*******September 2, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, September 2, 2026. Commissioner Smith, Commissioner Culbertson, Commissioner Reid and Commissioner Stieben are present; Commissioner Dove is absent; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; Amy Allison, Planning and Zoning Deputy Director; John Jacobson, Planning and Zoning Director; Jamie Miller, EMS Director

Commissioner Stieben recognized County Counselor Misty Brown on her last day.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith that the Board recess for a closed executive meeting to consult with our attorneys and discuss confidential matters related to potential claims and litigation and the legal interest of the County which would be deemed privileged in the attorney-client relationship as justified by K.S.A. 75-4319(b)(2) and that board resume open meeting at 9:50 a.m. in the meeting room of the board. Present in the executive meeting will be Commissioners Mike Smith, Jeff Culbertson, Vanessa Reid, Mike Stieben, County Administrator Mark Loughry, County Counselor, Misty Brown, Attorneys Kathy Peters, Rick McConnell, John Mullane and others as may be called.

Motion passed, 4-0.

The Board returned to regular session at 9:50 a.m. No action was taken and no decisions were made. The subject was limited to the specific legal interests of the County.

A motion was made by Commissioner Stieben and seconded by Commissioner Smith to adopt a moratorium for 90 days on the BESS regulations and future applications on data centers.

Motion passed, 3-1 Commissioner Reid voting nay.

PUBLIC COMMENT:

Cecilia Pruitt, Lee Hungerbeeler, Dee Karleskint, Jim Karleskint, John Hulsey, Kim Colvert, Jerry Pruitt, Janice Barnhardt, Maryam Hjersted, Mary Bowes, Annette Holden and Sarah George commented.

ADMINISTRATIVE BUSINESS:

Mark Loughry reported the State has transferred the prison property to the County.

Mr. Loughry reported on the WebX call-in from last week.

Commissioner Smith inquired about the applicants for the Building Codes Appeals board.

Mr. Loughry indicated there are now three qualified applicants.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to have Commissioner Smith be chairperson next week.

Motion passed, 4-0.

Final Approved

Commissioner Stieben suggested ending the September 16 meeting at 9:00 p.m. and limiting public comment to 3 minutes.

Mr. Loughry updated the Board on a work session on power plants.

Commissioner Reid attended the Leavenworth County Beef Improvement Association tour.

The Board recessed for 10 minutes.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, September 2, 2026.

Motion passed, 4-0.

The Board discussed a county wide advisory election.

A motion was made by Commissioner Stieben and seconded by Commissioner Smith to direct staff to prepare procedures for conducting an advisory election.

Motion failed, 2-2 Commissioners Culbertson and Reid voting nay.

Commissioner Smith suggested to table the public comment until September 30.

Jamie Miller presented an agreement for correctional healthcare services.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to authorize the chairperson to sign the service provider agreement between Leavenworth County and Vital Core Health Strategies for correctional healthcare services.

Motion passed, 4-0.

Mr. Loughry presented a contract for on-call engineering services with Kaw Valley Engineering.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to approve a contract and fee schedule for on-call engineer review services with Kaw Valley Engineering.

Motion passed, 4-0.

Mr. Loughry presented an engineering study proposal for the Cow Creek watershed.

A motion was made by Commissioner Reid and seconded by Commissioner Culbertson to approve the wastewater engineering study proposal and contract with CFS for the Cow Creek watershed.

Motion passed, 3-1 Commissioner Stieben voting nay.

Misty Brown presented a cost funding agreement with Wolf Creek Energy Storage, LLC.

Final Approved

A motion was made by Commissioner Culbertson and seconded by Commissioner Reid to enter into a cost funding agreement with Wolf Creek Energy Storage, LLC to allow the County to receive upfront funding to cover the expenses of third-party consultants and incur other related third- party expenses.

Motion passed, 4-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith the Board previously voted to establish a moratorium on new data center applications until regulations have been adopted. I move to adopt Resolution 2026-16 to formally memorialize and document the Board's prior action and the terms and conditions of the moratorium in the County's consideration of adoption of appropriate regulations governing data centers and related.

Motion passed, 3-1 Commissioner Reid voting nay.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith the Board previously voted to establish a moratorium on new applications for battery energy storage systems until regulations have been adopted. I move to adopt Resolution 2026-17 to formally memorialize and document the Board's prior action and the terms and conditions of the moratorium in the County's consideration of adoption of appropriate regulations governing battery energy storage systems and related.

Motion passed, 3-1 Commissioner Reid voting nay.

Amy Allison presented Case DEV-26-063, a preliminary and final plat for Creekstone Ridge, 3rd plat.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson that the proposed final plat as outlined in Case DEV-26-063 is compliant with the 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, 4-0.

Ms. Allison presented Case DEV-26-090, a preliminary and final plat for Stranger Creek Ranch.

A motion was made by Commissioner Reid and seconded by Commissioner Smith that the proposed final plat as outlined in Case DEV-26-090 is compliant with the 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, 4-0.

Ms. Allison presented Case DEV-26-096, a preliminary and final plat for Avila Estates.

A motion was made by Commissioner Reid and seconded by Commissioner Culbertson that the proposed final plat as outlined in Case DEV-26-096 is compliant with the County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved

Final 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, 4-0.

Ms. Allison presented Resolution 2026-14, a special use permit for Faster Dynamics.

A motion was made by Commissioner Reid and seconded by Commissioner Smith to find that this request for a special use permit complies with the Golden Factors and move to adopt Resolution 2026-14 and conditionally approve the special use permit as outlined in Case DEV-26-091 based on the recommendation and conditions of the Planning Commission and the findings as set forth in the staff report.

Motion passed, 4-0.

Ms. Allison presented Resolution 2026-15, a rezoning from RR-5 to RR-2.5.

A motion was made by Commissioner Reid and seconded by Commissioner Culbertson to find that the rezoning request complies with the Golden Factors and move to adopt Resolution 2026-15 and approve the rezoning as outlined in Case DEV-26-099 based on the recommendation of the Planning Commission and the findings as set forth in the staff report.

Motion passed, 4-0.

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

Motion passed, 4-0.

Kyle Anderson presented a case of an uninhabitable home.

Commissioner Stieben opened the public hearing.

No one spoke in favor or opposition.

Commissioner Stieben closed the public hearing.

A motion was made by Commissioner Reid and seconded by Commissioner Smith to approve Board Order 2026-9 declaring the property at 17653 Kansas Ave., Tonganoxie, Kansas to be of imminent hazard and uninhabitable.

Motion passed, 4-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to adjourn as the Leavenworth County Board of Health and reconvene as the Board of Leavenworth County Commissioners.

Motion passed, 4-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith that the board recess for a closed executive meeting to consult with our attorney and discuss

Final Approved

confidential matters related to the legal interest of the County which would be deemed privileged in the attorney-client relationship as justified by K.S.A. 75-4319(b)(2) and that board resume open meeting at 12:10 p.m. in the meeting room of the board. Present in the executive meeting will be Commissioners Mike Smith, Jeff Culbertson, Vanessa Reid, Mike Stieben, County Administrator Mark Loughry and County Counselor Misty Brown.

Motion passed, 4-0.

The Board returned to regular session at 12:10 p.m. No action was taken and no decisions were made. The subject was limited to matters related to specific legal interests of the County.

The Board discussed the 2027 legislative topics.

Lee Hungerbeeler commented.

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

Motion passed, 4-0.

The Board adjourned at 12:17 p.m.

Final Approved

*******September 9, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, September 9, 2026. Commissioner Smith, Commissioner Culbertson, Commissioner Reid and Commissioner Dove are present; Commissioner Stieben is absent; Also present: Mark Loughry, County Administrator

Commissioner Smith requested the audit be moved to the beginning of the meeting.

Commissioner Smith requested to move the Building Codes Appeal appointment to next week.

April Swartz with Varney and Associates presented the 2025 Leavenworth County audit.

PUBLIC COMMENT:

Mike Taylor, Conner Eubanks, Annette Noll, Steve Hindi, Julie Downes, Jim Karleskint, Tammy Patton, Lee Hungerbeeler, Dee Karleskint, Kim Colvert, Richard Paz, Kristy Cruse and Linda Steele commented.

ADMINISTRATIVE BUSINESS:

Commissioner Reid asked Mr. Loughry to speak about the over budget item the auditor referred to.

Mr. Loughry spoke about the legal fee line item in the budget.

The Board discussed a meeting with the County Attorney and Sheriff regarding a rodeo where there is suspected animal cruelty.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, September 9, 2026.

Motion passed, 4-0.

Mark Loughry presented an agreement for legal services.

A motion was made by Commissioner Reid and seconded by Commissioner Dove to authorize the County Administrator to execute the engagement agreement with Fisher Patterson for County Counselor services.

Motion passed, 4-0.

Mr. Loughry presented the current legislative topics indicating they need to be turned in to the Kansas Association of Counties by September 11.

Mr. Loughry indicated Commissioner Stieben provided a few topics to add including legislation on SB98 to eliminate incentives and allow for provisions of public vote and to add to legislation regarding parental notice of minors receiving abortions that all late term or partial abortions including dismemberment abortions should be banned in the state of Kansas. He also wanted to add to report incentives passed by legislation.

Final Approved

A motion was made by Commissioner Smith and seconded by Commissioner Dove to approve the legislative topics plus two items.

Motion passed, 3-1 Commissioner Reid voting nay.

Tammy Patton, Dee Karleskint, Lee Hungerbeeler commented.

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

Motion passed, 4-0.

The Board adjourned at 11:01 a.m.

Final Approved

*******September 16, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, September 16, 2026. Commissioner Stieben, Commissioner Culbertson, Commissioner Reid and Commissioner Dove are present; Commissioner Smith is absent; Mark Loughry, County Administrator is absent; Bob Weber, County Appraiser; Amy Allison, Planning and Zoning Deputy Director; John Jacobson, Planning and Zoning Director

PUBLIC COMMENT:

There was no public comment.

ADMINISTRATIVE BUSINESS:

A motion was made by Commissioner Culbertson and seconded by Commissioner Reid to accept the consent agenda for Wednesday, September 16, 2026.
Motion passed, 4-0.

Commissioner Reid will be attending the Kansas Association of Counties conference in Wichita, December 7 through 10.

Bob Weber presented Board Order 2026-10, granting disaster tax relief for a home destroyed by fire.

A motion was made by Commissioner Culbertson and seconded by Commissioner Dove to approve Board Order 2026-10, granting a disaster relief tax abatement for tax I.D. 1-18224 which was substantially destroyed by fire in 2026.
Motion passed, 4-0.

Amy Allison presented Case DEV-26-112, a request for a temporary special use permit for the Steve Tilford Foundation Cycling Event.

Commissioner Stieben opened public hearing.

Kent Woermann spoke in favor of the permit.

Commissioner Stieben closed public hearing.

A motion was made by Commissioner Reid and seconded by Commissioner Dove to approve Case DEV-26-112, a temporary special use permit for the Steve Tilford Foundation Cycling Event located at 26902 Snake Farm Road, Lawrence, KS.
Motion passed, 4-0.

Ms. Allison presented Case DEV-26-118, a request for a temporary special use permit for Ruckus on the Ranch.

Final Approved

Ms. Allison indicated the applicant requests to withdraw the application for the event.

Commissioner Stieben requested to table the appointment to the Building Codes Appeals to September 30th.

Commissioner Dove would like the Mental Health Board come in and speak about mental health.

A motion was made by Commissioner Dove and seconded by Commissioner Reid to adjourn. Motion passed, 4-0.

The Board adjourned at 9:18 a.m.

Final Approved

*******September 23, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, September 23, 2026. Commissioner Stieben, Commissioner Culbertson, Commissioner Smith and Commissioner Dove are present; Commissioner Reid is absent; Also present: Mark Loughry, County Administrator; Bill Noll, Infrastructure and Construction Services; Connie Harmon, Council on Aging Director;

PUBLIC COMMENT:

Ronald Grossman, Cecilia Pruitt, Ann Brockhoff, Erica Hunter, Robin Hungerbeeler, Richard Paz, Dee Karleskint, Jim Karleskint, Kim Colvert and Linda Steele commented.

ADMINISTRATIVE BUSINESS:

Commissioner Stieben mentioned the training crossing on 166th near the Desoto bridge is being consistently blocked by the train. He read a response from the Union Pacific Railroad.

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

Commissioner Stieben asked questions about the Stifel financial report and the planned unit development process.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, September 23, 2026.

Motion passed, 4-0.

Bill Noll presented a letter of support for the city of Lansing for the Desoto bridge project.

A motion was made by Commissioner Smith and seconded by Commissioner Dove to approve a letter of support for the city of Lansing bridge replacement project on Desoto Rd for the Kansas Cost Share Program.

Motion passed, 4-0.

Connie Harmon presented second amendment to the Older Americans Act Title III programs grant for FFY 2026.

A motion was made by Commissioner Dove and seconded by Commissioner Smith to authorize the chairperson to sign the Council on Aging's second amendment to the Older Americans Act Title III programs grant for FFY 2026.

Motion passed, 4-0.

Ms. Harmon presented the Older Americans Act Title III programs grant for FFY2026-2027.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to authorize the chairperson to sign the Council on Aging's Older Americans Act Title III programs grant for FFY 2026-2027.

Final Approved

Motion passed, 4-0.

Jim Karleskint, Ken Hungerbeeler, Kim Colvert and Cecilia Pruitt commented.

A motion was made by Commissioner Stieben and seconded by Commissioner Smith to add a resolution that would ban hyper scale data centers in the Leavenworth County to next week's agenda.

Motion failed, 2-2, Commissioner Dove abstained, Commissioner Culbertson voting nay.

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

Motion passed, 4-0.

The Board adjourned at 10:58 a.m.

Final Approved

*******September 30, 2026 ********

The Board of County Commissioners met in regular session on Wednesday, September 30, 2026. Commissioner Stieben, Commissioner Culbertson, Commissioner Smith, Commissioner Reid and Commissioner Dove are present; Also present: Mark Loughry, County Administrator; Chuck Magaha, Emergency Management Director; Amy Allison, Planning and Zoning Deputy Director; John Jacobson, Planning and Zoning Director

A motion was made by Commissioner Smith and seconded by Commissioner Stieben to recess for a closed executive meeting to consult with our attorneys and discuss confidential matters related to the legal interest of the County which would be deemed privileged in the attorney-client relationship as justified by K.S.A. 75-4319(b)(2) and that Board resume open meeting at 9:15 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Mike Smith, Jeff Culbertson, Vanessa Reid, Willie Dove, Mike Stieben, County Administrator Mark Loughry, Legal Counsel Alex Gilmore and others that may be called.

Motion passed, 4-0.

The Board has returned to regular session at 9:15 a.m. No action was taken and no decisions were made. The subject was limited to matters related to the legal interests of the County.

PUBLIC COMMENT:

Ronald Grossman, Ben Rioux, Jim Karleskint, Dee Karleskint, Russ Dent, Tammy Patton, Kim Colvert, Erica Hunter, Ann Brockhoff, Zack Pistora, and Ted Grinter commented.

ADMINISTRATIVE BUSINESS:

Mark Loughry followed up on a work session with KDHE indicating they would come out if there is a specific application for a power generation facility.

Commissioner Smith inquired about participation in the Veteran's Day parade.

Commissioner Stieben would like to bring in Daniel Goetzel to speak about data centers.

Mr. Loughry explained the scope that was requested for the financial Stifle report.

Commissioner Reid traveled to Colorado and attend a policy summit regarding AI and the impacts and data centers.

A motion was made by Commissioner Culberson to change out the position of the chairman with Commissioner Mike Smith.

Commissioner Culbertson withdrew his motion.

A motion was made by Commissioner Culbertson and seconded by Commissioner Dove to change out the chair.

Final Approved

A motion was made by Commissioner Dove and seconded by Commissioner Reid to call to previous question.

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

The Board recessed for 10 minutes.

Call to question requires vote on Commissioner Culbertson's original motion.

Motion passed, 3-1, Commissioner Stieben voting nay.

A motion was made by Commissioner Culbertson and seconded by Commissioner Dove to appoint Vanessa Reid as temporary chair.

Motion passed, 3-1 Commissioner Stieben voting nay.

A motion was made by Commissioner Culbertson and seconded by Commissioner Dove to appoint Mike Smith as permanent chair for the rest of the year.

Motion passed, 3-1, Commissioner Stieben voting nay.

A motion was made by Commissioner Culbertson and seconded by Commissioner Dove to accept the consent agenda for Wednesday, September 30, 2026.

Motion passed, 4-0.

Chuck Magaha requested the chairperson to sign the Emergency Management Performance Grant.

A motion was made by Commissioner Dove and seconded by Commissioner Culbertson to authorize the chairperson to sign the Emergency Management Performance Grant.

Motion passed, 4-0.

Disorganization of Fire District No. 1

Commissioner Reid opened the public hearing.

No one spoke in favor or opposition.

Commissioner Reid closed the public hearing.

A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to adopt Resolution 2026-21, the disorganization of Rural Fire District No. 1 of Leavenworth County, Kansas.

Motion passed, 4-0.

Amy Allison presented Resolution 2026-18, a rezoning request from RR-2.5 and B-3 to B-3.

A motion was made by Commissioner Dove and seconded by Commissioner Culbertson to find that the rezoning request complies with the Golden Factors and based on the findings as

Final Approved

set forth in the staff report and as adopted by the amended Planning Commission recommendation. I move to adopt Resolution 2026-18 and approve the rezoning as outlined in Case DEV-26-103 with the following revisions, list revisions.

Motion passed, 4-0.

Ms. Allison presented Resolution 2026-19, a rezoning request from RR-2.5 to B-3.

A motion was made by Commissioner Dove and seconded by Commissioner Culbertson to find that the rezoning request complies with the Golden Factors and based on the findings as set forth in the staff report and as adopted by the amended Planning Commission recommendation. I move to adopt Resolution 2026-19 and approve the rezoning as outlined in Case DEV-26-104 with the following revisions, list revisions.

Motion passed, 4-0.

Ms. Allison presented Resolution 2026-20, text amendments to the 2006 Leavenworth County Zoning and Subdivision Regulations.

A motion was made by Commissioner Stieben to remand this back for review to the Planning Commission for the purpose of reviewing the regulations dealing with nuclear power, dealing with decibel sound and also dealing with the categories that are presented, seeing if additional categories can be drafted.

Commissioner Stieben clarified the word average on the decibels should be removed and make the nuclear power language the way it was before. He clarified the categories should be broken up more.

Commissioner Smith returned to the meeting at 11:56 a.m.

The Board recessed at 12:00 p.m. for lunch.

The Board returned to session at 1:02 p.m.

The Board continued to discuss potential changes to the regulations.

A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to return this back to the Planning Commission for further consideration and having additional public hearing to reconsider the prohibition of the nuclear provisions, the categories of data centers, the decibel removing average and adding reclamation provisions.

Motion passed, 4-1 Commissioner Reid voting nay.

Ms. Allison requested appointment to the Board of Codes Appeals.

A motion was made by Commissioner Stieben and seconded by Commissioner Smith to appoint Wes Baker and Garren Stickelman to the Board of Code Appeals.

Commissioner Stieben withdrew his motion and Commissioner Smith withdrew his second.

Final Approved

A motion was made by Commissioner Stieben and seconded by Commissioner Smith to Wes Baker to the Board of Code Appeals.

Motion failed, 2-2 Commissioners Dove and Reid voting nay and Commissioner Culbertson abstained.

A motion was made by Commissioner Stieben and seconded by Commissioner Smith to appoint Garren Stickelman to the Board of Code Appeals.

Motion passed, 4-0, Commissioner Culbertson abstained.

A motion was made by Commissioner Reid to appoint Byron McFee as the next.

Motion failed for lack of a second.

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

Motion passed, 5-0.

The Board adjourned at 1:56 p.m.

Final Approved