 a.m.

*****September 25, 2024 *****

The Board of County Commissioners met in a regular session on Wednesday, September 25, 2024. Commissioner Culbertson, Commissioner Kaaz, Commissioner Mike Smith and Commissioner Doug Smith 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; Amy Allison, Planning and Zoning Deputy Director; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Cody Herbster commented.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported that Community Corrections received a three-year grant with matching funds for data collection and tracking of individuals with mental health issues in the judicial system.

Commissioner Mike Smith inquired if the Commission would contribute to the port-a-potties for the Veteran's Day Parade.

It was the consensus of the Board to contribute \$20.00 each to the Veteran's Day Parade.

Commissioner Stieben recognized a letter from the Leavenworth County Humane Society about dropping contractual services.

Mr. Loughry indicated he would reach out to the Sheriff about the status.

Commissioner Doug Smith brought up the resolution that was passed that mentions RV parks and the length one can live in an RV.

Mr. Loughry reiterated that code enforcement is based on a complaint basis.

A work session will be scheduled to discuss the subdivision guidelines.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, September 25, 2024 as presented.

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

Jamie Miller requested approval of an updated Medical Director Agreement.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to table this until the Board meets with Dr. McBratney.

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

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that the doctor be invited to speak with the Board next time the contract is up.

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

A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to authorize the chairperson to sign the updated Medical Director Agreement for EMS and Health Department.

Motion passed, 4-1 Commissioner Stieben voting nay.

Mr. Miller requested approval of a MOU between Leavenworth County Health Department and the Oklahoma Mother's Milk Bank.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to authorize the chairperson to sign the MOU between the Leavenworth County Health Department and Oklahoma Mother's Milk Bank.

Motion passed, 5-0.

Bill Noll requested authorization to place a 2012 Freightliner M2106 on PurpleWave.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the surplus of a dump truck, plow and sander, truck #54 a 2012 Freightliner to be put on PurpleWave Auction.

Motion passed, 5-0.

Aaron Yoakam requested approval of an agreement with Treanor, Inc. for architectural services and create bid documents for the repairs of the exterior cladding and rooftop of the Courthouse in the amount of \$323,500.00.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Kaaz to approve an agreement with Treanor, Inc. for architectural services and create bid documents for the repairs of the existing exterior cladding and rooftop of the Courthouse in the amount of \$323,500.00.

Motion passed, 4-1. Commissioner Doug Smith voting nay.

Amy Allison presented Case DEV-24-077, a preliminary and final plat for Koch Acres.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith that the proposed Final Plat as outline in case DEV-24-077 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.

Ms. Allison presented Case DEV-24-081, a preliminary and final plat for E&R Rolling Meadows North.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that the proposed Final Plat as outline in case DEV-24-081 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.

Ms. Allison presented Case DEV-24-086, a preliminary and final plat for Dodge Addition #2.

A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz that the proposed Final Plat as outline in case DEV-24-086 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.

Ms. Allison presented Case DEV-24-101, a preliminary and final plat for Thomas Farms, 2nd plat.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to table Case DEV-24-101 to October 9, 2024.

Motion passed, 4-1 Commissioner Stieben voting nay.

Ms. Allison presented Case DEV-24-103, a preliminary and final plat for Smith Ridge.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith that the proposed Final Plat as outline in case DEV-24-103 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, 4-0 Commissioner Doug Smith abstained.

Mr. Noll updated the Board on the 158th St. and K-32 project.

Commissioner Culbertson attended the MARC meeting along with Commissioner Doug Smith. He also attended the Leavenworth City Commission meeting.

Commissioner Doug Smith attended a water cyber security presentation along with Commissioner Stieben.

Commissioner Stieben will participate in a legislative policy committee meeting.

Commissioner Kaaz participated in the NEK-CAP Board of Directors meeting and will attend the Transit Authority meeting.

Commissioner Mike Smith toured the new Lansing City Hall.

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.